

GOVERNMENT

MMP AFTER 30 YEARS

Time for Electoral Reform?

Nick Clark

Foreword by David Farrar



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About The New Zealand Initiative

The New Zealand Initiative is an independent public policy think tank supported by chief executives of New Zealand businesses. We believe in evidence-based policy and are committed to developing policies that work for all New Zealanders.

Our mission is to help build a better, stronger New Zealand. We are taking the initiative to promote a prosperous, free and fair society with a competitive, open and dynamic economy. We are developing and contributing bold ideas that will have a profound, positive and long-term impact.

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Foreword



New Zealand is one of only seven countries in the world that has an uncodified constitution, alongside China, Saudi Arabia, the United Kingdom and Israel. Our constitution is an eclectic mixture of the Magna Carta, the Cabinet Manual, the Letters Patent and the Electoral Act (and more).

I regard the Electoral Act as the most important of our constitutional documents. Some can be changed by the Government of the Day (Cabinet Manual), some by the King (Letters Patent), some by a simple majority in Parliament (the Bill of Rights Act) but only the Electoral Act (and the Constitution Act) has entrenched clauses which require a 75% super-majority in the House of Representatives.

Incidentally I believe the entire Electoral Act should be entrenched (at present only six provisions are), so there is an end to governments of the day making changes to favour their self-interests. Change should occur as a result of consensus, or at least compromise.

I'm delighted that the New Zealand Initiative has tackled the area of electoral reform, as there are serious deficiencies with our current electoral arrangements.

No single law change could do more to improve the quality of public policy in New Zealand than increasing the term of Parliament from three to four years. Everyone complains that governments are too focused on the short-term, and there is a simple solution. Some people argue that you need a short three-year term so you can throw out bad governments quickly, but the reality is that we don't. Instead, we re-elect bad governments as they get to argue three years wasn't long

enough to make a difference. The last single-term Government was in 1972 to 1975.

Increasing the size of the House of Representatives is likely to be as popular as a coronavirus, but that doesn't mean it isn't the right thing to do. At a minimum we should be pegging the number of MPs to the general population, so that electorates don't keep increasing in size. I would also argue that the quality of Ministers would improve if there was a large pool of Members of Parliament to select them from.

MMP was sold to New Zealanders on the basis of fairness and proportionality. The basic idea is that the parties that form government should have received more votes than the parties that are in opposition.

However, this principle is at serious risk due to overhang (where a party wins more electorates than its share of the party vote entitles it to). Polling for the next New Zealand election has sometimes shown as many as seven overhang seats, which could well deliver the government benches to the parties that got fewer votes. This could lead to claims of a morally illegitimate government. Far better to change the Electoral Act to reduce the probability and impact of overhang seats.

Also very worthy of consideration is the proposal to reduce the size of Cabinet from 20 to 15 (I personally advocate that it should be 12). Of course, the chance of a Prime Minister reducing the size of their Cabinet by a quarter is around the same as a chicken deciding to try out KFC for dinner. It is against their survival instincts.

As a pollster, I should be opposed to the proposal to eliminate by-elections on the grounds of

self-interest. However, it is hard to argue against the logic that the proportional makeup of Parliament should not be changed based on if someone happens to die at the wrong time.

Even though I don't agree with every detail of what the New Zealand Initiative has proposed, their great virtue is they have approached this important topic on the basis of principle, not self-interest. Their proposals to remove overhang MPs, reduce the 5% threshold, retain coat-tailing, and abolish by-elections all make the House of Representatives more proportional.

This stands in contrast to so called expert independent groups who have recommended lowering the threshold on one hand (increasing proportionality), but also abolishing coat-tailing (decreasing proportionality).

Of course, principle does have to be balanced against pragmatism. On principle I do support lowering the 5% threshold for a party to gain List MPs. However, I do get nervous that in our first MMP election in 1996, this would have led to the Christian Coalition gaining five MPs and holding the balance of power. I have nothing against a Christian party gaining representation in Parliament, but the Christian Coalition Leader in 1996 was Rev Graham Capill who was convicted in 2005 of rape and indecent assault against young girls. On balance I don't think one potential bad experience in 1996 should stop a lowering of the threshold.

Again, I would urge people to consider the proposals in this paper not on the basis of whether or not they are good for the particular party they support. They should be judged on whether or not they would be good for New Zealand, and the quality of public policy by governments. On that basis they should be supported.

David Farrar

Executive Summary

New Zealand has a long democratic tradition. It is a system that has evolved over 170 years, including the adoption of the ‘mixed-member proportional’ (MMP) electoral system.

After nearly three decades of MMP, New Zealand’s electoral system has provided a more representative Parliament than under the previous ‘first-past-the-post’ (FPP) system while delivering relatively stable governments. However, the electoral system has developed some inefficiencies in its operation. This research report examines these issues and compares how similar concerns have been handled in other jurisdictions, particularly Germany, whose MMP system we adopted.

Several key principles have guided the discussion in this research report:

- Promotion of good government.
- Strengthening proportionality.
- Keeping electorate populations manageable.
- Reducing potential for strategic gaming.
- More efficient voting processes.
- Improving public understanding.

The report’s proposed reforms aim to enhance both the technical operation and democratic legitimacy of our electoral system. They balance competing priorities: maintaining the system’s fundamental strengths while addressing identified weaknesses; preserving valuable traditions while adapting to modern realities; and ensuring broad representation while avoiding excessive fragmentation.

Key findings include:

- New Zealand’s three-year parliamentary term is shorter than most comparable democracies, limiting governments’ ability to implement substantial and well-considered policy agendas.
- The 120 MP Parliament is very small compared with developed economies with similar populations.
- The Executive is very large relative to the number of MPs and compared with peer countries.
- Overhang seats affect proportionality and can also influence party strategies.
- The one-set threshold (‘coat-tailing’) reduces the percentage of wasted party votes and overhang seats, but it can influence party strategies.
- The 5 percent party vote threshold provides stability but results in many wasted party votes and is a high barrier for new political parties.
- The imbalance between list MPs and electorate MPs increases the risk of overhangs.
- By-elections are costly, voter turnouts are very low, and their rules can lead to anomalies, as demonstrated by the 2023 Port Waikato situation.
- ‘Waka jumping’ restrictions preserve proportionality but unduly impede MPs’ freedom of expression and conscience.
- Current procedures for processing special votes result in significant delays in determining final election results.
- Election Day restrictions have become inconsistent and out-dated.
- New Zealanders have a limited understanding of New Zealand’s democracy, including the operation of MMP.

The research report therefore recommends a suite of reforms in the following three areas:

Constitutional Issues

- Extend the parliamentary term to four years with enhanced select committee powers (through Standing Orders) to maintain accountability.
- A second chamber is not required for a longer parliamentary term. If a second chamber is to be considered, it should be on its own merits.
- Establish a two-month period for elections to be held but continue to allow the Prime Minister to choose a date within that period.
- Increase the size of Parliament from 120 to 170 to align with the cube root law.
- Reduce the size of the Executive to 15 ministers and 10 junior ministers, and rationalise ministerial portfolios and government departments.
- Retain government-initiated referendums for constitutional matters and significant conscience issues.
- Either abolish citizens-initiated referendums or strengthen them by making them binding, subject to a higher threshold for petition signatures and a veto for significant fiscal impacts.
- Retain the Māori seats, provided changes are made to address their impact on proportionality.

MMP Design Issues

- Abolish overhang seats, subject to the party vote threshold being reduced to 4 percent or 3.5 percent, the proportion of list MPs increased to 50 percent, and coat-tailing retained.
- Retain ‘coat-tailing’ to reduce wasted votes and preserve proportionality.
- Reduce the party vote threshold to 4 percent or 3.5 percent.
- Increase the proportion of list MPs to 50 percent (subject to Parliament’s size being increased to at least 142 but preferably 170).

- If an electorate candidate dies during the campaign period, Parliament should operate with one fewer member until a delayed electorate vote is held.
- Abolish by-elections, subject to any party list replacement being a resident in the electorate or (if none qualify) the region.
- Repeal the Electoral Integrity Act’s ‘waka jumping’ restrictions.

Voting Issues

- Modernise special vote rules and their processing to reduce result delays.
- Close the electoral roll prior to the commencement of advance voting.
- Have a set period for advance voting.
- Relax some restrictions on Election Day activities. Make the rules consistent across the whole voting period.
- Improve civics education and create incentives for civics knowledge.
- Retain voluntary voting.

These reforms should enhance both the fairness and efficiency of New Zealand’s electoral system while preserving its core strengths. They address fundamental tensions in democratic design that have been empirically validated across many countries, particularly the trade-off between accountability and representation that lies at the heart of constitutional choice. Careful implementation, combined with comprehensive public education, would ensure New Zealand’s electoral system remains both fair and effective.

New Zealand’s long democratic tradition is something to be cherished, especially at a time when democracy is coming under pressure around the world, even in developed countries. The goal of this report is not to radically redesign our democracy but to restore balance between representation, accountability, and effective government, the same balance the 1986 Royal Commission sought to achieve for its time.

CHAPTER 1

Introduction

“Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time...”

Winston S Churchill, 11 November 1947

Despite being a relatively young country, New Zealand has one of the world’s longest continuously operating democracies. Our elected House of Representatives was established in 1853, just 13 years after the signing of the Treaty of Waitangi. According to some sources, we have the third oldest current democracy, with only the United States and Switzerland being older.¹

New Zealand has also been a democratic trailblazer, with universal male suffrage since 1879 and the franchise extended to women in 1893 – the first country to do so. Māori men and women also had the vote from those dates, which was not common for indigenous people in other colonised countries. Appendix A lists key developments in New Zealand’s electoral system.

Today, New Zealand is widely regarded as having strong political rights and civil liberties. For example, in 2024, Freedom House ranked New Zealand as the second freest country, behind only Finland and equal with Norway and Sweden.² The Economist Intelligence Unit also ranked New Zealand second (behind Norway) in its annual World Democracy Index.³

For over 140 years, New Zealand used the FPP electoral system, which was inherited from the United Kingdom. However, after a 1986 Royal Commission and two referendums, held in 1992 and 1993, the electoral system was changed from FPP to MMP. The first MMP election was held in 1996, and there have now been 10 MMP elections since then.

Under MMP, Parliament’s composition reflects each party’s share of the nationwide vote, addressing the disproportional outcomes of the former FPP system. The system is fairer and more representative than FPP while generally delivering stable governments. However, New Zealand’s electoral system has developed unique features and encountered inefficiencies in its operation.

This report provides an analysis of New Zealand’s electoral system. We compare New Zealand with other places that use MMP or related systems – especially Germany, where MMP originated, and Scotland and Wales, which use a version of MMP. By learning from these comparisons, we can identify potential improvements to New Zealand’s system.

The report does not consider whether MMP should be replaced by FPP or another electoral system. That issue was relitigated in 2011, with a referendum favouring its retention by 58 percent to 42 percent.

Instead, it considers areas where the electoral system and the operation of our electoral system could be improved:

Constitutional Issues

- Parliamentary term
- Second chamber
- Timing of elections
- Size of Parliament
- Size of the Executive
- Referendums
- Māori electorates

MMP Design Issues

- Overhang seats and their impact on proportionality
- One-seat threshold ('coat-tailing')
- Five percent party vote threshold and 'wasted votes'
- Split between electorate MPs and list MPs
- By-elections
- 'Waka Jumping'/Party Hopping'

Voting Issues

- Special vote processing
- Election Day restrictions
- Public understanding and media coverage
- Compulsory voting

These have been selected based on recurring issues identified in electoral reviews, international comparative analysis, public and academic discourse, and practical challenges observed in recent elections.

This report does not examine voter eligibility (including the voting age) or rules for political parties and campaigning, including funding and financing. These are important for electoral accessibility and integrity but are beyond the scope of this report.

The increasing role of technology in voting, campaigning, and information dissemination raises concerns about cybersecurity, privacy, misinformation, and equitable access, but these issues are also beyond the scope of this report.

New Zealanders should be proud of our long tradition of democracy. However, as democracy comes under pressure around the world, we must not take it for granted or allow it to wither. It is timely to consider how our democracy can be strengthened for the future.

CHAPTER 2

Explanation of MMP in New Zealand

Having outlined the report's broad context and purpose, this section explains how the MMP system operates in practice. Understanding the mechanics of MMP is essential before evaluating its strengths and weaknesses.

Under New Zealand's MMP, each voter casts two votes on their ballot:

1. A party vote, which determines the proportional share of seats each political party will have in Parliament, and
2. An electorate vote, which decides the local Member of Parliament (MP) for the voter's electorate (district).

There are usually 120 seats in Parliament, although this can increase if there are 'overhang' seats. Of these, 72 are electorate seats (currently 65 general electorates and 7 Māori electorates), each filled by the candidate who wins the most votes in that electorate. The remaining 48 are list seats filled from party lists to ensure each party's total number of MPs is proportional to its share of the nationwide party vote.

Electorate Seats

Under MMP, electorate MPs are elected in the same way as they would have been under FPP. The MP for an electoral district is the candidate who wins more votes than any other candidate. They do not need to win more than half the votes cast. For example, at the 2023 General Election, 34.1 percent was enough for Helen White to win Mount Albert, with similarly low winning percentages for Grant McCallum in Northland (35.9 percent) and Vanessa Weenink in Banks Peninsula (36.5 percent).⁴

Party List Seats

The number of party votes won by each registered party that submits a party list is used to determine how many seats each party will have in Parliament overall.

For example, at the 2023 General Election, the party vote for the Labour Party entitled it to 34 seats in Parliament. It won 17 electorate seats, gaining a further 17 seats drawn from Labour's party list.

Candidates may stand for Parliament in an electorate and/or on their party's list. As a result, the first 17 candidates on Labour's rank-ordered party list who had not been elected to Parliament to represent an electorate were elected as its list MPs.

The Electoral Act 1993 prescribes a mathematical procedure for awarding seats in Parliament, which is described in Box 1 below.

MMP is designed to combine the advantages of proportional representation (where every vote contributes to seat shares) with the retention of local MPs for distinct communities. It has produced parliaments that mirror voter support for parties more closely than the old FPP system.

For example, if a party wins 20 percent of the party vote, it ends up with roughly 20 percent of seats, regardless of how many electorate seats it wins. This has allowed minor parties to be represented in line with their level of popular support, thereby correcting the disproportional outcomes under FPP. For example, a party could earn 20 percent of the nationwide votes yet win few or no seats, or a party which came second in the nationwide vote could win a majority of seats and become the government.^{5,6}

Box 1: Allocating seats using the Sainte-Laguë Formula

Under the Sainte-Laguë formula, there are several steps the Electoral Commission takes:⁷

Step 1: The Commission draws up a table showing the name of each party shown on the party side of the ballot paper, the number of party votes it won, the percentage of all party votes it won and the number of electorate seats it won. For the purposes of this explanation, minor parties are combined under the heading 'OTHER'.

Step 2: The Commission excludes parties that are not eligible for party list seats by deleting any party that has not won at least 5 percent of the total number of party votes and has not won at least one electorate seat (commonly termed the 'threshold').

Step 3: The Commission divides the total party votes for each eligible party by a sequence of odd numbers starting with 1 (1, 3, 5, 7, 9, 11, 13, 15, etc), until enough quotients had been found to allocate all 120 seats.

Step 4: The Commission counts the number of quotients each party has in the highest 120.

Step 5: The Commission determines how many electorates each party has won. It allocates enough party list seats to each party to bring the total number of seats up to the number to which it is entitled.

Step 6: The Commission examines the list of candidates on each party's list and deletes the names of any candidate who has won an electorate seat. It allocates each party's list seats to its list candidates, starting at the top of the list and working down until it has allocated all the list seats to which the party is entitled.

The Commission then declares these candidates elected to Parliament and advises the Clerk of the House of Representatives of their names.

Under FPP, all New Zealand governments after 1935 were single party majority governments, except for 1994-96, when National required support from defectors who sought to form their own parties in the lead-up to MMP.⁸ In contrast, only once since 1996 has a single party commanded a parliamentary majority – Labour in 2020-23. But it chose to have a support arrangement with the Green Party.

Despite the prevalence of coalitions and support arrangements for delivering MMP governments, these governments have been relatively stable. They have mostly lasted for full terms. The exceptions were in 1998 when the National-New Zealand First coalition collapsed (but National cobbled together enough support to hold on for the full term) and in 2002 (when Labour called an election a few months early after the Alliance, its coalition partner, split in two).

MMP election results are shown in Appendix B.

Major policy reforms have been more challenging to advance under MMP compared to FPP, with a greater focus on management and short-term fixes. However, making it harder for governments to push through reforms was one of the motivating factors behind the 1992 and 1993 referendums – a backlash against the 1984-93 Douglas-Richardson market liberalising reforms.⁹ These reforms were very controversial (and remain so), with claims that they were not what had been promised, which eroded trust in politicians. Although the reforms were necessary to address long-standing economic problems, their immediate impacts were painful for many New Zealanders.

Despite its fairness and stability, the MMP system's implementation in New Zealand influences how democratic and efficient the system is in practice. Some inefficiencies result from MMP rubbing up against big constitutional issues, while others were part of the original design or subsequent modifications of electoral law.

With MMP's workings described, attention turns to the constitutional framework that shapes how the system functions. The term of Parliament, its size, and the balance between the legislature and the Executive all influence how well proportional representation delivers effective government.

CHAPTER 3

Constitutional Issues

Constitutional settings define the environment within which electoral rules operate. This part of the report assesses whether New Zealand's core institutions remain fit for purpose after three decades of MMP and identifies adjustments that would strengthen both stability and accountability.

3.1 Parliamentary Term

New Zealand's three-year term of Parliament is entrenched in the Constitution Act 1986, requiring 75 percent of MPs to vote in favour of any change or a majority of votes cast in a referendum.¹⁰

History

During the early years of New Zealand's experience with representative government (1854-79), the parliamentary term was five years, as in the United Kingdom. It was changed to three years in 1879 after the abolition of the provinces, which had generated fear of an excessive strengthening of central government's power.

Since 1879, three-year terms have been the norm, except for three periods of extraordinary circumstances – World War I (five-year term, 1914-19), the Great Depression (four-year term, 1931-35), and World War II (five-year term, 1938-43).¹¹

The Electoral Act 1956 required a referendum or a 75 percent vote by MPs to change the term of Parliament (this provision was carried into the Electoral Act 1993). In 1967 and 1990, referendums for four-year terms were overwhelmingly defeated. In 1967, 31.9 percent of voters supported a four-year

term while 68.1 percent supported a three-year term. In 1990, the percentages were 30.7 percent and 69.3 percent, respectively.¹²

The 1990 referendum came after the 1986 Royal Commission into the Electoral System. Although the Royal Commission did not recommend a four-year term, this was in the context of the then FPP electoral system and weak restraints on exercising government power. It favoured a four-year term if steps were taken to strengthen restraints, most notably a change to an MMP system, an increased number of MPs, stronger select committees, and a vigilant media. Notably, it recommended deferring any referendum on the term length until it was clear that such restraints would be advanced.¹³

The referendums on the electoral system, which resulted in the introduction of MMP, took place in 1992 and 1993. Therefore, the 1990 referendum on the parliamentary term took place *before* clarity on the restraints on government power. It is not surprising that the four-year-term referendum was defeated. The referendum was held during a period of political volatility and coincided with a significant shift in public opinion against a government that had become deeply unpopular.

Since then, MMP has been introduced, under which all but one government has been a coalition or minority government with support agreements with other parties. The number of MPs has increased from 99 in 1993-96 to 123 in 2023-26. Subject matter select committees now scrutinise nearly all legislation as well as government agencies and they regularly hold inquiries. The media cycle (amplified by social media) is intense and ceaseless, keeping politicians on their toes.

The conditions of the Royal Commission for a four-year term have been met.

Furthermore, the Reserve Bank Act provides for the independent operation of monetary policy and the Fiscal Responsibility Act (now Public Finance Act) provides greater transparency for fiscal policy. Digital technology has changed how people access information and engage with politicians.

Opinion polls have suggested more support for a four-year term. A 2020 poll showed that 61 percent supported a change and 25 percent opposed (the rest were undecided).¹⁴ In a 2025 poll, the result was closer, with 44 percent agreeing that a four-year term would be preferable and 30 percent disagreeing (22 percent neither agreeing nor disagreeing and 4 percent not knowing).¹⁵

The 2023 Independent Electoral Review recommended a four-year term.¹⁶ Consideration of a four-year term was in both the National-ACT and National-New Zealand First coalition agreements.¹⁷

In February 2025, the Government introduced a Term of Parliament (Enabling 4-year Term) Legislation Amendment Bill. The standard term of Parliament would remain at three years, but the maximum term could be extended to four years. The main condition was that membership of certain select committees would be calculated in a way that is proportionate to the non-Executive parliamentary party membership of the House. This would, in effect, give the opposition parties majorities on these committees and improve government accountability to Parliament.¹⁸

While a good idea in theory, having a term of Parliament contingent on a post-election decision on the composition of select committees would be confusing and result in uncertainty. In August, the Justice Select Committee reported an amended Bill back to the House, including that the standard term would be four years.¹⁹

International Terms of Parliament

Internationally, only six of the 193 United Nations member states have three-year terms for their unicameral or lower houses (Australia, El Salvador, Mexico, Nauru, New Zealand, and the Philippines). A further two have a shorter term, the Federated States of Micronesia's unicameral congress, with a mix of members elected for two- and four-year terms and the United States' House of Representatives with its two-year term. The rest have mostly four- or five-year terms, although three have six-year terms.²⁰

Upper houses, where they exist, also tend to have longer-terms (some as long as 6–9 years) or even life membership (e.g., the United Kingdom's House of Lords).²¹ Many are appointed rather than elected.

Australia has a three-year term for its lower House, the House of Representatives. However, members of its upper House, the Senate, have six-year terms (although staggered with half of senators facing election every three years) and its states and territories mostly have four-year terms. Like in New Zealand, there has been discussion about moving to a four-year term, with the leaders of the two main parties both agreeing with the idea.²²

Most countries with unicameral parliaments have four- or five-year terms. Therefore, it is incorrect to suggest that a second chamber is necessary for a four-year term.

It has also been suggested that having a codified constitution is another necessary condition for a longer term of Parliament. A codified constitution is a single written document outlining the fundamental principles, laws, and rules on how a state is governed. New Zealand does not have a codified constitution. However, it has a Constitution Act, a Bill of Rights Act and various other Acts that include provisions that might be in a codified constitution.

New Zealand is one of only six countries without a codified constitution. The other countries without a codified constitution are Canada, Israel, San Marino, Sweden and the United Kingdom.²³ All but New Zealand have unicameral or lower houses with four-year or five-year terms. Like New Zealand, Israel, San Marino, and Sweden combine a unicameral parliament with no codified constitution.

Therefore, having a codified constitution is not necessary for a four-year term.

Government Effectiveness

The brevity of New Zealand's parliamentary term creates challenges for effective governance:

- The first year is typically spent establishing the government, setting direction and (when a new government) reversing or repealing previous policy and legislation.
- The second year is the main period for implementing policy.
- The third year increasingly becomes focused on the upcoming election.

It has been suggested that a determined and well-prepared government can develop and implement major high-quality reforms within three years, with the 1984-90 Fourth Labour Government (which was rewarded with a second term) being a notable example.

However, that government operated under the FPP electoral system, which delivered Labour two large parliamentary majorities, featured strong party discipline (especially in its first term), and an economic crisis which focused minds. Much the same could be said of National from 1990-93.

Since the introduction of MMP, most governments have focused on short-term management rather than structural reform. The challenges of managing multi-party governments (the norm under MMP) will be an important

reason but a short parliamentary term might also be a factor in this tendency.

Under MMP, time pressures have intensified and compressed. Coalition negotiations can consume weeks or even months of the already limited term, reducing the effective time available for policy implementation.

For example, after the 1996 election, it took 61 days to form a government. In 2023, it took 41 days, and four others took more than 25 days. At the other extreme, it took only 8 days to form a government in 2014 and 9 days in 2011. The average time to form a government after 10 MMP elections is 26 days.²⁴

Once a new government is in place, it can take time to settle and develop a coherent policy programme for the term. No single party majority government have existed since MMP's introduction.²⁵ The more parties involved, and the stronger the coalition and support parties are relative to the leading party, the harder this can be to manage. Even if the leading party in a new government has 'done the work' in opposition, the compromises and trade-offs of a coalition will put stress on its programme.

Once a new government has delivered its quick wins (e.g., in their '100-day plans'), including repeals of the previous government's legislation, important policy reforms take time. These require careful consultation, drafting, implementation, and assessment processes that rarely fit neatly into a three-year window. A compressed timeframe can lead to:

- Rushed policy development with inadequate public consultation.
- Insufficient time for proper implementation planning.
- Limited opportunity to assess policy effectiveness before the next election.
- Excessive focus on short-term initiatives rather than long-term structural reforms.

The pressure on governments to rapidly implement major policy changes within a brief window can result in poor quality policy and legislation. The 2020-23 Labour government rushed to take advantage of its once-in-a-generation majority to advance a wide range of policies. Meanwhile, since 2023, the current coalition government has undone much of its predecessor's policy and legislation and is hurrying to advance its own policies. Both governments cut corners, for example, by not consulting or doing so only perfunctorily, suspending requirements for regulatory impact statements, providing poor quality statements due to tight timeframes, and excessively using parliamentary urgency to debate and pass legislation.

Comparative evidence from other jurisdictions reinforces the case for a longer parliamentary term. Empirical studies from Argentina and several United States state legislatures show that legislators with longer terms exhibit greater productivity: they attend more sessions, introduce more bills, and invest more time in committee work. In contrast, those on shorter terms devote more effort to campaigning and fundraising, without becoming more responsive to constituents.²⁶ Similar patterns appear in the United States Senate, where members are more likely to support long-lag reforms, such as trade liberalisation, when re-election is distant.²⁷

Longer terms reduce the frequency of political budget cycles. While governments often increase spending before elections, fewer elections mean fewer such cycles.²⁸ They also reduce policy uncertainty shocks, which can delay investment and foreign direct investment inflow.²⁹

Accountability

The most prominent argument in favour of maintaining a three-year term is that it promotes accountability through pressure on governments, as they know they will soon face the electorate. This is especially true if there are fewer checks

on a government, through, for example, an electoral system that results in more majority governments, the lack of an upper house, and the lack of a codified constitution. A three-year term might also reduce the potential for voter apathy and political neglect.

These are all reasonable arguments, but a shorter parliamentary term is not the only way to keep governments accountable. As mentioned above, since the change to MMP, almost every government has either been a coalition or a minority government with support parties. There are more MPs to hold governments accountable, and they are also more representative of the population. Select committees have become more influential, digital communication has improved access to information and to politicians, while media coverage (including social media) is intense. There is also greater transparency around fiscal and monetary policy, with efforts to improve it for regulatory policy.

That is not to say that more cannot be done to improve accountability or the quality of policy development. These include:

- Passing a Regulatory Standards Bill and strengthening regulatory impact statements, with stronger sanctions for non-compliance.
- Establishing an independent fiscal institution.
- Further strengthening the ability of select committees (or perhaps introducing a second chamber) to hold governments accountable and scrutinise and amend draft Bills.
- Reducing the use of urgency to rush legislation through Parliament.

Summary

In summary, a longer term would allow governments to implement more coherent and long-term policies, reducing the disruption caused by frequent elections.

However, it also risks reducing voter power and making elected officials less frequently

accountable to the electorate. Institutional design matters and this risk can be mitigated by measures such as an independent fiscal institution, a regulatory standards bill, restricting the use of parliamentary urgency, strengthening the power of select committees or, perhaps, re-introducing a second chamber.

The 2012 review of MMP did not discuss the term of Parliament. The 2023 Independent Electoral Review recommended holding a referendum on whether it should be extended from three to four years.

Having considered the optimal length of a parliamentary term, the report next addresses whether New Zealand needs a second chamber as an additional institutional check on government power.

3.2 A Second Chamber for New Zealand?

Of the 193 United Nations members, 111, including New Zealand, are ‘unicameral’, with one chamber of parliament. The other 82 are ‘bicameral’, with two chambers – a lower house and an upper house.

Although 58 percent of countries have unicameral systems, except for New Zealand, the other developed anglosphere countries (Australia, Canada, Ireland, the United Kingdom, and the United States) have two chambers.³⁰

New Zealand's Experience

From 1853 until its abolition in 1951, New Zealand had a second chamber, an upper house known as the ‘Legislative Council’. Unlike the elected lower house, the House of Representatives, the Council was appointed by the Governor (later the Governor General). Appointment was initially for life but later became renewable for seven-year terms. Its major role was to amend or reject bills passed by the House of Representatives.

From the 1890s, the membership of the Council became controlled by the government of the day, which would advise the Governor/Governor General to make the appointments it wanted. As a result, the Council possessed little influence. While intended as a revising chamber, debates and votes typically replicated those in the lower house. It seemed to exist mainly to reward members of the House for loyal service and became widely seen as serving no other useful purpose.

The National Party won the 1949 election on a platform which included the abolition of the Council. In 1950, the government appointed 29 new members, restoring it to its full strength of 53. Dubbed the ‘suicide squad’, the newcomers had all promised to support the Legislative Council Abolition Bill. The Council sat for the last time on 1 December 1950, and the Act came into effect on 1 January 1951.³¹

Since the Legislative Council’s abolition, there have been occasional debates on whether a second chamber should be re-established. A 1952 constitutional reform committee proposed a nominated Senate, but both the government and opposition rejected this. The 1986 Royal Commission did not discuss whether New Zealand should have an upper house, focusing instead on how to make the single-chamber Parliament more representative and effective. After the 1990 election, the National government drafted a Senate Bill to create an elected upper house, but the proposal was ultimately dropped.³²

A 1992 report for the New Zealand Business Roundtable considered, among other constitutional issues, the proposal for an upper house. It rejected the idea, arguing that New Zealand’s small, unitary system would not benefit from bicameralism. It concluded that a second chamber would either be ineffective or overly disruptive. Strengthening unicameralism was preferred.³³

There has also been debate in academic and legal circles on a second chamber since the 1960s, although none gained traction. Most recently, some submitters on the Term of Parliament (Enabling 4-year Term) Legislation Amendment Bill expressed their support for a second chamber. For example, Simon Upton, Parliamentary Commissioner for the Environment, argued for a second chamber whose sole function would be to review legislation introduced by the lower house.³⁴

Would a second chamber add value in holding a government to account, especially if there was a longer parliamentary term? Much would depend on its independence and power and how it would be elected (or selected).

The previous Legislative Council was appointed and controlled by the government of the day, so it did not provide value beyond opportunities for political patronage. It does not provide a good example, but that does not mean the idea of a second chamber lacks merit. It is worth considering international examples.

International Examples

In the United States, each of its 50 states elects two senators by FPP. Senators are elected for six-year terms. Elections are staggered, held every two years, with around a third of senators being elected at each election.³⁵

Similarly, each of Australia's six states elects six senators and two territories elect two each, using the single transferable vote electoral system. Senators are elected for six-year terms, with half of the seats being filled every three years. The only way the fixed six-year term of senators may be shortened is by a simultaneous 'double dissolution' of both houses of Parliament. Senators may be ministers.³⁶

Both the United States and Australia provide their small states with far greater representation than their population shares would merit.

Wyoming (population 590,000) gets the same number of senators as California (population 39.7 million). Tasmania (575,000) gets the same number of senators as New South Wales (8.5 million).

Canada's Senate is appointed on a regional basis, with the appointments made by the Governor General on the advice of the Prime Minister. Once appointed, senators serve until they reach 75, a mandatory retirement age, or they choose to step down. There are no elections or fixed terms.³⁷

Ireland's *Seanad* comprises 11 senators nominated by the *Taoiseach* (Prime Minister) and 49 elected. 43 are elected from panels of candidates representing specified vocational interests and the remaining six are elected by university graduates.³⁸

Apart from a small number of remaining hereditary peers and bishops, members of the United Kingdom's House of Lords are appointed by the monarch on the Prime Minister's advice.³⁹ With around 800 members, the Lords is the second largest Parliamentary chamber in the world, beaten only by China's National People's Congress.

Another important factor is the powers of the second chamber. The extent of powers varies depending on a country's political system.

In parliamentary systems (such as Australia, Canada, Ireland and the United Kingdom, upper houses are frequently designed to act as 'revising chambers'. Their main functions usually include reviewing and amending bills passed by the lower house; providing additional debate and scrutiny to legislation; suggesting amendments, which the lower house can accept or reject; and delaying the passage of certain bills.

The power to initiate legislation or to reject it outright is usually much more limited than that of the lower house. Upper houses often cannot initiate budgets or appropriations. They typically

cannot dismiss governments, as only the lower house has this power in most parliamentary systems.

Some countries grant their upper houses equal or nearly equal power to the lower house. The United States Senate has considerable legislative and oversight powers. It can block any legislation; ratify or reject international treaties; confirm executive and judicial appointments; and act as an impeachment court for officials indicted in the House of Representatives.

A New Zealand Second Chamber?

Whether New Zealand needs a second chamber should be carefully considered. This report does not recommend a second chamber, but the following issues would need to be considered if it were deemed a good idea to have one.

New Zealand's previous Legislative Council was ineffectual. A democratically elected second chamber would likely be preferable to one that is appointed by the government of the day or by others, such as regional or Iwi representatives.

Having a non-federal system, any New Zealand second chamber would likely be confined to a revision and scrutiny function, with no power to initiate legislation of its own. Ministers would likely be drawn from the House of Representatives only.

The two chambers would need procedures and processes for communication and consultation. But to prevent unreasonable obstruction, the House of Representatives would need the ultimate power to reject revisions made by a second chamber, especially on matters of supply. For transparency, reasons for rejection would need to be publicly disclosed.

Most countries' second chambers are much smaller than their lower houses. If New Zealand is to have one, it would also need to be considerably smaller, especially as it would have a narrower revision and scrutiny function.

Various approaches could be used for elections to a second chamber. For example, members could be drawn from party lists in national elections using a form of proportional representation. Alternatively, they could be elected as individuals from multi-member regional constituencies, using FPP or another system, such as the Single Transferable Vote.

The term for a second chamber could be the same as that for the House of Representatives, or it could have a longer term with staggered elections every few years to keep it refreshed.

Summary

Most countries with unicameral parliaments have four- or five-year terms, so a second chamber (elected or appointed) does not appear necessary for a four-year term.

If a second chamber were to be considered for New Zealand, it should be on its own merits, separate from the length of the parliamentary term. The key question is whether it would add value to current legislative processes and parliamentary scrutiny?

Neither the 2012 review of MMP nor the 2023 Electoral Review discussed whether there should be a second chamber. The issue was out of scope.

3.3 Timing of Elections

New Zealand has never had a fixed date for general elections. However, Parliament must be dissolved no later than three years after the return of the writ from the previous general election.⁴⁰ The Prime Minister may call an election anytime within that period.

In practice, elections are mostly held in September, October or November. Dates in late November were particularly common before MMP. Notable exceptions were in 1984 (14 July) and in 2002 (27 July), when early elections were

called by the governments of the day. In 1951, an election was called 15 months early.

The Electoral Act 1993 requires that polling day be a Saturday.⁴¹ For many years, Saturday has been regarded as the best day to hold an election (the last election to be held on a weekday was in 1949). But with the large number of votes now cast in advance, many people are now voting on weekdays.

When considering an election date, it is important to consider the time after the election for all votes to be processed and counted, the declaration of the result, and (if necessary) for any coalition or support negotiations to be held and concluded. Parliament must meet within six weeks of the result's declaration (the 'return of writs').⁴² If the result is clear, Parliament can be convened quickly but lengthy coalition or support negotiations could delay it (as was the case in 1996 when they took two months).⁴³

For a future election held in mid-November, a result not declared until December, and time needed for coalition negotiations, this could mean Parliament is unable to meet until the New Year.

And even if Parliament could meet in December, there might be little time for business before it rises for the Christmas holiday period (which in New Zealand lasts well into January). Such a delay would be particularly problematic for a new government unable to quickly advance its programme. This is probably why relatively few general elections are now held in November (the last time was in 2011).

In recent election years, Prime Ministers have given plenty of notice of the election date, usually announcing it early in the third calendar year of the Parliament. This custom provides certainty and seems to work well, but it is not a requirement and plans can be changed. For example, in 2020, the election was announced

in February to be held on 19 September but a tightening of Covid-19 pandemic restrictions in August resulted in it being delayed to 17 October.⁴⁴

Summary

A future Prime Minister might decide not to pre-announce an election date to keep their options open and their political opponents guessing. It would therefore be worth considering whether New Zealand should adopt a fixed two-month window for elections, as in Germany, which also uses the MMP system.

However, if there is to be a fixed window, there should also be the option to hold an early election in the event of a successful no-confidence vote or a later election in an emergency (e.g., a pandemic) if a super majority of MPs votes for a delay.

The 2023 Independent Electoral Review did not propose any changes to the timings of elections.⁴⁵

3.4 Size of Parliament

Since MMP's introduction in 1996, Parliament has had a fixed size of 120 MPs (putting aside the issue of overhangs). Over the intervening years, however, the composition of seats has changed, with a reduction in top-up list seats.

It is worth considering the size of Parliament. The 1986 Royal Commission on the Electoral System recommended 120 MPs. This was an increase from FPP's number of MPs, which had grown from 80 before 1966 to 99 in 1993 (due to the relative population growth of the North and South Islands).⁴⁶ 120 MPs was seen as necessary to ensure effective proportional representation under MMP and to accommodate both electorate and list MPs while maintaining a balance between regional representation and proportionality.

The increase to 120 MPs was not without controversy. In 1999, a citizens-initiated referendum asked whether the size of Parliament should be reduced from 120 back to 99 members, with 81.5 percent of voters supporting the reduction.⁴⁷ However, the referendum result was not implemented.

Reducing an MMP Parliament to 99 seats would have resulted in even bigger and more difficult to service electorates and/or a reduction in list MPs, which increases the risk of overhang (and therefore a larger number of MPs and loss of proportionality).

Population per MP

120 MPs means an average of around 41,600 people per MP. When considering electorate MPs only, the ratio is 70,300.⁴⁸ This is more than double the average population of FPP electorates pre-1996 and is also significantly more than the 51,800 average population per electorate for the first MMP election in 1996.⁴⁹

Some electorates are also very large geographically, making them challenging for MPs to service. For example, West Coast-Tasman stretches from Golden Bay to south of Haast, a 700-kilometre drive. Most of the Māori electorates are also very large, with Te Tai Tonga including the whole of the South Island (as well as some of Wellington). Others can see communities of interest disrupted by the need to draw boundaries that fit strict quotas for the electoral population.

Reducing the average population of electorates back to that for the first MMP election (51,800) would result in 96 electorates (22 in the South Island, 64 in the North Island, and 10 Māori). Applying the current 60:40 split between electorate and list MPs would suggest a Parliament size of around 160 MPs for the next election.

Applying a 50:50 split would translate to 192 MPs in total, but if the objective were to return

to close to MMP's initial population per MP (electorate plus list), this would require 'only' around 170 MPs (29,000 per MP in 2023 versus 28,000 in 1996).

Transaction Costs versus Representation Benefits

Demographics provide a useful benchmark, but academic research suggests that the size of a legislature should strike a balance between transaction costs and representation benefits. At one extreme, a legislature of one person would have no transaction costs but would likely make more errors in judgment and in representing people's views. At the other extreme, a legislature comprising a country's entire population would be perfectly representative but with prohibitive transaction costs. The size is optimal when one more member would improve the accuracy of a decision by an amount equal to the resulting increase in transaction costs.⁵⁰

How might this theory be applied?

The 'cube root law' is an observation in political science that attempts to find an optimal legislature size which balances transaction costs and representation benefits. It suggests the number of members of a unicameral legislature, or of the lower house of a bicameral legislature, is about the cube root of the population being represented.⁵¹

Applying the cube root law suggests that an appropriate size for New Zealand's Parliament would be 171 MPs.⁵² New Zealand's current size of 120 MPs is 30 percent below this estimate.

International Comparisons

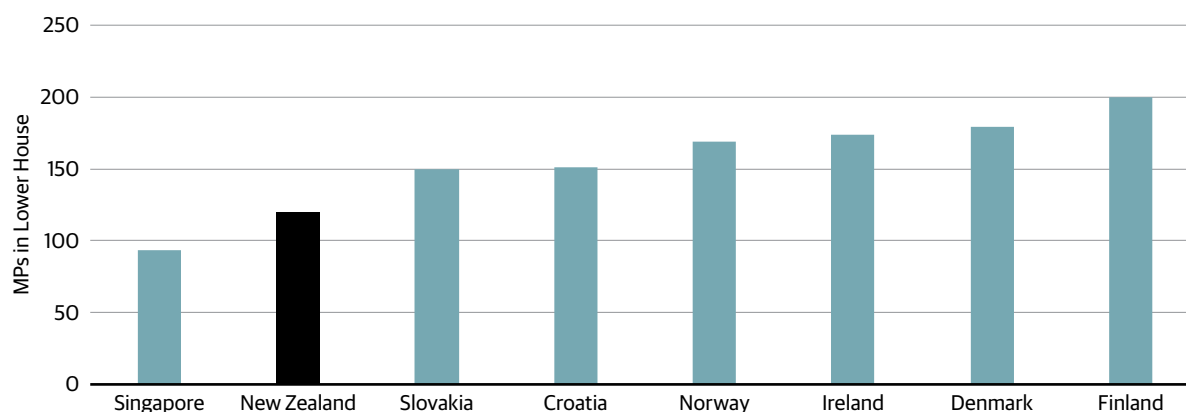
Parliaments of 41,600 or even 70,300 people per MP are not excessive by international standards. Australia, with 27 million people, has 151 MPs (around 180,000 people per MP). However, New Zealand, unlike Australia, does not have a second chamber with additional representatives. Australia has 76 senators.⁵³

Figure 1 shows that New Zealand has relatively few MPs compared to developed countries with similar populations (4.5 million to 6 million). Slovakia, Croatia, Norway, Ireland, Denmark, and Finland have significantly more MPs in their lower houses. Ireland also has 60 in its upper house (the others, like New Zealand, are unicameral). Singapore has

fewer MPs, but it is a geographically compact city state. A Parliament of 150 to 170 MPs would not be out of step for New Zealand relative to its peers.

Table 1, meanwhile, shows how closely selected OECD countries' lower houses corresponded to the Cube Root Law.

Figure 1: Size of parliaments of developed countries with 4.5 to 6 million population



Source: Wikipedia, *List of legislatures by number of members*.

Table 1: International Comparisons of Cube Root Law

Country	2019 Population (million)	2019 Lower House Size	Cube Root of Population	Difference	% Difference
Australia	25.36	151	294	-143	-48.6%
Canada	37.59	338	335	+3	+0.9%
Croatia	3.99	151	159	-8	-5.0%
Denmark	5.82	179	180	-1	-0.6%
Finland	5.52	200	177	+23	+13.0%
France	67.06	577	406	+171	+42.1%
Germany	83.13	734	436	+298	+68.3%
Ireland	5.12	174	172	+2	+1.2%
Italy	60.30	400	392	+8	+2.0%
Japan	126.26	465	502	-37	-7.4%
Lithuania	2.79	141	141	+0	+0.0%
Mexico	127.58	500	503	-3	-0.6%
Netherlands	17.33	150	259	-109	-42.1%
New Zealand	4.92	120	170	-50	-29.4%
Norway	5.35	169	175	-6	-3.4%
Singapore	5.70	93	179	-86	-48.0%
Slovakia	5.45	150	176	-26	-14.8%
Spain	47.08	350	361	-11	-3.0%
Switzerland	8.57	200	205	-5	-2.4%
United Kingdom	66.83	650	406	+244	+60.1%
United States	328.24	435	690	-255	-37.0%

Source: Wikipedia, *Cube Root Law*.

Lithuania exactly matches the cube root law. Denmark, Canada, Ireland and Mexico come very close (i.e., within around 1 percent), followed by Italy and Switzerland (within 2 percent), and Norway and Spain (within around 3 percent).

In contrast, some countries, especially larger ones, are well outside what the cube rule law would suggest for the sizes of their parliaments. This includes Australia's House of Representatives, which is 49 percent below.

When considering the number of MPs, it is also worth considering federal countries, like Australia, Canada, Germany, and the United States. They also have state governments (or, in Canada's case, provincial governments), which undertake some responsibilities carried out by the centre in non-federal countries like New Zealand.

Although they are not in the top-tier of government, state and provincial MPs and legislators add significantly to the number of 'MPs' in their national parliaments and members of upper houses.

For example, as well as its 227 federal representatives (151 MPs and 76 Senators), Australia's state governments and self-governing territories have 465 lower house MPs and 156 upper house members (621 in total).⁵⁴

Canada's provinces and territories have a combined 751 MPs in addition to its 338 MPs in the House of Commons and 105 members in the Senate.⁵⁵ Germany has 1,891 state MPs on top of its 630 member Bundestag and 69-member (appointed) Bundesrat.⁵⁶ The United States has 7,386 state legislators (lower and upper houses) on top of its 435 member House of Representatives and 100 Senators.⁵⁷

As well as the United Kingdom's Westminster parliament of 650 MPs (and 832 members of its House of Lords), there are also devolved

governments for Scotland, Wales and Northern Ireland, with a combined 279 MPs (soon to rise to 315).⁵⁸

Benefits and Costs of More MPs

There would be important benefits to an increase in MPs.

Importantly, MPs (especially electorate MPs) would be more accessible to their constituents, and their workloads would become more manageable.

Assuming the number of ministers does not grow, it would help MPs hold the Executive to account more effectively, for example, by strengthening select committees and ensuring that government party caucuses are not numerically dominated by ministers. More MPs would be available for select committee duties, meaning fewer MPs would have to sit on multiple committees, diluting their ability to scrutinise and revise effectively.

Over time, there has been an increase in the proportion of electorate MPs to list MPs to 60:40, which runs the risk of more overhang situations. Rebalancing the proportion to 50:50 would help reduce the risk of overhangs but doing so while retaining 120 MPs would result in a dozen fewer electorates and those remaining would become much larger.

Increasing the number of MPs to 142 would accommodate a 50:50 split without losing electorate MPs.⁵⁹ And as will be seen in Section 4's discussion on MMP Design Issues, 170 MPs would be the most desirable option for proportionality.

On the other hand, significantly increasing the number of MPs would be a tough sell to a sceptical electorate, which holds politicians in low esteem. Although there has been no recent polling on this issue, public sentiment might not be significantly different from the 1999 referendum, when 81.5 percent supported a reduction in MPs.

A significant concern will be the financial cost of increasing the number of MPs. In 2024/25 the Parliamentary Service had an appropriation of \$329 million, including \$128 million in capital expenditure for its Future Accommodation Strategy (FAS) project. FAS involves the construction of a new Members building and a Secure Deliveries building on the parliamentary precinct. Once it is complete, the annual appropriation is forecast to reduce to \$205 million for 2028/29.⁶⁰

Increasing the number of MPs from 120 to 142 or 170 could, on the face of it, increase the costs of Parliament by between 18 percent and 42 percent, depending on the option chosen. However, an accurate figure would require more detailed analysis of the options' impacts on costs. It would need to consider the operating costs (variable and fixed) of additional salaries for MPs and support staff, travel, office accommodation and technology, and various other 'perks' MPs receive. Additional capital expenditure (beyond that in the FAS project) from any further expansion of Parliament Buildings would also need to be considered to house an increase in MPs and staff.

However, costs could be saved by reviewing MPs' perks, constraining the size of the Executive (discussed in 3.5 below), and rationalising government departments and other agencies.

Another Way to Address Large Electorates

An alternative option for addressing geographically large electorates might be to increase the current +/- 5 percent tolerance from the electoral quota (average population per electorate). Rural and provincial electorates could then be set with populations well below the quota and urban electorates could be set well above.

New Zealand had a 'Country Quota' from 1881 to 1945, with a similar justification and operation. For most of that period, it applied a weighting

of 28 percent, meaning that electorates that were entirely rural (i.e. with no towns of more than 2,000 people) would have 28 percent fewer people than those that were entirely urban. This made rural electorates smaller and more numerous. But it was regarded as the antithesis of vote equality and was considered unfair by parties that relied on urban votes, especially the Labour Party. The Country Quota was abolished in 1945.⁶¹

Under MMP, it is the party vote that counts for how many MPs a party gets, rather than FPP's tally of electorates. That ought to reduce concern about political fairness for a Country Quota. But given the ongoing importance of electorates as bases for parties, the political and media profile of electorate MPs, and the allocation of parliamentary resources, a revived Country Quota is unlikely to be politically acceptable. It would also significantly increase the populations of urban electorates and add to the burdens on these MPs.

However, there might still be a case for adopting a larger tolerance (say 7.5 percent or 10 percent) to address problems with geographically large electorates and disruptions to communities of interest. Under the Local Electoral Act 2001, the population that each elected member represents in a ward must be within ±10 percent of the average population per member across the district or city.⁶²

Summary

The 2012 review of MMP did not discuss the size of Parliament but the 2023 review did not favour fixing the split between list and electorate MPs as it would increase its size.

However, it is timely to consider this issue. New Zealand's Parliament is small by international standards, especially in relation to the country's population and has not been adjusted for population growth since 1996.

There are clear benefits for effectiveness and accountability from having a larger Parliament

with more MPs and it would also better enable measures to improve proportionality. The financial cost could be managed through savings elsewhere, but the bigger obstacle would be the public's low opinion of politicians.

Parliament's effectiveness depends not only on its size but on the relative scale of the Executive within it. The next subsection examines whether the growth of ministerial portfolios has outpaced the legislature's capacity for scrutiny.

3.5 Size of the Executive

New Zealand operates three branches of Government: the Legislature (Parliament), the Judiciary (judges and the courts), and the Executive. The Executive is the Government. It brings proposed laws to Parliament and decides policies which are put into practice by government departments. It comprises Ministers of the Crown and Parliamentary Under Secretaries, supported by government agencies.⁶³

Executive Bloat

One of the most striking features of New Zealand's constitutional arrangements is the steadily increasing size of the Executive.

Almost 24 percent of Parliament's MPs are in the Executive and comprise 44 percent of the MPs from the three government parties. If one adds select committee chairs, MPs with formal parliamentary responsibility are a majority of government MPs. This is a good way to control caucuses.

Successive governments have expanded the number of ministers and portfolios, resulting in what The New Zealand Initiative's 2024 report, *Cabinet Congestion*, describes as a crowded, fragmented, and inefficient.⁶⁴ This growth has occurred despite New Zealand's unicameral Parliament, which is small compared with other similar-sized developed democracies.

The follow-up report, *Unscrambling Government* (2025), provides an even sharper picture of the problem.⁶⁵ New Zealand currently sustains 81 ministerial portfolios, 28 ministers, and 43 departments. Per capita, this is more than three times the number of portfolios found in comparable small democracies such as Ireland, Norway, and Singapore. For example, Ireland functions with just 15 ministers and 18 departments, while Singapore operates effectively with 18 ministers and 16 ministries.

The proliferation of portfolios has several consequences. First, it leads to fragmented accountability. Large departments, like the Ministry of Business Innovation and Employment, report to as many as 20 ministers, while housing policy spans at least six ministerial responsibilities. This diffusion of authority makes it difficult for Parliament, the media, and the public to know who is responsible for outcomes. Secondly, excessive fragmentation generates coordination costs, as multiple ministers must be consulted before decisions can be made. Finally, international research demonstrates a consistent correlation between larger Cabinets and higher public expenditure, as each minister becomes a claimant to the public purse – the so-called 'common pool' problem.⁶⁶

The problem is not simply one of political preferences, but of systemic incentives under MMP. Coalition governments have often multiplied portfolios to accommodate partners, reward MPs, or signal political priorities. While this may be expedient, it leaves New Zealand with an unusually large and fragmented Executive.

Reform is Feasible

Unscrambling Government outlines practical options for reducing ministerial sprawl while maintaining coalition flexibility. It proposes consolidating New Zealand's 81 portfolios into 15–20 coherent domains (such as Health and Wellbeing, Built Environment, and Commerce),

aligning departmental structures accordingly, and reducing the number of departments to around 20.

The report recommends 15 ministers, each responsible for a consolidated portfolio, supported by 10 junior ministers, like in Ireland and Australia. This would enable governments to accommodate political partners and nurture emerging talent without expanding the size of the Cabinet or increasing the number of portfolios.

Summary

New Zealand has developed an enormous and complex Executive structure, representing a quarter of all MPs and almost half of the Government party MPs. Many similar countries make do with fewer ministers and departments.

The case for addressing the size of the Executive is not merely one of tidiness but of constitutional health and fiscal responsibility. A smaller, more coherent Executive would sharpen accountability, reduce wasteful spending, and improve the capacity of ministers to effectively manage their portfolios.

When considering options for electoral reform, the question of Executive reform should also be confronted. Ensuring proportional representation in Parliament is important but so is ensuring that the Executive branch remains lean, accountable, and effective.

3.6 Referendums

A referendum is a direct vote by the electorate (rather than their representatives) on a proposal, law, or political issue. A referendum may be 'binding' (meaning the government must act on the result) or 'non-binding' (advisory or consultative, functioning like a large-scale opinion poll).

Referendums have a long history in New Zealand, dating back well over a century.⁶⁷ There are two types of national referendums, those initiated by governments and those initiated by citizens. Councils also hold local referendums, but these will not be discussed here.

Government Initiated Referendums

The Alcoholic Liquor Sale Control Act 1893 allowed electoral districts to serve as licensing districts for triennial liquor licensing polls, which were first instituted in 1881 and held at each general election. From 1893 until 1908, several electorates voted to become 'dry'.

From 1911 to 1984, national licensing polls were held in conjunction with general elections. The options were 'licensing', 'state monopoly' and 'prohibition'. New Zealand came close to prohibition in 1919, but from 1928, 'licensing' was always in the majority. The national polls were abolished before the 1987 election.

1949 was a popular year for referendums, with votes on off-course betting (approved), compulsory military training (approved) and on six o'clock closing (retained). 1967 saw two referendums, moving to a four-year term (rejected) and on six o'clock closing (closing time extended to 11 pm).

In 1990, there was another vote on the four-year term (again defeated) and a two-stage referendum on the electoral system held in 1992 and 1993. They resulted in the change from FPP to MMP. MMP was retained in 2011 after a further referendum.

In 1997, a vote was held on whether New Zealand should establish a compulsory retirement savings scheme. The proposal was rejected.

In 2015 and 2016, a two-stage referendum was held on changing the New Zealand flag. It resulted in the existing flag being retained.

There were two referendums at the 2020 election. One was on legalising the sale, use, possession and production of cannabis (rejected) and the other on allowing voluntary euthanasia on certain conditions (approved).

Government-initiated referendums are most appropriate for constitutional issues where politicians face conflicts of interest or fundamental democratic principles are at stake. Electoral system changes, for instance, directly affect how politicians gain and retain power, making a direct public mandate essential for legitimacy.

There is a less clear-cut case for government-initiated referendums on policy matters, such as those recently held on compulsory superannuation, the flag, cannabis, and euthanasia. These could have been advanced through normal policy and legislative processes. However, referendums should remain available for significant conscience issues.

Government-initiated referendums may be binding or non-binding. In practice, however, all results have been accepted by the government of the day.

Citizens Initiated Referendums

Until the 1990s, all national referendums were initiated by governments. This changed in 1993 when Parliament passed the Citizens Initiated Referendum (CIR) Act.⁶⁸

The CIR Act created a mechanism for petitions to trigger national referendums. Any person can propose a referendum question, and if 10 percent of registered voters sign a petition within 12 months, a referendum must be held within 12 months of the petition being presented. This means it can take up to two years for a referendum to be held.⁶⁹

The Clerk of the House of Representatives must advertise the proposed question to allow the

public to provide input on its wording. The Clerk then decides on the final wording to ensure clarity, avoid leading questions and approve the form for collecting signatures.

The 10 percent threshold (approximately 370,000 signatures based on the 3.7 million enrolled voters at the 2023 general election) represents a significant hurdle. Proponents require substantial organisation and resources.

If the petition is compliant, the Speaker presents it to the House of Representatives. If there are not enough signatures, the petition will lapse (although the petitioner can resubmit the petition if they gather the remaining number of signatures within two months).

The Governor-General sets a date for the referendum within a month of the date the petition was presented. It must be held within 12 months of the presentation date unless 75 percent of MPs agree to defer it.

The referendum is then held and the result is declared.

CIR results are explicitly non-binding, serving as expressions of public opinion rather than legal mandates. While not legally required to implement CIR results, proponents of CIR argue that governments face political pressure to justify ignoring clear public preferences.

Although many petitions for a CIR have been submitted since 1993, only five have made it to a vote. The others failed to gain enough signatures to force a referendum, so they lapsed.⁷⁰

The five exceptions were the reduction in firefighter numbers (1995), reducing the number of MPs (1999), justice reform to place greater emphasis on the needs of victims (1999), parental corporal punishment (2009), and preventing asset sales (2013).

Governments mostly did not advance the results, even when the referendums achieved the desired outcomes by their proponents. This led to a call for CIRs to be made binding, as in Switzerland, with its rich history of direct democracy. On the other hand, opponents have argued that CIRs could be used to oppress vulnerable minorities and others consider them to be no substitute for more deliberative processes within the existing framework of representative democracy.

The Swiss Approach

Switzerland is globally renowned for its system of direct democracy, which enables citizens to play a powerful role in shaping national policy and constitutional arrangements. At the federal level, national referendums are held regularly, typically four times a year, and cover both government-initiated and citizen-initiated proposals.^{71 72}

There are three main types of national referendums in Switzerland:

1. **Mandatory referendums:** These are required by law for major constitutional changes or membership in supranational organisations (e.g., the EU or UN). The federal government must put such proposals to a national vote, and a double majority is required; meaning both a majority of voters nationwide *and* a majority of cantons (the equivalent of states or regions) must support the change.
2. **Optional referendums:** These allow citizens to challenge laws passed by the Federal Parliament. If 50,000 valid signatures are collected within 100 days of a law's publication, a referendum must be held. In this case, only a simple majority of voters is needed to accept or reject the law.
3. **Popular initiatives:** Citizens can also propose amendments to the Constitution by collecting 100,000 valid signatures within 18 months. Parliament may propose a counter-proposal or let the initiative go to a vote. As with other constitutional changes, a double majority is required for approval.

This framework ensures that significant national decisions are not made without the direct consent of the electorate, whether initiated by citizens or by government. The system has enabled a high level of public participation in governance. However, it has also sparked debate around voter fatigue, complexity of ballot issues, and the tension between direct democracy and representative government. Nonetheless, it remains a model often cited by reformers advocating for deeper democratic accountability.

Summary

Government-initiated referendums should remain available, but they should focus on significant constitutional and conscience issues.

Considering the experience of the past 30 years, it is debatable whether CIRs remain fit for purpose. To make them truly meaningful, they would need to be made binding. However, if they were to be made binding, the 10 percent threshold would need to be higher and certain measures, especially those with fiscal or taxation implications, would need to be excluded or be able to be vetoed.

3.7 Māori Seats

The Māori seats are separate geographic districts in which only voters of Māori descent (who choose to enrol on the Māori electoral roll) may vote, and which guarantee Māori representation in Parliament.

International democratic practice accepts special representation where standard electoral rules have systematically under-represented a historically marginalised group or where peacebuilding and self-determination are at stake. Liberal theorists argue that group-differentiated rights can realise equal citizenship rather than violate it, particularly for national minorities with a distinct societal culture. In this view, reserved seats are justified where they secure effective (not merely formal) participation and voice.⁷³

There are many ways to reserve representation for national minorities. These include quotas that political parties must adhere to, exemptions from party vote thresholds for specific minority parties, drawing constituency boundaries to create minority-majority districts, and appointments of minority representatives.⁷⁴

However, New Zealand is unusual in having reserved electorates with a separate electoral roll for an ethnic group.

Historical Development and Purpose

There have long been arguments that the Māori seats should be abolished, including until recently from the National Party. A 2008 report put four main reasons for abolition: “they are anachronistic, they institutionalise Māori separatism, they represent a form of reverse discrimination, and they threaten to manipulate MMP electoral outcomes.”⁷⁵

The Māori seats predate MMP. They were introduced in 1867 to give Māori a voice in Parliament at a time when property-based franchise rules excluded many Māori. Initially, there were four Māori electorates; today, there are seven, with boundaries and the number determined by the size of the Māori electoral population. Under MMP, Māori electorates function like any other electorates in terms of voting (each Māori enrolled voter still has a party vote counted nationally and an electorate vote for their local Māori MP).

Under FPP, these seats were often the only way Māori were present in Parliament in significant numbers. However, some Māori were elected in general seats, including several from the National Party when it was not competitive in Māori electorates. Winston Peters was a prominent example.

With the advent of MMP’s proportional party lists, a question arose: Are separate Māori seats still necessary or fair under a proportional

system? In theory, under pure proportional representation, any politically organised group, including Māori, can secure representation commensurate with their share of the population by forming a party or influencing party candidate lists.

With approximately 19 percent of New Zealand’s population identifying as Māori, a proportional system would be expected to produce roughly that proportion of MPs of Māori descent even without separate seats.

Since MMP was introduced, the proportion of Māori MPs in Parliament has increased beyond the Māori electorate seats. Many Māori MPs enter via party lists or general electorates. Māori representation in Parliament has exceeded the Māori share of the population, reaching 27 percent of MPs in the current Parliament, far more than the 6 percent of MPs elected from the Māori electorates.⁷⁶ This suggests that MMP has been beneficial for Māori representation.

Many Māori choose not to enrol on the Māori electoral roll. At the 2023 Census, there were 978,000 people identified as Māori (one or more ethnicities), of which 625,000 identified as Māori only. The 2023 Māori Electoral Population was 552,000, based on Statistics New Zealand population estimates and Electoral Commission enrolments. This suggests that more than 40 percent of Māori choose to be on the General Roll.

The Royal Commission's Dilemma and Political Response

The 1986 Royal Commission on the Electoral System debated whether Māori seats should be retained. The Commission recognised the important symbolic and practical role of Māori seats, but suggested that separate Māori electorates might no longer be needed if the MMP system was adopted. It was believed that Māori would gain representation through political parties selecting more Māori in

electorates and in high positions on party lists, including through Māori-oriented parties. The Commission also suggested waiving the threshold for parties primarily representing Māori interests. It predicted political parties would compete more strongly for the Māori vote and that Māori would be more incentivised to vote than if they were corralled into uncompetitive Māori seats.⁷⁷

However, the Royal Commission's proposal was deeply unpopular among Māori, who feared losing guaranteed representation. In response to Māori public opinion, the proposal to abolish Māori seats was dropped and they were explicitly retained in the switch to MMP.⁷⁸ In fact, as part of the introduction of MMP, the Māori seats were revamped: their number was no longer fixed at four. They would instead 'float' on the Māori electoral population, allowing potentially more seats (which is why today there are seven Māori electorates). This change, along with the promise of better overall representation, led to significant Māori support for adopting MMP at the referendums in 1992 and 1993.

Under FPP, Māori-oriented parties emerged, such as the Ratana movement in the 1920s and 1930s and Mana Motuhake in the 1980s. MMP enabled this to continue. Although not a Māori-oriented party, New Zealand First has sometimes had strong support from Māori and won all five Māori seats in 1996. Later, the Māori Party/Te Pati Māori (TPM)⁷⁹ was formed and, through its Māori seats, has maintained a presence in Parliament since 2004 (except for the period 2017-2020). The seats have given Māori voters more choices and leverage: they could support a Māori party without 'wasting' their vote, thanks to Māori electorate victories.

Current Challenges and Anomalies

However, Māori seats have also led to overhang seats. A party can win a larger proportion of Māori electorates than its nationwide vote justifies, creating these extra seats. This happened

multiple times with TPM (2005, 2008, 2011, 2023). It is an unintended side effect where the separate representation mechanism intersects with proportionality.

The presence of Māori seats means a segment of Māori voters (those on the Māori roll) are voting in different electorates than others. Some critics say this is a form of segregation or affirmative action that might not be needed now that Māori can attain representation broadly through party lists or in general electorates. Others respond that the Māori seats remain a vital expression of the partnership under the Treaty of Waitangi ensuring an independent Māori voice that is not subsumed by general party interests.

Some have also expressed concern that Māori electorates have fewer voters than most general electorates due to their populations being younger, with a higher share of under-18s. This means Māori electors' votes are 'worth more' and they are over-represented. For example, in 2023, the average number of electors on the roll for general electorates was 52,276, while for Māori electorates the average was 41,471. If Māori electorates had around the same electors as the national average (51,226), they would be entitled to six seats rather than seven.⁸⁰

For all of New Zealand's history, however, electoral populations have been based on the total population, not those over the voting age. The exception was in 1945 when the Electoral Act based the electoral population on the adult population (at that time over the age of 21). This was argued as being consistent with vote equality but in 1952, it was changed back to total population on the argument that MPs represented all constituents, not just adults qualified to vote.

Another factor adding weight to Māori electors is the lower voter numbers for Māori electorates. In 2023, the overall turnout was 78 percent. For Māori electorates, the figure was only 68 percent.

The average votes cast for general electorates was 41,334, while for Māori electorates the average was 28,198.⁸¹ The voter turnout at the recent Tamaki Makaurau by-election, in what should have been a closely fought race, was a dismal 27.2 percent.⁸²

Short of making voting compulsory, it is challenging to increase voter turnout. Many efforts have been made to make voting easy and encourage participation, including initiatives targeted at Māori.

For example, in 2022 the Electoral Act was amended to allow Māori to switch rolls more frequently.⁸³ Māori are now allowed to switch anytime outside three months before an election, compared to the previous law, when they could choose only when first enrolling to vote or during the Māori Electoral Option, which occurred every 5 or 6 years.⁸⁴ This flexibility comes with the potential for strategic manipulation – where people could swap between rolls to swing the outcomes of marginal electorates (Māori or General). Consideration should be given to restoring the restriction on switching rolls to the Māori Electoral Option or by closing the opportunity to switch rolls six months before the election period.

The 2023 Independent Electoral Review recommended further changes such as requiring decision-makers to give effect to the Treaty of Waitangi and its principles when exercising functions and powers under the Electoral Act; requiring the Electoral Commission to publish a Treaty policy and strategy and report on progress; and for the Electoral Commission to prioritise establishing Māori governance over data collected about Māori in the administration of the electoral system.⁸⁵

These recommendations were controversial and are unlikely to be advanced in the short-term. The controversy over misuse of Covid-19 vaccination and Census data and the use of

the Manurewa Marae as a polling place at the 2023 election (when TPM's successful Tamaki Makaurau candidate was also the Marae's Chief Executive) illustrates the problems that can arise with well-intentioned efforts to boost Māori engagement and voter turnout.⁸⁶

Support for Māori Seats

There seems to be a broad political consensus to retain the Māori seats. Labour has consistently supported their retention and the National Party's previous policy to abolish them was dropped in the 2010s.

There have been no recent polls to gauge support (from Māori or the population as a whole) for retaining the Māori seats. However, the 2023 Independent Electoral Review reported that *"Most submitters, including the majority of Māori submitters, supported retaining the Māori seats. Many said the seats are essential for Māori representation and participation in Parliament."* It also observed that *"A small number of submitters opposed the Māori seats, arguing that they are no longer needed or are inconsistent with a single electoral roll. However, this view was a minority"*.⁸⁷

The Review consequently recommended strengthening rather than weakening Māori representation and adherence to Treaty of Waitangi principles.

Summary

The Māori seats present a complex intersection of historical significance, democratic principles, and practical electoral mechanics under the MMP system. While initially established to ensure Māori representation when property-based franchise excluded many Māori voters, their role has evolved under proportional representation, with Māori now comprising 27 percent of Parliament compared to 19 percent of the population.

The case for retention rests on their symbolic importance as an expression of Treaty

partnership, their role in providing an independent Māori voice, and strong support from Māori communities. However, the seats also create operational challenges within MMP's proportional framework, contributing to overhang situations that affect Parliament's overall proportionality and electoral population imbalances, which effectively give Māori votes greater weight.

The challenge lies in addressing the technical inefficiencies that the seats create within MMP and the potential to 'game' the switching of electoral rolls, while respecting the seats' constitutional and cultural significance. Any consideration of their future must weigh both their democratic anomalies and the consistent opposition that abolition proposals have encountered from Māori communities.

3.8 Summary of Constitutional Issues

New Zealand's core constitutional arrangements have served the country well, but several features now constrain effective long-term government.

A four-year parliamentary term, accompanied by stronger select-committee scrutiny, limits on urgency, and greater fiscal and regulatory transparency, would provide governments with sufficient time to develop and implement coherent policies while preserving accountability.

A second chamber is not essential for that purpose. Improved committee systems and procedural reforms can achieve comparable scrutiny within a unicameral Parliament.

The size of Parliament should be increased to 170 to keep electorate populations manageable, following three decades of rapid population growth and to maintain proportionality. The cost could be offset by a smaller Executive, capped at 15 ministers supported by 10 junior ministers.

Referendums should remain for constitutional or conscience issues only, and the Māori seats should be retained while adjusting rules that currently distort proportionality, such as overhangs and roll-switch timing.

Collectively, these constitutional adjustments would modernise New Zealand's framework of representative government: a Parliament large enough to scrutinise the Executive, an Executive small enough to be held to account, and electoral cycles long enough to plan beyond the next election.

The following section shifts focus to the design details of MMP itself: the mechanisms that translate votes into seats and determine proportionality between elections.

CHAPTER 4

MMP Design Issues

Refining the design of MMP is central to ensuring that representation remains fair while avoiding unnecessary complexity.

The Gallagher index measures the relative disproportionality of an electoral system between votes received and seats in a legislature – which is the difference between the percentage of votes each party receives and the percentage of seats each party holds in the resulting legislature. It also measures this disproportionality collectively across all parties in any given election. The lower the index number the less disproportionate – a score of 1.00 is perfectly proportional. Table 2 shows the Gallagher Index for each MMP election.⁸⁸

It is worth noting that there is a difference between ‘wasted votes’ and the Gallagher Index. The former is a single count of party vote share below the qualifying bar. The Gallagher Index instead looks at how closely each party’s seat share matches its vote share across all parties. Those are different lenses, but both are valid to consider.

The reforms discussed in this section aim to reduce wasted votes and preserve proportional outcomes, prevent distortions such as overhangs, and maintain confidence in Parliament’s composition. They should aim to reduce the Gallagher Index.

Table 2: Gallagher Index for New Zealand MMP Elections

Year	1996	1999	2002	2005	2008	2011	2014	2017	2020	2023
Index	4.50	3.13	2.59	1.38	4.14	2.39	3.74	2.82	4.21	3.05

Source: New Zealand election results inputted by ChatGPT into the Gallagher Index calculator.⁸⁹
 Note: 2023’s index score is after the Port Waikato by-election.

4.1 Overhang Seats and Impacts on Proportionality

Overhang seats are an important anomaly under MMP, potentially distorting the proportionality of Parliament and (like coat-tailing) providing opportunities for gaming. Overhangs in New Zealand have been small to date (1–3 seats), and they have yet to determine a government, but they could in the future, especially if an election were very close.

What Are Overhang Seats?

An overhang seat occurs when a party wins more electorate seats than the seats it would be entitled to based on its share of the party vote. Under

pure proportionality, each party’s total seats (electorate plus list) should match its vote share.

However, if a party’s electorate victories exceed that entitlement, New Zealand’s system lets the party keep those extra seats and simply increases the size of Parliament to accommodate them. This ensures that those electorate choices are honoured, but it means Parliament has ‘overhung’ its normal size (120) and the party in question is over-represented relative to its share of the votes.

Overhangs in New Zealand have typically involved small parties, especially TPM. TPM’s voter support nationwide has, to date, been

well below 5 percent, so its ability to win seats in Parliament has been solely determined by its performance in Māori electorate contests. Sometimes, TPM does so well in Māori electorates that it creates an overhang situation.

In 2005, TPM won four electorate seats with 2.1 percent of the party vote. This would normally entitle it to three seats, so one overhang seat was needed.⁹⁰ It was similar in 2011 when there was also one overhang seat.

In 2008, TPM won five electorate seats with 2.4 percent of the vote, resulting in two overhang seats. It was a similar story in 2023 when TPM won six electorate seats with 3.1 percent of the vote, creating two overhang seats.⁹¹

Additionally, in 2023, an extraordinary situation (discussed later under Section 4.7 on by-elections) created a third overhang seat (this one for the National Party), resulting in the 54th Parliament having a total of 123 MPs. This is a historically high number.⁹²

Impact on Proportionality and Future Risks

The presence of overhang seats distorts proportionality. Other parties do not receive additional seats to compensate (unlike in some MMP systems overseas). This means the overhang party's fraction of seats will be larger than its vote fraction, and conversely, the overall share of seats for other parties will be smaller than their vote share.

Overhangs raise questions about fairness and efficiency. One of MMP's promises is proportional representation but overhangs are a wrinkle where strict proportionality is sacrificed. Overhang seats also increase the size of Parliament (albeit modestly to date), which has a financial cost and can become a political issue if numbers grow. In Germany, overhangs historically led to a much larger *Bundestag* due to compensatory seats for other parties, prompting extensive reforms in 2023.

According to political scientist Matthew Shugart, "Overhang seats show that compensatory MMP is not automatic. Without sufficient list seats or proper compensation rules, the system yields disproportional results and a bloated assembly."⁹³

Because overhangs in New Zealand have mostly been small, the impact on overall proportionality has been minor. For example, a one-seat overhang in a 121-seat Parliament is less than a 1 percent deviation. The public and politicians have tolerated this to respect voters' choices in the electorates.

However, it is not inconceivable that in the future, an overhang seat will prove decisive in delivering a change in government. For example, consider a close contest between right and left, which is swung in the left's favour by overhang seats caused by TPM sweeping the Māori seats. This could encourage more strategic arrangements between political parties. Labour might agree with TPM not to contest the Māori electorates but campaign in them only to maximise its party vote.

If this seems fanciful, the strategy was promoted by the TPM President John Tamihere before the 2023 election.⁹⁴ After the election, Labour MP Willie Jackson suggested the two parties could work together "to best utilise MMP".⁹⁵

Reform Options

It is worth noting that New Zealand's overhangs have mostly stemmed from its Māori electorate seats and the success of a small party therein. TPM's ability to win multiple electorates with a small national vote illustrates a unique interaction between the separate Māori electoral roll and the MMP system. Other small parties that have caused overhangs globally are often regional or minority focused.

This would be an argument in favour of abolishing the Māori electorates, but as noted in section 3.7 this would be extremely difficult without the support of Māori, which is highly unlikely.

Furthermore, a large party could also benefit from overhangs. Consider National or Labour winning a large proportion of electorates, with their seat counts larger than their share of the party vote would justify. To date, this has been theoretical, but National came close in 2023. That year it received only five list seats, one of which was an overhang after the delayed Port Waikato election (see section 4.7 below). Labour also received only five list seats in 2014.

The Electoral Commission’s 2012 MMP review recommended abolishing the provision for overhang seats to maintain proportionality. This would have been achieved by allowing a party’s electorate wins to be retained but reducing the number of list MPs to retain a Parliament of 120 MPs.⁹⁶

The MMP review also recommended the abolition of coat-tailing, a reduction in the party vote threshold to 4 percent, and that Parliament consider fixing the ratio of electorate to list seats (60:40) to reduce the likelihood of overhangs as electorate numbers grow.

The review’s report estimated that its proposal would modestly reduce proportionality as measured by the Gallagher Index. However, it judged this trade-off acceptable if accompanied by a healthy ratio of list to electorate MPs and by lowering the party-vote threshold.

None of these recommendations were implemented and they were reiterated by the 2023 Independent Electoral Review.⁹⁷ Again, they have not been implemented.

Table 3 shows the Gallagher Index at MMP elections if the 2012 and 2023 reviews’ approach to overhangs were adopted, compared to the actual results. They show relatively little difference in the Index.

Germany has tried two other approaches to overhangs. These are discussed in greater detail in section 6, but in summary:

- **Adding Compensatory Seats:** Until 2023, the party with extra electorate wins kept overhang electorate seats and other parties received additional seats from their party lists until each party’s total seats matched its nationwide vote percentage. This maintained proportionality, but caused the *Bundestag* to grow considerably larger than its base size of 598 MPs. In 2021, it had 736 MPs.
- **Eliminating Overhang Seats:** In 2023, Germany abolished overhang seats. If a party wins more electorates than its proportional seat allocation, some of that party’s electorate victories are not filled and those candidates do not take their seats. Germany determines which specific electorates by discarding the overhanging winners with the lowest vote percentages first. The *Bundestag* size remains stable (630 MPs) with overall proportionality preserved without adding to its size. However, a major consequence is that some electoral districts end up with no MP representing them in the *Bundestag*.

Neither of the German approaches would be suitable for New Zealand. Its former full compensation system would cause huge volatility if implemented here. This is shown in Table 4.

Table 3: Gallagher Index for New Zealand MMP Elections – No Overhangs

Year	1996	1999	2002	2005	2008	2011	2014	2017	2020	2023
No OH	4.50	3.13	2.59	1.46	4.16	2.35	3.68	2.82	4.21	3.12
Actual	4.50	3.13	2.59	1.38	4.14	2.39	3.74	2.82	4.21	3.05
Diff	0	0	0	+0.08	+0.02	-0.04	-0.06	0	0	+0.07

Source: New Zealand election results inputted by ChatGPT into the Gallagher Index calculator.

Note: 2023’s index score is after the Port Waikato by-election.

Table 4: Size of New Zealand Parliament under Germany's Full Compensation System

Year	1996	1999	2002	2005	2008	2011	2014	2017	2020	2023
MPs	120	120	120	163	178	170	214	120	120	169

Source: Calculations based on New Zealand election results.

Meanwhile, adopting Germany's current no-overhang system would undermine local representation – in 2023, two TPM electorates would have been unfilled (Te Tai Tokerau and Tamaki Makaurau, the electorates in which TPM candidates won with the lowest percentages of the vote).

Summary

Overhang seats are a feature that tilts MMP away from perfect proportionality. Overhangs have, to date, been minor issues in New Zealand, but they could become a more significant factor in the future. They could become even more significant if coat-tailing were abolished.

Addressing overhangs by reducing the number of list MPs to keep Parliament at a fixed size (as recommended by previous reviews) would be less disruptive than either of the two German approaches.

4.2 One-Seat Threshold ('Coat-Tailing')

New Zealand's MMP system has an important caveat to the 5 percent party vote threshold: if a party wins at least one electorate seat, it is entitled to a proportional share of seats even if its party vote is below 5 percent. This is often referred to the 'one-seat threshold' or 'coat-tailing' rule.

Threshold exemptions are promoted to temper the exclusionary effects of thresholds by recognising geographically concentrated support and reducing wasted votes. New Zealand is not unique. Germany allows a party to bypass the 5 percent threshold if it wins three 'direct mandates' (i.e., electorates). In comparison,

Sweden has an 'alternative threshold' where a party failing to achieve its 4 percent national threshold can gain representation if it wins at least 12 percent in one of its 29 multi-member constituencies.^{98 99}

How Coat-Tailing Works

In New Zealand's MMP system, one electorate win can 'pull in' additional list MPs for a party that would otherwise be shut out by the threshold. Their party's votes count when determining seat allocations.

For example, in 1999, New Zealand First received 4.26 percent of the party vote and would have been excluded from Parliament if not for Winston Peters winning the Tauranga electorate. New Zealand First qualified for additional list MPs and ended up with five. Similarly, in 2008, ACT received 3.65 percent of the party vote and would also have been out of Parliament if not for Rodney Hide winning the Epsom electorate. ACT qualified for additional list seats and it also ended up with five MPs.¹⁰⁰

For many elections, United Future won a single electorate (Ōhāriu, via Peter Dunne), usually with a party vote of 0.6–2.7 percent (the exception was 2002 when it received 6.7 percent). In 2005, United Future's one electorate win secured two additional list MPs with 2.7 percent of the vote.

TPM has also benefitted. It typically wins multiple electorates, giving it more seats than its party vote share would otherwise allow. However, in 2020, TPM's single electorate win combined with 1.2 percent of the vote gave it two MPs. The same thing happened in 2014.¹⁰¹

This rule means the effective threshold can be lower than 5 percent if a party has a strong electorate base. A party polling as little as 1 percent nationally can still secure representation if it concentrates enough support to win a single constituency. It incentivises small parties to focus on winning at least one electorate as a foothold in Parliament.

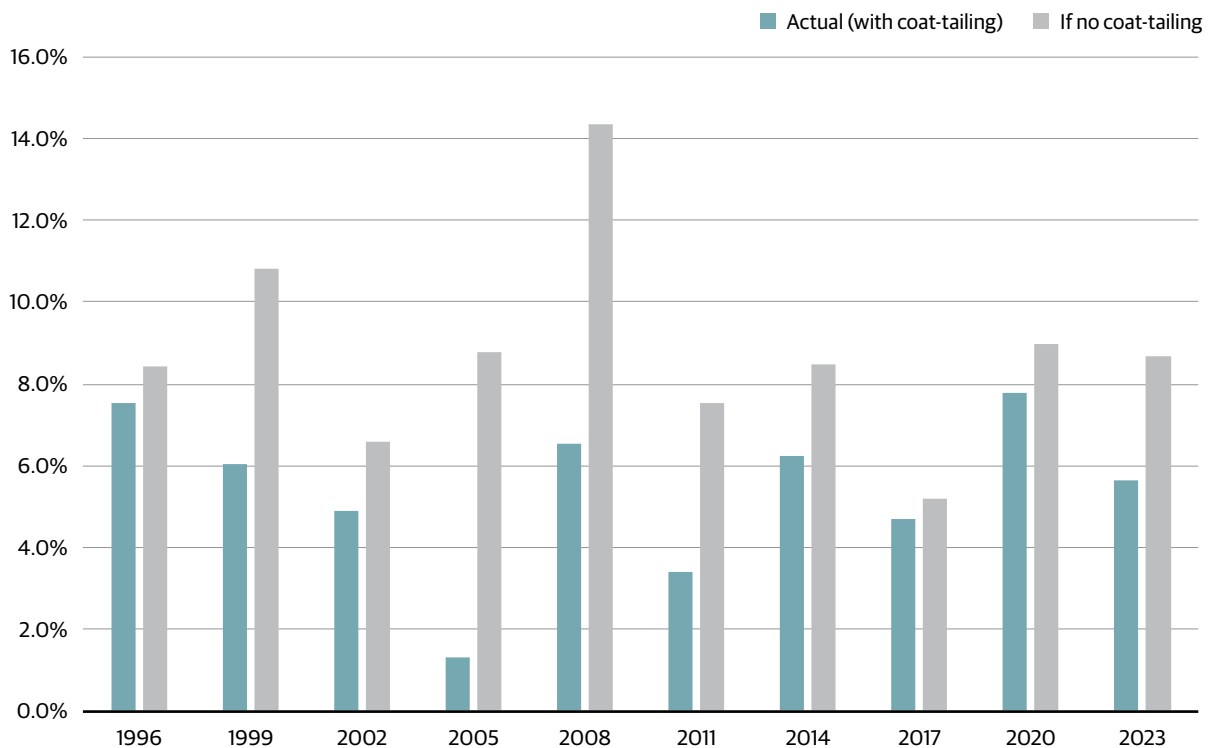
By including the votes of political parties that would otherwise be excluded by the 5 percent threshold, coat-tailing reduces the percentage of wasted party votes. The average percentage of

wasted votes over the 10 MMP elections from 1996 to 2023 was 5.6%. Without coat-tailing, this average would have increased to 8.7% and in 2008, one in seven party votes would have been ‘wasted’.

This is shown in Figure 2 below.

Table 5 shows the Gallagher Index at MMP elections if the 2012 and 2023 reviews’ approach to overhangs were adopted, compared to the actual results. They show increases in the Index at elections where coat-tailing was a factor, especially in 2005 and 2008.

Figure 2: Percentage of Party Votes Wasted (Actual vs No Coat-Tailing) 1996-2023



Source: Electoral Commission, *New Zealand Election Results*.

Table 5: Gallagher Index for New Zealand MMP Elections – No Coat-Tailing

Year	1996	1999	2002	2005	2008	2011	2014	2017	2020	2023
No CT	4.50	3.13	3.05	2.51	5.45	2.35	3.68	2.82	4.55	3.05
Actual	4.50	3.13	2.59	1.38	4.14	2.39	3.74	2.82	4.21	3.05
Diff	0	0	+0.46	+1.13	+1.31	-0.04	-0.06	0	+0.34	0

Source: New Zealand election results inputted by ChatGPT into the Gallagher Index calculator.

Note: 2023’s index score is after the Port Waikato by-election.

Strategic Gaming

While coat-tailing helps the representation of smaller parties and ensures that fewer party votes are wasted (so helping with proportionality), it can encourage gaming of the system. Detractors criticise it for encouraging larger parties to make deals with smaller allies to help them win an electorate, so that those allies can bring in extra MPs.

The most cited example is the ‘Epsom deal’, where the National Party in multiple elections after 2008 tacitly encouraged its supporters in the Epsom electorate to vote for the ACT candidate (even if they voted National on the party vote). This was done to ensure that ACT won that seat and remained in Parliament as National’s coalition partner, preferably with one or more coat-tailed list MPs. This arrangement was explicit in 2011 when John Key (National leader) had a high-profile ‘cup of tea’ with ACT’s candidate, signalling support.¹⁰²

At the 2011 election, ACT, polling around 1 percent, won the Epsom electorate but its representation was confined to that single electorate. This also happened in 2014 and 2017. This meant that the ‘Epsom deal’ was not effective in attracting additional list MPs. The deal was probably worth more to ACT during a low ebb in allowing it to retain a one seat foothold in Parliament.

ACT did not need coat-tailing to win multiple MPs in 2020 and 2023, as it exceeded the 5 percent threshold. The ‘deal’ did not apply in 2023, but it still won Epsom (and Tamaki too).

In 2011 and 2014, the National Party also suggested to its voters in Ōhāriu to give their electorate vote to United Future’s Peter Dunne, another coalition partner.¹⁰³ Again, as with the ‘Epsom deal’, it is debatable whether such an ‘Ōhāriu’ deal helped National much.

Perhaps less remembered today, in 1999 Labour openly encouraged its supporters to give their

electorate vote to the Greens’ Coromandel candidate Jeanette Fitzsimons. This was instrumental in Fitzsimons winning and ensuring the left-leaning Green Party, which had been hovering around 5 percent in the polls, entered Parliament (although, as it turned out, it was not necessary with the Greens winning 5.16% of the party vote).¹⁰⁴ With the deal ‘off’ in 2002, National won the electorate back and has held it ever since.

Reform Proposals and Trade-offs

Gaming of the electorate’s lifeline struck many as an unintended loophole. It gives voters in certain electorates disproportionate power. By electing a minor party candidate, they can let that party bypass the rules that apply elsewhere. Meanwhile, a party that receives 4.9 percent nationwide but fails to win an electorate gets no seats.

This unfairness led the Electoral Commission in 2012 to recommend abolishing the one-electorate seat threshold (i.e. doing away with coat-tailing). The Commission argued that it undermines public confidence when a party that did not meet the threshold enters Parliament with list MPs due to a single electorate victory. They suggested that all parties be on equal footing with a single threshold and recommended lowering the party vote threshold to 4 percent. Abolishing coat-tailing was also recommended by the 2023 Independent Electoral Review, subject to adopting its 3.5 percent party vote threshold.

Despite those recommendations, successive governments have not changed the rule. In 2020, public sentiment was still divided but many voters viewed coat-tailing negatively. A New Zealand Initiative survey in 2020 found fewer than half of voters fully understood the rules for how a party can get MPs, and when explained, some perceived it as undemocratic. Indeed, only about 47 percent of voters in one survey knew that the party vote, not the electorate count, primarily decides seats (underscoring confusion that coat-tailing can exacerbate).¹⁰⁵

On the other hand, coat-tailing has allowed the continued presence of niche parties, enhancing both the diversity and representativeness of parliaments. It has also enabled the formation and maintenance of governments, as small parties provided crucial support despite modest vote shares. Without coat-tailing, the overall partisan balance of Parliament might not change drastically (since votes of those small parties, if wasted, would mostly go to larger parties proportionally), but it would reduce the number of minor party MPs and reduce their parties' voices in the House.

Another important consideration is that if coat-tailing were ended, it would increase the number of overhang seats. This is because an electorate won by a party that does not receive 5 percent would generate an overhang seat. This is shown in Table 6 below.

It shows that in 2008, if there had been no coat-tailing there would have been an overhang

of eight seats and a Parliament of 128 seats. This was not an aberration. There would have been an overhang of seven in 2005, six in 2011 and six in 2023 (seven after the Port Waikato by-election).

Summary

Coat-tailing softens the rigidity of the 5 percent threshold and reduces the prevalence of overhangs. It helps small parties' representation and, by reducing wasted party votes, it helps with proportionality.

On the other hand, coat-tailing can also create anomalies and opportunities for strategic manipulation – although in practice they have not always been very effective.

As mentioned above, previous reviews in 2012 and 2023 recommended abolishing coat-tailing but this was subject to also reducing the party vote threshold. We turn to this issue next.

Table 6: Size of Parliament and Overhangs if No Coat-Tailing

Election	Actual			No Coat-Tailing		
	Parliament Size	Overhang	Notes	Parliament Size	Overhang	Notes
1996	120	0		121	1	United (1)
1999	120	0		122	2	NZ First (1), United (1)
2002	120	0		121	1	Progressive (1)
2005	121	1	Māori (1)	127	7	Māori (4), ACT (1), UF (1), Progressive (1)
2008	122	2	Māori (2)	128	8	Māori (5), ACT (1), UF (1), Progressive (1)
2011	121	1	Māori (1)	126	6	Māori (3), Mana (1), ACT (1), UF (1)
2014	121	1	UF (1)	123	3	Māori (1), ACT (1), UF (1)
2017	120	0		121	1	ACT (1)
2020	120	0		121	1	Māori (1)
2023	122*	2	TPM (2)	126*	6	TPM (6)

* In 2023, National secured a further seat after the Port Waikato by-election, which added a further overhang seat to the 'actual' result and would add a further overhang seat to the 'no coat-tailing' scenario.

4.3 Party Vote Threshold

New Zealand's MMP includes a party vote threshold of 5 percent. A party must earn at least 5 percent of the nationwide party vote (or win at least one electorate) to qualify for any seats in Parliament.

How the Threshold Works

The 1986 Royal Commission recommended a 4 percent threshold.¹⁰⁶ However, 5 percent was adopted when MMP was subsequently developed for New Zealand. This was the same as Germany's MMP threshold, where 5 percent was chosen to prevent excessive fragmentation of the *Bundestag* by very small parties and to reduce the likelihood of extremist parties being elected.

The 5 percent threshold means that if a party falls short and fails to win an electorate, it gets no representation at all, and all the votes cast for that party are disregarded in seat allocation. As mentioned in Section 4.1, such votes are often referred to as 'wasted votes'.

For example, if a voter gives their party vote to a minor party that receives, say, 4 percent of the vote and wins no electorates, that party will not be represented in Parliament. Those votes are set aside and do not directly influence the composition of the House. The Sainte-Laguë calculation for allocating seats is done only among parties above the threshold (plus any below-threshold parties that won an electorate). Effectively, the votes for sub-threshold parties are redistributed proportionally to the successful parties.

From the voter's perspective, when their vote is 'wasted' their preferred party is not represented in Parliament. As one commentator bluntly put it: *"Under MMP and our five percent threshold, if the party you gave your party vote to received less than five percent of the party vote and did not win an electorate, your vote would be a 'wasted vote' because the party you voted for failed to reach*

*the reasonably low-tide marker of five percent."*¹⁰⁷

In other words, voting for a party that comes in below 5 percent (with no electorate win) has the same effect on seats as not voting or spoiling the ballot: it does not yield representation.

The threshold illustrates a fundamental tension in constitutional research: the trade-off between governmental stability and representativeness. While higher thresholds promote stability by preventing excessive fragmentation, they also reduce representativeness by excluding voter preferences.

Scale and Impact of Wasted Votes

The impact of the 5 percent threshold on overall results can be significant. In many elections, a non-trivial share of the electorate votes for parties that do not make it into Parliament.

In 2023, 5.6 percent of votes were cast for parties that failed to reach the threshold or win any electorate seats, which is close to the average since 1996 of 5.4 percent. 2020 was the election with the highest share of wasted votes at 7.8 percent. The lowest share was recorded in 2005, at 1.3 percent.¹⁰⁸

As discussed in Section 4.2, if coat-tailing were repealed, with all below-threshold political parties' votes excluded, the percentage of wasted votes would be even higher. The average wasted vote percentage would rise from 5.4 percent to 8.7 percent, with particularly high levels in 2008 (14.4 percent) and 1999 (10.8 percent).

Therefore, a sizable bloc of voters can be left without representation due to the 5 percent threshold. From a voter's standpoint, it can be discouraging; some might feel a vote for a new or small party is wasted if that party looks unlikely to hit 5 percent.

Having more smaller parties in Parliament could also give larger parties more options for coalition or support arrangements.

On the other hand, the 5 percent threshold is defended as necessary for stability, as it avoids a Parliament fragmented by many small factions, some of which could be extremist. It is seen as helpful for forming and maintaining stable governments.

International Comparisons

It is instructive to compare thresholds internationally. As mentioned above, Germany's MMP, which inspired New Zealand's MMP, also uses a 5 percent threshold (except for parties winning at least three constituencies). Several other European countries operating proportional systems also use a 5 percent threshold, including Belgium, Czechia, Slovakia, Poland, Hungary and the three Baltic States.

Some have much lower thresholds. The Netherlands' is just 0.67 percent, Denmark's is 2 percent, Italy and Greece have 3 percent thresholds, Israel's is 3.25 percent, while Austria, Norway and Sweden have 4 percent thresholds. Very few are above 5 percent (Turkey is an outlier at 7 percent). New Zealand's 5 percent threshold is therefore a moderately high barrier.¹⁰⁹

Countries with lower thresholds tend to have more fragmented parliaments, with more parties represented and even larger parties having relatively low shares of the vote. For example, in 2023, the Netherlands' election resulted in 15 parties being represented in its parliament, with only one attracting more than 20 percent¹¹⁰ Similarly, in 2022, the Israeli election resulted in 10 parties represented, again with only one attracting more than 20 percent.¹¹¹

A Lower Threshold?

In 2012, the Electoral Commission's review concluded that 5 percent could be too restrictive and recommended lowering it to 4 percent,

while the 2023 Independent Electoral Review recommended an even lower threshold of 3.5 percent.¹¹² These recommendations, if adopted, would have reduced the number of wasted votes by allowing smaller parties to gain representation.

What might this have meant in practice?

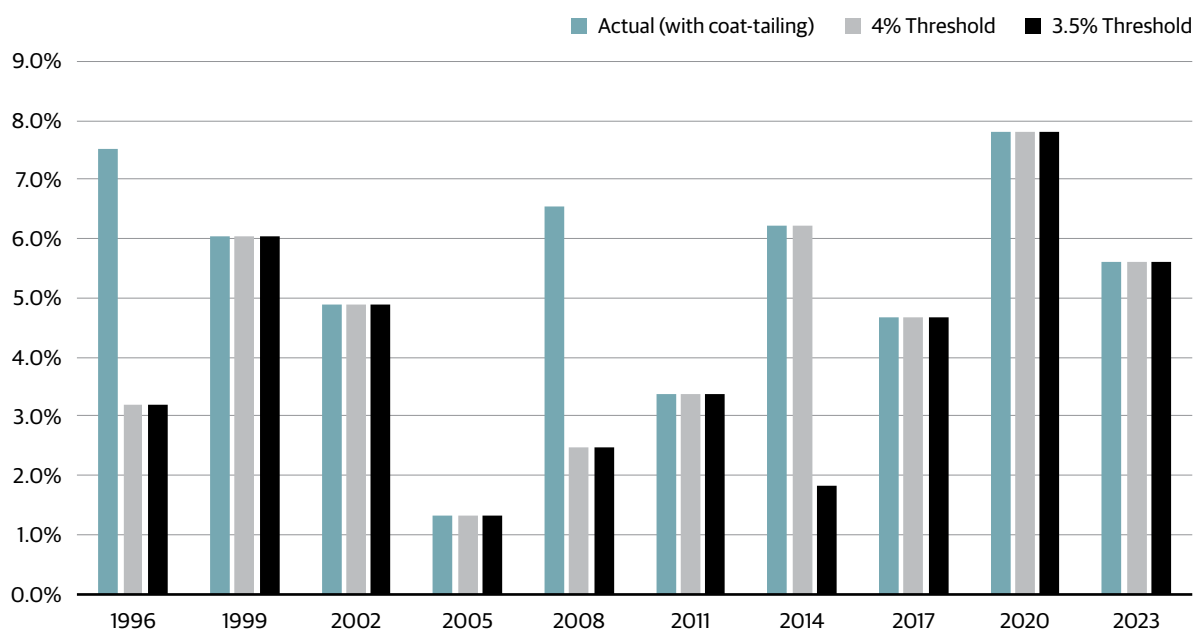
Let us assume a lower threshold would not have influenced voter decisions. If there were a 4 percent threshold, New Zealand First would have won seats in 2008 (with 4.07 percent), and the Christian Coalition in 1996 (with 4.33 percent). With a 3.5 percent threshold, the Conservatives would also have won seats in 2014 (with 3.97 percent).

Meanwhile, some parties, such as New Zealand First in 1999 (under a 4 percent threshold) and ACT in 2008 (under a 3.5 percent threshold) would not have needed coat-tailing to get their top-up list MPs.¹¹³

The impact on wasted votes by reducing the party vote threshold to 4 percent or 3.5 percent is shown in Figure 3 below. For most elections, there would be no change. The exceptions would have been 1996, 2008 (4 percent and 3.5 percent) and 2014 (3.5 percent). This suggests that coat-tailing remains important for reducing wasted votes and preserving proportionality.

Table 7 shows the Gallagher Index at MMP elections if the party vote thresholds were reduced to 4% or 3.5%. The Index falls markedly when parties that would have been excluded under a 5% threshold exceed the alternative thresholds (i.e., the Christian Coalition in 1996 and New Zealand First in 2008 under a 4 percent threshold and the Conservatives in 2014 under a 3.5 percent threshold).

Figure 3: Party Votes Wasted (Actual vs 4% and 3.5% thresholds) 1996-2023



Source: Electoral Commission, *New Zealand Election Results*.

Table 7: Gallagher Index for New Zealand MMP Elections – 4% and 3.5% Thresholds

Year	1996	1999	2002	2005	2008	2011	2014	2017	2020	2023
4%	2.06	3.12	2.59	1.38	2.60	2.39	3.74	2.82	4.22	3.06
Actual	4.50	3.13	2.59	1.38	4.14	2.39	3.74	2.82	4.21	3.05
Diff	-2.44	-0.01	0	0	-1.54	0	0	0	+0.01	+0.01
3.5%	2.06	3.12	2.59	1.38	2.60	1.37	2.82	2.82	4.22	3.06
Actual	4.50	3.13	2.59	1.38	4.14	2.39	3.74	2.82	4.21	3.05
Diff	-2.44	-0.01	0	0	-1.54	-1.02	-0.92	0	+0.1	+0.01

Source: New Zealand election results inputted by ChatGPT into the Gallagher Index calculator.

Note: 2023's index score is after the Port Waikato by-election.

While this analysis of historical voting patterns is interesting, a lower threshold would likely have influenced voter decision-making and campaign dynamics. Voters aware of the 5 percent threshold might shy away from their true first-choice party if they fear it will fall short, opting instead for a larger party to make their vote count. This was seen at the 1999 election when the Green Party was hovering around 5 percent in polls – some left-leaning voters might have reluctantly voted Green to ensure it crossed the threshold. Or voters could abandon a minor party to avoid waste (The Opportunities Party might have been a recent victim).

Those wishing to retain a 5 percent threshold point to a risk of fragmentation with more parties entering Parliament and potentially further complicating government formation and management. Some of these small parties might be extremist. The Netherlands and Israel show that fragmentation is a real concern. However, even a 5 percent threshold is no guarantee against fragmentation or extremism, as seen in recent German elections.

Based on 2023's voter turnout, a 3.5 percent threshold would require around 100,000 votes and a 4 percent threshold around 114,000 votes

– still a substantial showing of public support while more achievable than the current 5 percent requirement (142,500).

Summary

The 5 percent threshold in New Zealand’s MMP prevents very small parties from entering Parliament, which can be seen as both a feature (promoting governability and moderation) and inefficiency (disenfranchising a segment of voters). The resulting wasted votes mean the system is not perfectly proportional to all votes cast, only to votes for parties above the threshold (and those which win an electorate seat).

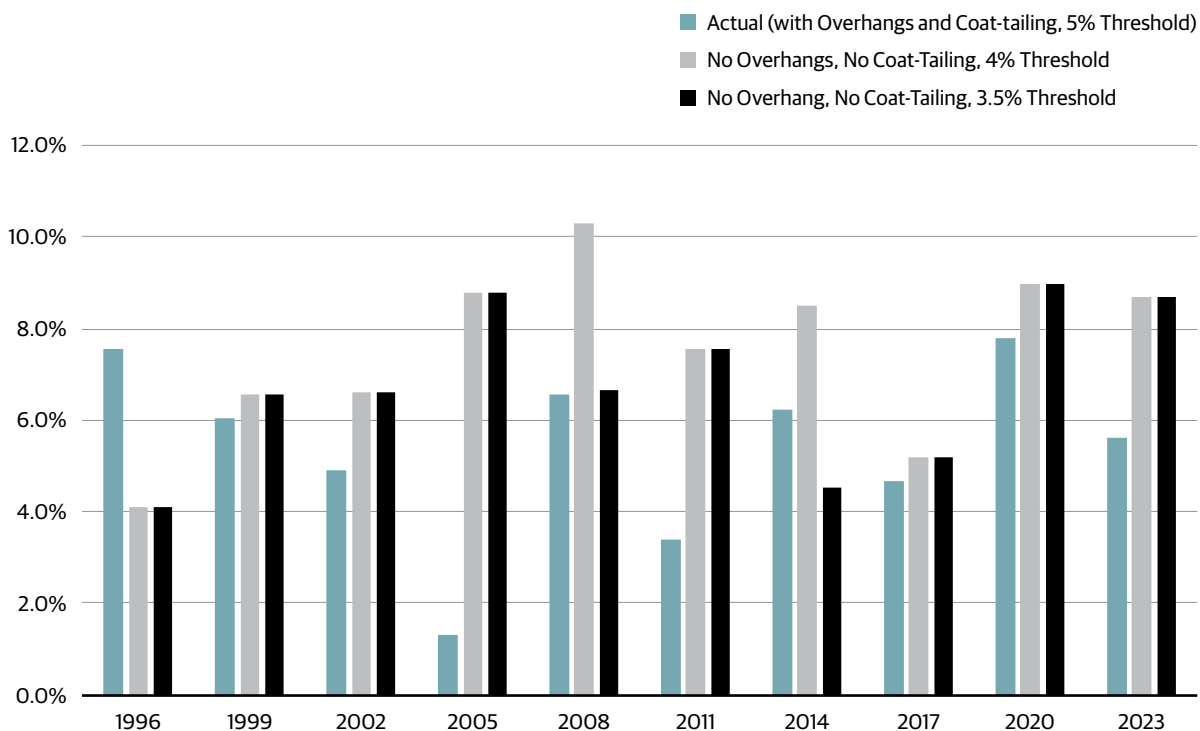
Any change to the party vote threshold must balance inclusivity with the risk of fragmentation. A threshold of 4 percent or even a 3.5 percent threshold would be supported by previous reviews, international experience, and academic literature. A 3 percent rate might be too low.

4.4 Package of No Overhangs, No Coat-Tailing, and Lower Thresholds

Tables 3, 5, and 7 above model the Gallagher Index against individual recommendations from the 2012 and 2023 reviews, comparing them to the actual election results. However, those reviews saw their recommendations as ‘packages’, so it is important to assess their impacts on wasted votes and the Gallagher Index.

Figure 4 shows the wasted votes at each election from a combination of no overhangs, no coat-tailing, and lower thresholds (4 percent and 3.5 percent), compared to the actual results. Most elections would have seen an increase in wasted votes compared to the actual results, with a particularly big increase in 2005 (under both lower thresholds). The exceptions would have been 1996 (under a 4 percent threshold) and 2014 (under a 3.5 percent threshold).

Figure 4: Party Votes Wasted (Actual vs No Coat-Tailing, No Overhangs, 4% and 3.5% thresholds) 1996–2023



Source: Electoral Commission, *New Zealand Election Results*.

Table 8: Gallagher Index for New Zealand MMP Elections – Reviews' Packages

Year	1996	1999	2002	2005	2008	2011	2014	2017	2020	2023
4%	2.06	3.13	2.72	2.61	3.44	2.35	3.68	2.81	4.44	3.06
Actual	4.50	3.13	2.59	1.38	4.14	2.39	3.74	2.82	4.21	3.05
Diff	-2.44	0	+0.13	+1.23	-0.70	-0.04	-0.06	-0.01	+0.23	+0.01
3.5%	2.06	3.13	2.72	2.61	2.27	2.35	1.38	2.81	4.44	3.06
Actual	4.50	3.13	2.59	1.38	4.14	2.39	3.74	2.82	4.21	3.05
Diff	-2.44	0	+0.13	+1.23	-1.87	-0.04	-2.36	-0.01	+0.23	+0.01

Source: New Zealand election results inputted by ChatGPT into the Gallagher Index calculator.

Note: 2023's index score is after the Port Waikato by-election.

Table 8 shows the Gallagher Index scores. As with wasted votes, there would have been drops in 1996 (4 percent and 3.5 percent thresholds) and 2014 (3.5 percent threshold), but also drops in the Index in 2008 under both lower thresholds. Again, in 2005 the Index score would have seen increases. Most of the other elections would have seen relatively little change, despite the increased number of wasted votes.

A further approach to preserving Parliament's proportionality would be to increase the percentage of list MPs from the current 40 percent to 50 percent. We turn next to this issue.

4.5 Split between Electorate MPs and List MPs

Compared to issues like overhangs, coat-tailing, and the party vote threshold, the split of electorate MPs to list MPs is an important but often overlooked MMP design issue.

The larger the share of list MPs, the more effective the system is at ensuring proportionality. Academic literature often frames the split as a balance between reliably preserving proportionality through having enough list MPs and the need for local representation through having enough electorate MPs.

For example:

“The fundamental design of mixed-member systems is to combine proportional representation, achieved through party lists, with the accountability and local linkage provided by single-member districts.”¹⁴

“The share of compensatory seats is crucial for proportionality: the higher the proportion of list seats, the more effective the system is at offsetting disproportionalities from the district contests.”¹⁵

The question arises: what is an ‘ideal’ split?

A split where the percentage of list MPs falls below 40 percent is often regarded as undesirable, as it increases the likelihood of overhangs. A 2025 article describes mixed systems, including MMP, as often featuring “approximate symmetry: a comparable number of seats” in each tier. While this does not explicitly say ‘50:50’, it strongly aligns with the notion of near equality between list and electorate seats.¹⁶

The 1986 Royal Commission on the Electoral System recommended a Parliament of 120 MPs divided equally between electorate and list. International design guidance likewise suggests the two tiers should be similar in size, with many systems (such as Germany's *Bundestag*) starting from a 50:50 baseline.

Historical Changes in the Split

When MMP was introduced in 1996, there were 65 electorate MPs and 55 list MPs (a 54:46 percentage split). For the 2020 and 2023 elections, there were 72 electorate MPs and 48 list MPs.

The change has been due to a provision in the Electoral Act where the South Island has a fixed number of general electorates (16 under MMP, previously 25 under FPP) and the North Island and Māori electorates are required to have the same average electoral populations as the South Island.¹¹⁷

With the North Island and Māori electoral populations growing much faster than the South Island, they have needed more electorates. North Island general electorates have increased from 44 for the 1996 election to 49 for the 2020 and 2023 elections while the number of Māori electorates has increased from five to seven over the same period. The increase in the number of electorates overall has been offset by a reduction in list MPs.

However, between the 2018 and 2023 censuses, the South Island's electoral population grew faster than the North Island's – the first time this has happened since the 19th century. The result is that for the 2026 election, there will be one fewer North Island electorate (from 49 to 48) and, consequently, one more list MP (from 48 to 49).

As mentioned above, the 2012 Review of MMP recommended a 60:40 percentage split between

electorates and list MPs.¹¹⁸ This is consistent with the current 72 to 48 seats split (but not the upcoming redistribution, which will have a 71 to 49 seats split). If the North Island and Māori electoral populations were to revert to growing faster than the South Island (and the South Island's number of electorates remained at 16), then the size of the Parliament would be expected to slowly increase.

The 2023 Independent Electoral Review did not speak to balancing list versus electorate seat shares to manage proportionality and overhang risks. It rejected freezing the current electorate-to-list ratio, because doing so would risk increasing the total number of MPs as the population grows.¹¹⁹

Should we change the Electorate MP-List MP split?

The following three options are considered for the split between electorate MPs and list MPs:

- Option 1 is the status quo, where there is no fixed split.
- Option 2 is to fix the split at 60:40 as recommended in the 2012 review. It would essentially bed-in the current split.
- Option 3 would be to move to a fixed 50:50 split, as recommended by the 1986 Royal Commission.

These options are shown in Table 9 below:

Table 9: Composition of the current Parliament of 120 MPs

	120 MPs (current size)		
	Current calculation (based on 2023 census data)	60:40 split (MMP Review & Independent Review)	50:50 split (Royal Commission)
Total MPs	120	120	120
Electorate MPs	71	72	60
- South Island General	16	16	13
- North Island General	48	49	41
- Māori	7	7	6
List MPs	49	48	60
Average population per electorate	70,336	69,360	83,232

Increasing the proportion of list MPs to electorate MPs would help address the problem of overhangs (discussed in section 4.1 above).

The likelihood of overhangs would reduce because a greater proportion of total seats are available for proportional allocation (i.e., the list ‘top-up’ pool becomes larger). This would give more flexibility to correct disproportional results from strong electorate performance. Overhangs would not disappear entirely (e.g., if a small party like TPM swept all or most of the Māori electorates while polling low on the national party vote), but the threshold for them to occur would be higher.

In addition to reducing the likelihood of overhangs, increasing the number of list MPs relative to electorate MPs also increases the number of list MPs that major parties could receive. This provides opportunities for improving caucus diversity. Labour and National have used their party lists to boost the representation of women, Māori, Pasifika, and Asians in their caucuses, who might not have been selected or won in electorates.

More list MPs available also provide opportunities to inject new skills, experience, and knowledge and refresh their line-ups. Some high-profile Labour and National Party candidates were selected as ‘list only’ and immediately became ministers, including Margaret Wilson in 1999, Steven Joyce in 2008, and Ayesha Verrall in 2020. Don Brash and Tim Groser would likely have had National won the 2002 and 2005 elections respectively. Would any of them have stood if they had to win an electorate seat?

Other senior MPs, including Groser, Chris Finlayson, and Andrew Little, either went list-only or stood in unwinnable electorates. Other senior MPs moved from electorate to list, including Michael Cullen and most recently, Grant Robertson. The Speaker is often a list MP, including in recent years David Carter, Trevor Mallard, and Gerry Brownlee.

Yet when the two main parties win a disproportionate share of electorates, significantly fewer list spots can be available for them to inject new talent. In 2014, Labour won 27 electorates and received only five list MPs. In 2023, National won 44 electorates, also receiving only five list MPs – and it would have been four but for the unusual Port Waikato situation, which allowed it to gain an extra list MP.

These are compelling reasons for having more list MPs available through a 50:50 split.

On the other hand, public opinion may be averse to increasing list MPs relative to electorate MPs, especially if there are fewer electorate MPs serving much bigger areas and many more people. Applying a 50:50 split with 120 MPs would significantly increase the size of electorates, both geographically and in population. With an average population of 83,000 (13,000 more than currently), the workloads of the electorate MPs’ would be significantly higher, and they would be more remote from their constituents, especially in rural and provincial areas.

Electorate MPs are directly accountable to their constituents, given that they are elected by voters in specific geographic areas. List MPs, selected from party lists to ensure proportional representation, are perceived as primarily accountable to their parties rather than to their constituents. Although some list MPs act as shadow electorate MPs or are senior ministers, their roles and responsibilities are often different and are not always well understood, let alone appreciated.

50:50 Split on Different Sizes of Parliament

Increasing the number of MPs, as discussed in section 3.4, would help address the problem of fewer and bigger electorates.

Option A, of 120 MPs is the current size of Parliament.

Option B, of 142 MPs is the minimum size for the 2026 election that would enable both a 50:50 split and the retention of the 71 electorates set for that election, keeping electorates the same size as they are currently.

Option C, of 170 MPs is the number obtained by applying the cube root law, rounded to the nearest even number to ensure a 50:50 split, resulting in whole numbers of electorate MPs and list MPs.

These options are shown in Table 10.

Table 11 shows the number of MPs for the three 50:50 split options at each MMP election and the next election.

If 142 MPs were elected in the 2026 election, the average population per MP (electorate plus list) would return to its pre-MMP level (99 electorate MPs at 34,080 per MP). 170 MPs would take the average population per MP (electorate plus list) close to where it was *after* MMP's introduction (29,376 versus 28,061).

Table 10: 50:50 Split on Different Sizes of Parliament for 2026 Election

	120 MPs (current size) (Option A)	142 MPs (minimum to retain 71 electorates) (Option B)	170 MPs (Cube Root Law rounded to nearest even number) (Option C)
Total MPs	120	142	170
Electorate MPs	60	71	85
- South Island General	13	16	19
- North Island General	41	48	57
- Māori	6	7	9
List MPs	60	71	85
Average 2023 population per electorate MP	83,232	70,337	58,752
Average 2023 population per MP (electorate + list)	41,616	35,168	29,376

Table 11: 50:50 Split Options for Different Sizes of Parliament 1996–2026

Election	Current size (Option A)		Size required to retain actual electorates (Option B)		Cube Root Law rounded to nearest even number (Option C)	
	MPs	People per MP	MPs	People per MP	MPs	People per MP
1996	120	28,061	130	25,902	150	22,449
1999	120	30,162	134	27,011	154	23,503
2002 and 2005	120	31,153	138	27,089	156	23,964
2008 and 2011	120	33,580	140	28,783	160	25,185
2014 and 2017	120	35,369	142	29,890	162	26,200
2020 and 2023	120	39,118	144	32,599	168	27,942
2026	120	41,616	142	35,168	170	29,376

Table 12: Gallagher Index for New Zealand MMP Elections – 50:50 Split Options

Actual	4.50	3.13	2.59	1.38	4.14	2.39	3.74	2.82	4.21	3.05
Option A	4.50	3.22	2.59	1.27	4.23	2.48	3.75	2.82	4.22	2.94
Diff	0	+0.09	0	-0.11	+0.09	+0.09	+0.01	0	+0.01	-0.11
Actual	4.50	3.13	2.59	1.38	4.14	2.39	3.74	2.82	4.21	3.05
Option B	4.40	3.27	2.65	1.16	4.47	2.24	4.01	2.86	4.28	3.05
Diff	-0.10	+0.14	-0.06	-0.22	+0.33	-0.15	+0.27	+0.04	+0.07	0
Actual	4.50	3.13	2.59	1.38	4.14	2.39	3.74	2.82	4.21	3.05
Option C	4.50	3.15	2.55	1.30	4.19	2.26	3.90	2.85	4.33	3.04
Diff	0	+0.02	-0.04	-0.08	-0.05	-0.13	+0.16	+0.03	+0.12	-0.01

Source: New Zealand election results inputted by ChatGPT into the Gallagher Index calculator.

Note: 2023's index score is after the Port Waikato by-election.

Modelling Proportionality for Each Option

Table 12 shows the Gallagher Index scores for each of the three options (A, B, and C) compared to the actual MMP election results. Note, the three options operate under the current rules for overhangs (allowed), coat-tailing (allowed) and a 5 percent party vote threshold.

All three 50:50 options would leave proportionality very close to the actual results.

Option A, the 50:50 split with 120 MPs, tracks the actual Gallagher Index almost one-for-one (median change ≈ 0.00 points; typical range about -0.11 to $+0.09$), so moving to a 60/60 split at 120 barely shifts disproportionality.

Option C, the 50:50 split with the cube root law, is also near status quo (median change $+0.01$; roughly -0.14 to $+0.15$), with small ups/downs depending on Sainte-Laguë rounding.

The only option that shows noticeable movement is Option B, with the 50:50 split retaining actual electorates. It nudges the Index up a touch on average (median $+0.06$) and is the most volatile (about -0.21 to $+0.31$ across years), reflecting how tying list seats to fluctuating electorate totals, while allowing overhangs and coat-tailing, can occasionally amplify rounding effects.

Overall, with current rules otherwise unchanged, a 50:50 split generally does not materially change proportionality as measured by the Gallagher Index.

Modelling Overhangs

Regarding overhangs, modelling suggests that they would barely shift under any 50:50 design, and when they would, it is usually by one seat in either direction.¹²⁰

Under Option A, overhangs would have been lower than actual in more years than higher, so it slightly reduces the overall overhang risk. Option B almost always matches the actual overhang pattern, reducing it by one seat in 2008 and 2023, and never increasing it. Option C also tracks the status quo closely, but in a couple of elections (2005 and 2011), it produces one extra overhang; all other years are identical to the actual results.

Although the number of overhang seats might not be significantly different under 50:50 splits, the overhangs as a percentage of the total number of MPs will be lower for the two options (B and C) with larger Parliaments, so reducing their influence.

Summary

The balance between electorate and list MPs has shifted steadily against list MPs since MMP's introduction.

Increasing the proportion of list MPs to 50 percent should help reduce the risk of overhang seats and provide more opportunities for the major parties to improve diversity and skill sets within their caucuses. However, a 50:50 split within the current 120-seat Parliament would require fewer, much larger electorates that would be harder for MPs to service effectively.

This dilemma could be resolved by expanding Parliament's size. 142 MPs for the 2026 election would be the minimum needed to satisfy a 50:50 split and no loss of electorate MPs.

170 MPs would bring the average population per MP close to where it was after the introduction of MMP.

None of the three options would have a significant impact on proportionality as measured by the Gallagher Index, nor would they eliminate overhangs. However, the options with the larger sizes of Parliament would reduce the percentage of overhang seats when they occur.

4.6 Adding 50:50 Split to Package of No Overhangs, No Coat-Tailing, and Lower Thresholds

Section 4.4 modelled proportionality under the 2012 and 2023 reviews' packages of recommendations for no overhangs, no coat-tailing, and lower party vote thresholds (4 percent and 3.5 percent). Section 4.5 considered how three 50:50 split options compared to the actual election results. This Section takes it further by comparing the split options against the reviews' packages

Appendix C includes tables showing the Gallagher Index scores for the three 50:50 split options under the reviews' packages with a 4 percent party vote threshold and a 3.5 percent party vote threshold.

The tables show that a 50:50 split mostly does change the story of the 2012 and 2023 reviews packages, but where it does, it usually softens them rather than hardening them.

Under Option A (120 MPs) the Gallagher Index remains very close to the reviews' packages without a 50:50 constraint – the list 'correction' capacity is still ample, so proportionality barely moves.

Option C (cube root size) tends to shave the Index down slightly because more seats mean finer rounding and more list seats to smooth vote–seat gaps.

Option B (retain actual electorates) is the most variable: locking in each year's electorates can slightly harden the package in years where under-threshold parties win multiple electorates (those seats are fixed before list top-ups), but the larger total House it would have created in recent years sometimes offsets that via finer granularity.

What Happens if Coat Tailing is Retained?

Appendix C also includes these tables adjusted with coat-tailing retained.

Turning coat-tailing back on (while keeping no overhangs and lower thresholds) generally reduces the Gallagher Index versus the review packages in years when a sub-threshold party wins electorates (e.g., 2005, 2011, 2023 with TPM). That is because those parties join the list apportionment pool and can receive top-ups rather than being confined to electorate-only seats.

In contrast to the actual results, the picture remains largely unchanged from the status quo overall. Option C (cube root) is most forgiving (often the lowest Index of the three), Option A (120 MPs) is usually next, and Option B (retain actual electorates) is the 'spikiest' due to its year-specific House sizes and rounding effects. However, the differences are typically only a few tenths on the Gallagher Index scale.

For 1996 and 2014, where lower thresholds pull extra parties over the line, both coat-tailing ‘on’ and coat-tailing ‘off’ versions show improved proportionality vs actual, with coat-tailing on usually shaving a little more off due to list participation by electorate winners under the threshold.

Combined with coat-tailing, which results in significantly fewer votes being wasted, this analysis of proportionality suggests that coat-tailing should be retained.

4.7 By-Elections

A by-election is a special election held to fill a vacant electorate seat if an MP for that electorate resigns or dies. A by-election is only open to voters who are enrolled in the electorate.

By-elections were a feature of FPP, which were transplanted to MMP. Under MMP, voters in a by-election get one vote for the candidate. They do not get a party vote.

New Zealand’s electoral law has some unusual provisions for by-elections under MMP, especially if a candidate dies during a general election campaign. The Port Waikato 2023 case provides a vivid example of how these rules can unexpectedly affect the composition of Parliament.

The Port Waikato Case Study

In September 2023, an ACT Party candidate standing in the Port Waikato general electorate died after nominations had closed but before Election Day. Under section 153A of the Electoral Act 1993, if a candidate in a general electorate dies during the campaign, the electorate’s election for MP is cancelled. It must be held later as a by-election. However, voters in that electorate still cast their party votes on general election voting period (since party votes are nationwide and not tied to a specific candidate). In Port Waikato, therefore, on 14 October 2023,

people could vote for a party but not for an electorate MP.

This scenario raised the question: how do we allocate seats in Parliament immediately after the general election, given that one electorate will be filled only later? The Electoral Act requires the Electoral Commission to allocate 120 seats among parties based on the party votes and the available electorate results. Crucially, because Port Waikato had no winner on election night, the Commission allocated the full 120 seats as if Port Waikato did not yet exist.¹²¹

The National Party candidate in Port Waikato (Andrew Bayly) was high on his party’s list. National’s party vote entitled it to 48 MPs and Bayly was allocated a list seat in the interim results. This gave National its share of the 120 seats.

Then a by-election for Port Waikato was scheduled for late November. It was expected that Bayly would win the electorate in the by-election (Port Waikato being a safe National seat). Once he did, Bayly vacated his list seat and took up the electorate seat, and the next person on National’s list (who had not been elected initially) entered Parliament – adding one more seat for National, taking it to 49 seats.

This meant Parliament expanded by one additional seat (until the next election), from 122 seats (after overhang calculations from TPM winning its six electorates) to 123 seats after the by-election.

National’s extra seat was essentially an overhang seat, gained not by party vote but by the quirk of the delayed electorate contest. It resulted in the Gallagher Index increasing from 2.99 to 3.05, making Parliament a bit less proportional.

Not only was the by-election turnout of 35.7 percent low, but it was less than half of Port Waikato’s 81.6 percent turnout at the general election.¹²² It was also expensive, costing the

Electoral Commission nearly \$2 million to hold the by-election.

A combination of low turnout and high cost was similar to earlier by-elections in Tauranga and Hamilton West. Most recently, the September 2025 Tamaki Makaurau by-election had a turnout of only 27.2 percent.

Problems with Current Rules - Deaths During Election Campaigns

The Port Waikato by-election revealed two oddities: the specific scenario of a general-election candidate's death leading to an extra seat, and the general principle that by-elections can disrupt proportionality.

Port Waikato was the first time the candidate-death rule was triggered under MMP. Some people questioned whether National Party getting an extra seat was fair. After all, no voters had cast ballots to give National that extra seat intentionally; it was a procedural quirk.

This prompted the question of law professor Andrew Geddis: "How much sense does this make?"¹²³ The rule that necessitated a standalone by-election in this scenario is a holdover from the pre-MMP era. Under FPP, if a candidate died, that electorate's vote would be delayed, which made sense because every electorate directly affected overall results and government formation. This happened at the 1957 general election when Labour's candidate for the Clutha electorate died in late November 1957 during the campaign. A by-election was held in January 1958, with National retaining the seat.¹²⁴

Under MMP, however, delaying one electorate does not impede determining the proportional party seats for the rest of the country. The law still forced a separate election and created an extra seat overhang, arguably unnecessarily. Geddis points out that under FPP, a candidate's death in a crucial seat could change who wins government, so a re-run was vital; but "Under

MMP that just isn't the case."¹²⁵ The party vote nationwide determines government and that was already known.

Problems with Current Rules - Loss of Proportionality Mid-Term

More broadly, by-elections in an MMP system can change the makeup of Parliament mid-term in ways that distort the original proportional outcome.

Normally, if an electorate MP resigns or dies during the parliamentary term (not during the general election process), a by-election is held in that electorate. This does not add a seat; it just potentially changes which party holds that seat. But that can alter the proportional balance set during the general election.

For instance, if a ruling party lost a seat to the opposition in a by-election (as in Hamilton West in late 2022), the government loses one seat and the opposition gains one. Unlike a list system, where a vacated seat would simply be filled by the next list candidate (preserving party balance), electorate vacancies under MMP still follow the traditional by-election method.

As well as replacing a local MP, by-elections are an opportunity to send 'messages' to parties, especially those in government. However, since MMP's introduction in 1996, relatively few seats have changed hands. Two by-elections saw sitting MPs resign from their parties, with both securing fresh mandates (Tariana Turia in Te Tai Hauauru in 2004 and Hone Harawira in Te Tai Tokerau in 2011). Two others resulted in seats changing hands between established parties: Northland in 2015 (from National to New Zealand First) and Hamilton West in 2022 (from Labour to National). The other 12 resulted in no change in the party holding the seat.¹²⁶

Voter turnout in by-elections is also low and falling. Only three of the 16 have had more than a 50% turnout, with the average at 41.6%.

The average drop in turnout from the previous general election was 33.7 percentage points. For the seven by-elections since 2016, the average voter turnout was even lower at 35.3%, with an average drop in turnout of 42.5 percentage points.

More information on the MMP-era by-election results and turnout is shown in Appendix D.

Some countries with MMP avoid by-elections by using list replacements for any type of vacancy (as in Germany, for list and constituency MPs – a party may fill a vacated constituency seat with someone from its list or hold a by-election). German states often fill by list to avoid the financial cost of a by-election.

New Zealand has not taken that approach for electorates; it treats electorate mandates as personal to the MP, so a new election is required if one leaves (unless it is within six months of a general election, when it is kept vacant). Allowing a party to fill a vacancy from its list should require it to nominate the highest-ranked unelected list candidate of the same party residing within the electorate or (if none qualify) the region at writ day.

Reform Recommendations

The 2023 Independent Electoral Review (which reported before the election) did not recommend any changes to provisions for by-elections.¹²⁷ However, the Justice Select Committee's Inquiry into the 2023 General Election considered that the provisions for the death of an electorate candidate "are not fit for purpose". It recommended the government review the rules related to the death of a candidate to ensure the proportionality of parliament is maintained and consider how the provisions of the Electoral Act apply when a candidate dies after the close of nominations.¹²⁸

Summary

By-election rules under MMP can lead to anomalies. It is a clear instance where a rule

designed many decades ago (for fairness under a different system) led to an inefficient outcome under present conditions – an extra MP and a convoluted process for voters, with Port Waikato voters having to vote twice a few weeks apart, once for a party, once for their MP.¹²⁹

Since MMP's introduction, there have been few by-elections resulting in changes in party control, voter turnout has generally been very low and it appears to be falling. The cost of holding by-elections is another factor to consider when asking whether they remain fit for purpose.

4.7 Waka Jumping

New Zealand's MMP system has faced challenges with what is colloquially known as 'waka jumping' or 'party hopping'. This is when MPs switch parties, form new parties, or become independents while retaining their parliamentary seats. Since MMP's inception, the practice has been controversial, raising questions about proportionality and representation under MMP.

Early Responses

Waka jumping was especially prominent during the transition to MMP. During the 1993-1996 and 1996-1999 parliamentary terms, 22 MPs defected from their original parties.¹³⁰ These defections significantly altered the parliamentary balance that voters established at the ballot box. National and Labour lost MPs in the 1993-96 period, while New Zealand First and the Alliance experienced defections in 1996-99.

In response to these disruptions, Parliament passed the Electoral (Integrity) Amendment Act 2001 (the first 'waka jumping law'). This legislation enabled parties to expel MPs who resigned from or were expelled from the party for which they were elected. ACT invoked the law in 2003 to remove list MP Donna Awatere-Huata, although her departure was delayed until 2004 due to court challenges.

Interestingly, the law was not applied in all eligible cases. The Alliance did not use it in 2002 when its leader, Jim Anderton, left and formed his own party. Similarly, when Tariana Turia left the Labour Party in 2004, she voluntarily resigned her seat and won the subsequent by-election in Te Tai Hauauru.

The original legislation included a sunset clause and expired in 2005. A subsequent attempt to reinstate it failed to pass Parliament in 2008.

The Ongoing Challenge

During the period without anti-waka jumping legislation (2005-2017), several MPs either quit their parties or were expelled but remained in Parliament: Gordon Copeland (2007), Taito Philip Field (2007), Chris Carter (2010), Hone Harawira (2011), and Brendan Horan (2012). Of these, only Mr Harawira retained his seat beyond the next general election.

Following the 2017 election, Parliament passed a new Electoral (Integrity) Amendment Act 2018 as part of the Labour-New Zealand First coalition agreement. This legislation remains in force despite the 2023 change in government. It has been invoked only once – in October 2024, when the Green Party used it to remove list MP Darlene Tana following misconduct allegations.

Parties have often chosen not to use the legislation despite having the option. The National Party did not invoke it when Jami-Lee Ross resigned in 2018, allowing him to remain MP for Botany until the 2020 election. Labour refrained from using it when Gaurav Sharma was expelled from its caucus in 2022; he resigned as MP for Hamilton West. The Greens did not use the legislation when Elizabeth Kerekere quit the party in 2023, nor did Labour when Meka Whaitiri defected to TPM that same year.

Proponents of the current law argue it preserves the proportional outcomes voters intended and prevents opportunistic party-switching. Critics

contend it constrains MPs' legitimate freedom to dissent from party positions and can entrench a party leadership's power.

Summary

The debate over waka jumping provisions represents a fundamental tension between two democratic principles: proportionality (ensuring Parliament reflects voters' party preferences) and MP autonomy (allowing elected representatives to vote according to conscience).

Internationally, some developing countries have anti-defection laws. However, most established democracies (including Australia, Canada, Germany, the United Kingdom, and the United States) rely on political rather than legal enforcement of party loyalty.¹³¹ The volatile transition period from FPP to MMP is over, making New Zealand's system established and relatively stable.

The 2023 Independent Electoral Review recommended repealing the current waka jumping provisions, emphasising the importance of MPs' freedom of conscience and expression.¹³²

Mostly, the reforms proposed in this report favour the strengthening of proportionality, but this is one case when its costs are likely to outweigh its benefits.

4.8 Summary of MMP Design Issues

The detailed mechanisms of MMP strongly influence how well proportionality and stability are achieved in practice.

The abolition of overhang seats, combined with a 4 percent or 3.5 percent threshold and a 50:50 balance between electorate and list MPs, would improve proportionality, while keeping Parliament's size stable.

However, unlike previous reviews, this report favours retaining coat-tailing as it reduces wasted votes and preserves proportionality while preserving representation for geographically concentrated minor parties.

By-elections could be replaced by a local-connection model to maintain proportionality between elections, while the repeal of waka-jumping provisions would protect both conscience and fairness.

Together, these changes would simplify the operation of MMP, reduce incentives for strategic behaviour, and ensure that each vote contributes more evenly to Parliament's composition.

The following section turns from the design of electoral rules to the administration of elections, focusing on how votes are cast, counted, and confirmed to ensure that the system functions efficiently and transparently.

CHAPTER 5

Voting Issues

Voting and administrative procedures form the operational backbone of democracy. Streamlining and modernising these processes can improve transparency, reduce delays, and ensure that reforms to the electoral system deliver visible benefits to voters.

5.1 Special Vote Processing and Result Delays

One notable aspect of New Zealand elections is the handling of special votes and the resulting delay before the results are confirmed.

What Are Special Votes?

Special votes include ballots cast by voters outside their electorate on Election Day, voters who registered late on Election Day, overseas voters, and other categories such as prisoners on remand.

New Zealand's laws are very permissive in allowing people to vote under various circumstances. People may enrol as a voter on Election Day itself (allowed only since 2020), they may vote at any polling place in the country (not just their local booth or even one in their electorate), and they may vote from overseas electronically, by mail or at embassies.¹³³ These conveniences maximise participation but come with an administrative cost: all special votes must be received, verified and counted after Election Day.

On election night, only the 'ordinary votes' (cast by voters enrolled in advance and voting at their designated electorate polling places) are counted for the preliminary result. All special votes are set aside to be scrutinised and counted during the official count in the days following the election. Election officials must verify the eligibility of each special voter (for example, ensuring that

no one votes twice under the flexible voting arrangements). They undertake a 'scrutiny of the roll' – checking every polling place roll to ensure each voter is marked off only once nationwide. They also process late enrolments with the same rigour as normal registrations. This intensive verification is why counting special votes cannot be done instantly on election night.

The Growing Scale of the Problem

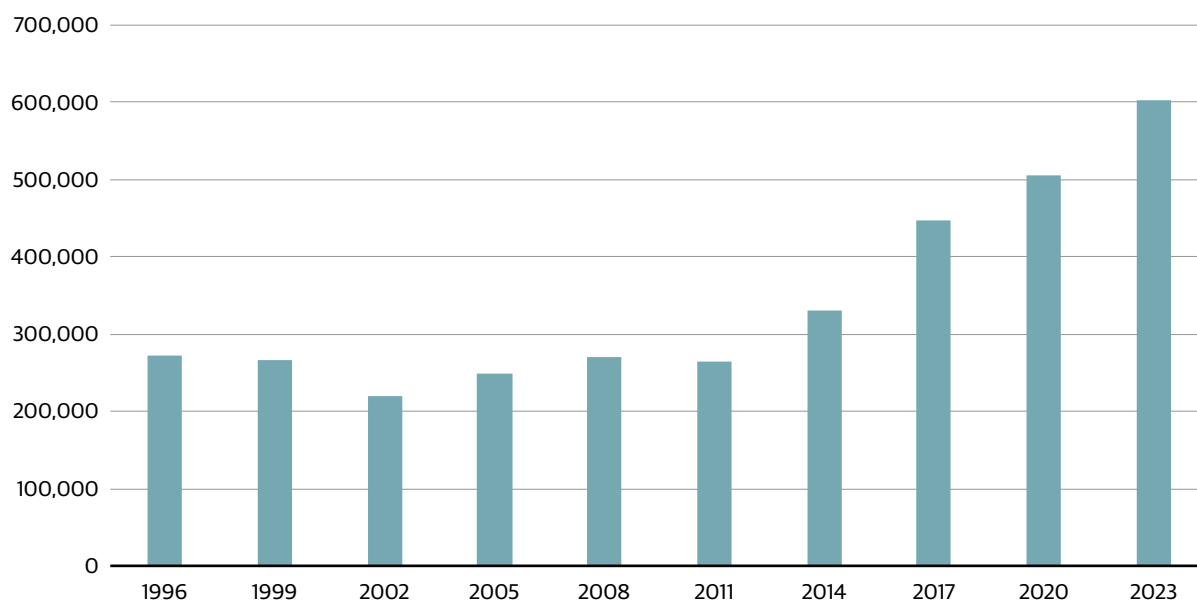
Special votes form a significant and increasing proportion of the total. Figure 5 below shows the number of special votes cast since MMP's introduction in 1996. In 2023, 602,000 special votes were cast (21 percent of party votes). It has been suggested that special votes could reach one million (or 30 percent of party votes) by 2032.¹³⁴

The ability to enrol and vote on Election Day may explain some of the large increases in 2020 and 2023, but cannot explain large increases in 2014 and 2017.¹³⁵

Overseas votes may be submitted electronically before the polls close in New Zealand and telephone dictation is also available.¹³⁶ However, the Electoral Commission must wait 10 days for all overseas postal votes mailed by Election Day to arrive, and then complete counting and verification.¹³⁷ Overseas votes have become increasingly significant, growing from 13,000 in 1996 to 77,000 in 2023.

With so many special votes now being cast, it is important that they be carefully verified, which takes time. The number of informal or disallowed votes is not insignificant. In 2023, there were 4,380 informal special votes and 15,555 disallowed special votes, accounting for approximately 3 percent of all special votes cast.

Figure 5: Special Votes Cast (1996–2023)



Source: Electoral Commission, *New Zealand Election Results*.

Integrity Risks

The explosive growth in special votes also has implications for the accuracy of vote counts.

In 2024, the Auditor General conducted an inquiry into some vote counting anomalies in the 2023 General Election. It found that quality assurance processes had been ineffective and not properly implemented. It noted that 454,000 people enrolled in the two weeks before the election, including 110,000 on Election Day – a 46 percent increase from the number of enrolments in the two weeks before the 2020 election. This was significantly more than the Electoral Commission had anticipated and there were not enough staff to process the volume of election-day enrolments in the time allowed. With more than 600,000 special votes cast, this added to the pressure to process, verify and count votes.¹³⁸

The Inquiry made several recommendations to the Electoral Commission on how to improve its processes and ensure that these processes are followed. But ultimately, the Commission is bound by legislation, particularly the ability for

people to enrol or update their details during the voting period and cast special votes when doing so.

Political Consequences

As a result of the time to receive, verify, and count special votes, the official results are only announced about two to three weeks after Election Day. For example, the 2023 election was held on 14 October, but the official results were not declared until 3 November, nearly three weeks later.

The delay for verification can have real political significance. Special votes often differ in pattern from ordinary votes – since the 2000s, they have tended to favour parties like the Greens and TPM. Consequently, after special votes are counted, the final seat tally can shift compared to the election night provisional counts.

A recent example is the 2023 election, where special votes caused the centre-right National–ACT bloc to lose two seats compared to election night, altering the coalition arithmetic so that a third party (New Zealand First) was needed for

a majority. In 2017, special votes shifted one seat from National to the Greens, also affecting post-election negotiations. This means the formation of a government often cannot be finalised until special votes are counted.

From a governance perspective, a three-week lag is inefficient. Coalition talks may be in limbo or provisional during this period. By international standards, New Zealand's count is slow – many countries release final or near-final results within a day or two of voting.

However, the trade-off is deliberate: New Zealand's approach prioritises making voting easy and accessible over the speed of counting. Election law expert Graeme Edgeler notes that what New Zealand does – allowing election-day registration, voting anywhere in the country, and conducting rigorous post-election checks – means “the final important checks... have to be done after the election. And when you combine them with the official count, they're done in about two weeks. Which is amazing, when you think about it.”¹³⁹

Canada and some American states allow 'same day registration' but most countries (including Australia and the United Kingdom) close their electoral rolls before the voting period begins and do not allow people to both enrol and vote during the voting period. Some countries (including Germany) have automatic enrolment from residency registers, but their rolls are usually closed well before its Election Day.

In most countries, other rules are even less accommodating. For example, voters may have to cast absentee or postal ballots well before Election Day or vote only in the electorates or even at an assigned polling place.¹⁴⁰ Those practices further reduce the number of special votes to process after Election Day, enabling much quicker final counts (Germany is one such case, discussed in Section 6).

Proposed Reforms

New Zealand could consider changes to speed up the count, such as closing the electoral roll before voting and/or requiring overseas votes to arrive by Election Day. These would restrict voter flexibility and access, cutting against a hitherto consensus of improving inclusiveness.

That said, the delay in determining the outcome remains a noteworthy inefficiency, especially in close elections where the nation must wait weeks to know the exact government makeup. And if special votes continue to grow strongly, then it could take even longer than it does currently.

The Justice Select Committee Inquiry into the 2023 General Election made three recommendations to help address the problem:

42. Consider options, subject to funding, to reduce the growing number of special votes and their impact on their official count, balancing access, timeliness, and integrity, including:
 - Ways of improving how voters' enrolment details are kept up to date.
 - Processing special votes in the electorate where they were cast.
 - Digital solutions, such as digital roll mark-off, print on demand, and electronic counts.
 - Early processing of special votes before election day.
43. Consider changing the legislation to enable unpublished electors to be issued an ordinary vote using a unique identifier, should funding become available in the future.
44. Consider amending the cut-off date for enrolments and updates to enrolment details to be prior to polling day.¹⁴¹

In July 2025, the Minister of Justice announced several changes to the Electoral Act, including closing enrolment 13 days before the Election Day to reduce pressure on post-election timeframes (advancing the Justice Committee's

recommendation 44). There will also be a requirement for 12 days of advance voting at each election set in legislation (until now, the duration of advance voting has been an operational matter for the Electoral Commission).

According to the Minister, *“Allowing late enrolments, however well intentioned, has placed too much strain on the system.”* The Auditor General’s Inquiry backs this up. The Minister also warned that without changes, delays for final vote counts could take even longer than in 2023, when it was already a lengthy three weeks.

Under the government’s announced change to the enrolment deadline, people must be enrolled by midnight on the Sunday before advance voting opens on the Monday morning. The Minister noted that Australia has an enrolment deadline of 26 days before Election Day. A 12-day advance voting period will be set in legislation.¹⁴²

An Electoral Amendment Bill was introduced in July and is being considered by the Justice Select Committee. After the Bill was introduced, the Attorney General issued a Bill of Rights inconsistency report, finding that such a restriction would likely offend section 12 (right to vote).¹⁴³ This inconsistency does not prevent the government from proceeding with the change. It has a provision to enable people who turn 18 during the voting period to apply in advance to be added to the electoral roll.

Meanwhile, the Electoral Commission cast doubt on whether closing the electoral rolls early would result in a faster declaration of results at the other end, stating that it would still need to perform integrity checks on special votes (although presumably there would be fewer of them).¹⁴⁴ Statutory deadlines, such as the need to wait for special votes cast outside an electorate to be returned for processing in that electorate, including overseas votes, are also a factor.

The Bill was still at Select Committee at the time

of finalising this report.

In the long-term, automatic enrolment would ensure that people are enrolled and their details are kept up to date. Australia and other countries have adopted this approach. Although it would require significant investment and take time to fully realise its benefits, automatic enrolment done well would improve accessibility.

However, automatic enrolment must be designed so that it is accurate and secure and does not compromise electoral integrity or privacy. There are complicated issues that would need to be satisfactorily resolved. These include factoring in unique New Zealand characteristics like the extension of the franchise to non-citizens resident in New Zealand for more than 12 months, while restricting it for citizens overseas for more than three years. There is also the Māori electoral option, where people can choose which roll to be registered on.

Summary

Special votes now comprise over 20 percent of all votes and require extensive post-election verification. This has led to a nearly three-week delay before official results are declared.

New Zealand’s highly inclusive voting rules allow same-day enrolment and voting anywhere in the country. However, they put considerable pressure on the Electoral Commission, creating significant delays in finalising election results and increasing the risks of errors.

The delays in declaring the results can affect coalition negotiations and government formation, as special votes often favour different parties than ordinary votes.

The government’s recently announced reforms are expected to reduce some of this pressure, but at the cost of accessibility and inclusion. Automatic enrolment should be a long-term goal but there are important issues to resolve for it to work effectively for New Zealand.

5.2 Election Day Restrictions

New Zealand has strict rules prohibiting campaigning and media coverage on Election Day.

Current Rules and Their Rationale

From midnight until 7:00 pm on Election Day (when polling places close), it is illegal to publish or broadcast any material that is likely to influence voters. This is commonly known as the ‘Election Day silence’ or ‘media blackout’ rule.

No political advertisements can run in newspapers, on radio, TV, or online on Election Day; campaign billboards must be taken down or covered; and statements on social media by candidates or influential figures urging votes for a party are forbidden.¹⁴⁵ Individuals are advised not to post about how others should vote or even how they themselves voted, as this could be interpreted as influencing voters. The Electoral Commission monitors and can refer breaches (like an ill-timed tweet) to the police.

The rationale for this blackout is to provide voters with a quiet period free from last-minute

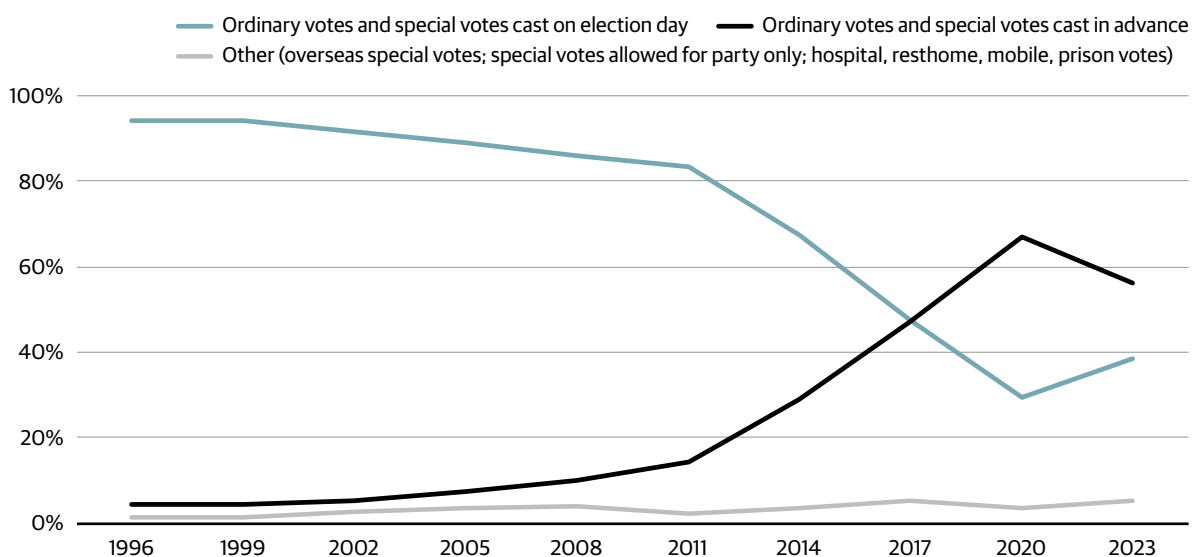
campaigning, so they can reflect and make their choice without new pressures. It harks back to earlier times when campaigning on polling day was seen as potentially coercive or chaotic – the idea is to protect the integrity of the voting process by ensuring the final decision period is calm. *“Its intent is to provide a short spell in which people can reflect on the events of the election campaign before casting their votes.”*¹⁴⁶

Why the Rules Are Becoming Outdated

However, this rule has come under scrutiny in the modern context. Critics argue that in the age of the internet and early voting, the Election Day blackout is outdated and unenforceable.

Firstly, many New Zealanders now vote before Election Day through advance voting in the two weeks prior. Figure 6 shows how voting has changed since MMP’s introduction in 1996, when 94 percent of votes were ordinary votes and special votes cast on Election Day. In 2011, the percentage of people voting on Election Day was still over 80 percent, but this share dropped sharply at the 2014, 2017 and 2020 elections, when it was down to just 30 percent, before recovering slightly in 2023 to 38 percent.¹⁴⁷

Figure 6: Votes cast on Election Day and votes cast in advance (1996–2023)



Source: Electoral Commission, *New Zealand Election Results*.

The many voters who now cast their votes in advance are exposed to campaigning until and after they vote. The ‘campaign’ is effectively over before Election Day for most people. As a *New Zealand Herald* editorial noted, many people cast votes well before polling day, “apparently untroubled by the political tumult” of ongoing campaigning.¹⁴⁸ Thus, having a blackout on the final day may have less impact on voter deliberation than it once did.

Secondly, despite the law, it is difficult to completely silence political discussion on platforms like X (formerly Twitter), Facebook, or overseas-based websites. In 2014, several high-profile individuals (including All Blacks) got in trouble for tweets on Election Day; over 20 cases of Election Day social media posts were referred to the Police. The global nature of social media means that someone outside New Zealand could post information or even election result leaks on Election Day, accessible to voters here. And voters may not even realise that posting “Get out and vote, change the government!” on their Facebook page on Election Day is technically illegal.

Thirdly, the restriction could be seen as an unnecessary curb on free expression. In the final hours of an election, on Election Day, New Zealand media avoid reporting political news. They run human-interest stories about candidates voting or bland updates (“Kiwis head to the polls under sunny skies”) but nothing that could influence choice. In contrast, in some other democracies, media freely analyse the election even on voting day (although they refrain from broadcasting exit polls before polls close).

The Case for Reform

Given these factors, there have been calls to relax or scrap the Election Day advertising ban. The *New Zealand Herald* argued in 2015 that changing times have removed the need for a ban on Election Day tweets and posts. It suggested the law is anachronistic and that “if [the blackout] once seemed relevant, it is much less so now.”¹⁴⁹

The concern is that ordinary people and even public figures can inadvertently break the law, and policing it is impractical and not a good use of resources. Additionally, with early voting so common, campaign messaging effectively stops when advance polls close (the day before Election Day), rendering the formal blackout less crucial.

On the other hand, defenders of the rule argue that it still has value, as it maintains a tradition of a ‘cooling-off period’. Even if many vote early, a sizeable number still vote on Election Day itself (often those who are undecided or less engaged until the last moment), and it may be beneficial that no new campaign claims or attacks are launched on that final day to sway or confuse them. It also upholds the principle of electoral fairness, ensuring no candidate or party can pull a last-second stunt when opponents have no time to respond.

Many countries have similar quiet-day rules. Australia and Canada restrict campaigning or advertising on polling day. Germany allows campaigning up to the day before and then relies on voluntary restraint on the Sunday of voting, but it allows the release of exit polls immediately at 6.00 pm when voting ends.

However, few countries have laws as stringent as New Zealand’s blanket ban on potentially any statement that could influence voters. For example, in the United Kingdom, while the ethos of Election Day is low-key, there is no hard law against political discussion, apart from not displaying campaign material at polling stations.

Thus, this media blackout stands out as a potential inefficiency: a legal limitation that might not align with modern voting and media habits. It could even inadvertently suppress healthy, democratic conversation among voters. The state should not punish people for expressing political opinions, even if only for a limited period.

The Justice Select Committee’s Inquiry into the 2023 General Election recommended that the government review the rules governing Election Day advertising, considering the growth of social media and advance voting, as well as the potential to enhance freedom of speech.¹⁵⁰

Summary

New Zealand’s strict Election Day media blackout, prohibiting all campaigning and political discussion from midnight until polls close, is becoming increasingly anachronistic. With over 60 percent of voters now casting ballots before Election Day through advance voting, the restriction affects a minority of the electorate while creating enforcement challenges in the social media age. The rules risk criminalising ordinary citizens for political expression and are difficult to police effectively.

Reform proposals suggest relaxing restrictions on individual discussion while maintaining bans on organised campaigning and paid advertising. The rules should be consistent across the entire voting period.

5.3 Public Understanding of MMP

There are concerning gaps in how well New Zealanders understand their democratic institutions and the political system, including the operation of MMP.

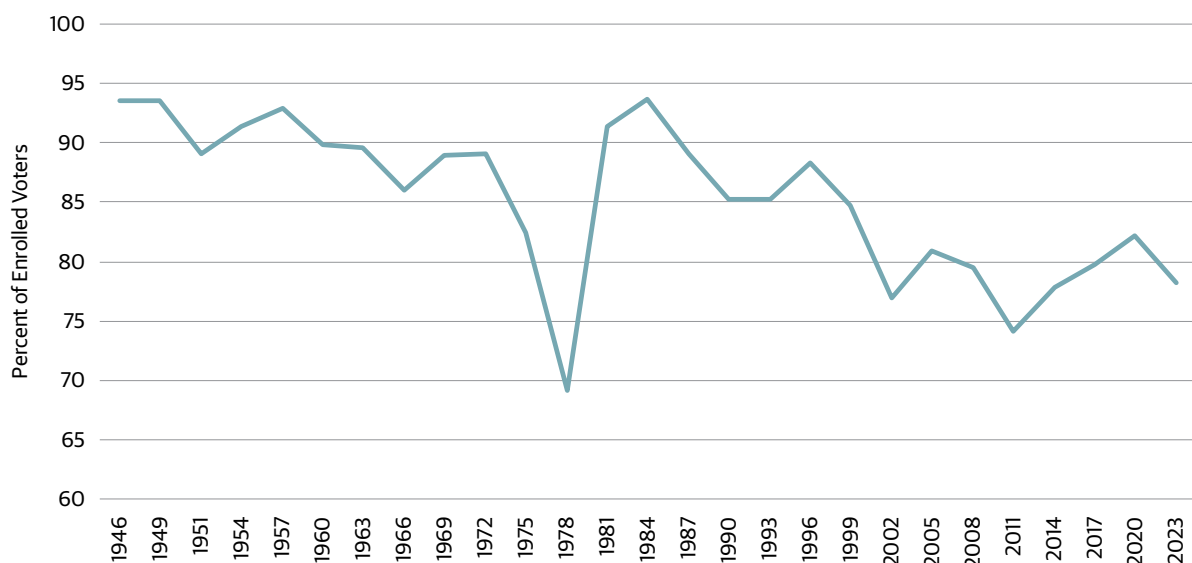
The Turnout Decline

Like many other democracies, voter turnout has slipped over the past four decades, as shown in Figure 7 below.

Note that the sharp dip for 1978 was due to problems with an inaccurate electoral roll, which contained an estimated 460,000 outdated or duplicate entries. The actual turnout was likely to be around 80 percent.¹⁵¹

There has been ongoing education and information by the Electoral Commission on how MMP works. The Commission regularly challenges misrepresentations of MMP mechanics in the media. Political parties’ campaigns often stress ‘two ticks’ (one for your party, one for your electorate) or that they only want the party vote. Over time, familiarity has grown but complete comprehension has been elusive.

Figure 7: New Zealand Voter Turnout 1946–2023



Source: New Zealand History¹⁵² and Electoral Commission.

Media Coverage and Public Misunderstanding

An example is election night coverage, which often centres on the drama of electorate results: which party wins which seat, upsets in local races, big names winning or losing electorates. Maps of electorate outcomes are displayed, and headlines might read “Party X wins most electorates.” While this is certainly newsworthy (especially to highlight regional swings and the fate of prominent politicians), it can inadvertently perpetuate the mindset of the old FPP system, where winning electorates were what decided the government.

New Zealand has more legacy attachment to local electorates, given the historical FPP system and local community identities. Also, the existence of small-party candidates succeeding in electorates (like in 2023, TPM in the Māori seats, ACT in Epsom and Tamaki, and the Greens in Auckland Central and inner-city Wellington seats) adds genuine importance to a few electorates, which keeps electorate talk salient.

Yet under MMP, the number of electorates a party wins are mostly irrelevant to its ability to form government. What matters is the total number of seats, which is determined by the party vote percentage. A party could win no electorates but still have many list MPs and be part of government if its party vote is high (for example, the Greens in 2017-20 and New Zealand First in 2017-20 and again from 2023).

Conversely, one party could win more than half of the electorates and a plurality of party votes but still lose power if another grouping of parties had more party votes and seats overall. This occurred at the 2017 election, where National won a plurality (44 percent) of party votes and a clear majority (41 of 71) of electorates, yet Labour was able to form a government with two coalition partners.

Another aspect is that politicians themselves focus on electorates because of personal stakes.

Party leaders usually play down the importance of the electorates they contest if they have a safe list position, but local campaigns fight hard, and the media love stories like a minor party possibly ‘stealing’ a seat. Those stories (e.g., “Can Labour win Epsom from ACT and thereby knock ACT out of Parliament?” – an ongoing point of intrigue each cycle) sometimes overshadow the fact that the overall election result will hinge on nationwide party support, not that single seat.

The focus on electorates might also affect how resources are allocated. Parties devote enormous effort to certain ‘bellwether’ or ‘marginal’ electorates, perhaps because winning those can confer psychological momentum or media narrative advantages, even though a vote gained in a safe seat or via the list is arithmetically just as valuable. Campaign discourse may sometimes neglect the party vote message – indeed, some voters report not understanding they can split their two votes or that the party vote determines government.

This issue is about public perception and education – an inefficiency regarding democratic clarity. A well-functioning MMP democracy would have most voters primarily concerned with the party vote for determining government and viewing electorates as a choice of local representative (and as a strategy to help a small party if desired). To the extent misperceptions persist, voters do not use the system optimally.

Evidence of Knowledge Gaps

A 2020 report by The New Zealand Initiative, titled “*Democracy in the Dark*”, examined this issue in detail. It highlighted worrying results from a survey of 1,000 New Zealanders.¹⁵³ Although 67 percent of respondents considered themselves ‘very well informed’ or ‘well informed’ in deciding how to vote for that year’s election and 62 percent said they consumed political news daily, the results of specific questions suggested otherwise:

- 69 percent could correctly name all political parties in Parliament at the time.

- 46 percent understood both ways parties can enter Parliament under MMP.
- 31 percent knew that Chris Hipkins was Minister of Education.
- 5 percent knew David Parker was Minister for the Environment.
- 22 percent knew which parties voted for the Zero Carbon Bill in late 2019 (shortly before the survey was undertaken).
- 12 percent could identify all three branches of government (legislature, executive, and judiciary).
- 22 percent thought that in applying the law, the courts should consider the political intentions of the government of the day.
- 56 percent incorrectly believed New Zealand has a military alliance with the United Kingdom.
- 39 percent could correctly name the ‘Five Eyes’ intelligence sharing pact.

More encouragingly, only small minorities supported undemocratic forms of governance. For example, 24 percent thought it would be a ‘very good’ or ‘good’ idea to have experts rather than elected politicians make decisions. 4 percent thought the same for having a strong leader who does not have to bother with a Parliament or elections. Meanwhile, another minority – 30 percent - thought the best people from all parties should unite to form a permanent all-party government, implying an end to political competition.

Poor knowledge creates several problems. Voters cannot effectively reward or punish parties if they do not know which parties are in Parliament. Nor can they make informed choices if they do not know how parties voted on key legislation. Misunderstandings about policy (like believing New Zealand has a military alliance with the United Kingdom) can affect voters’ policy preferences. Without understanding how MMP works (for example, thinking the electorate vote is more important than the party vote), voters cannot effectively reflect their preferences.

Potential Solutions

Democracy in the Dark explained this knowledge gap through economic concepts of ‘rational ignorance’ and ‘rational irrationality’:

1. Individual votes have infinitesimal effects on outcomes, so there is little incentive to become informed.
2. Unlike with personal purchasing decisions, being wrong about politics has minimal personal consequences.

The report explored two main approaches:

1. Civics education: While logical, evidence from the United States and Australia suggests traditional civics education has a limited long-term impact on knowledge.
2. Creating incentives for knowledge: The report proposed novel approaches like a voter achievement test at polling stations with cash rewards for correct answers or a daily ‘lucky caller’ quiz where registered voters could win prizes for correctly answering civics questions.

In conclusion, the report argued that while New Zealand’s democratic institutions, including MMP, function well, low civic knowledge makes them vulnerable over time. It concluded that New Zealanders “don’t know how lucky they are” with their stable democratic institutions, but this luck could disappear if citizens remain disengaged from the political process and uninformed about civic basics.

Summary

Despite nearly three decades of MMP, significant gaps remain in public understanding of how the system works. Voter turnout has declined from peaks in the 1980s, and surveys reveal concerning knowledge deficits about basic democratic processes and the primacy of the party vote. Media coverage often emphasises electorate contests over party vote implications, perpetuating FPP-era thinking.

While various educational approaches have been tried, the challenge of ‘rational ignorance’, where individual voters have little incentive to become informed, suggests that improving civic knowledge requires innovative approaches beyond traditional education.

5.4 Compulsory Voting

One way to boost voter participation would be to introduce compulsory voting. This requires eligible citizens to participate in elections, with penalties for non-compliance. Only about 20 of the world’s approximately 160 democracies have such laws, with varying degrees of enforcement.

Australia is one of the countries with compulsory voting, and fines are imposed on individuals who do not vote. Since being introduced in 1925, turnout has consistently been above 90 percent, and often exceeds 95 percent. In 2022, turnout for the House of Representatives slipped below 90 percent, but in the recent 2025 election, it recovered to 91 percent.^{154 155}

New Zealand has compulsory voter registration, but voting has always been voluntary.

Voter turnout has fallen from a peak of 94 percent in 1984 and 88 percent at the first MMP election in 1996 to a range of 74 percent to 82 percent in elections held since 2002.¹⁵⁶ Although down from most of the 20th century’s elections, turnout at recent elections has stabilised. Falling turnouts are also common overseas and New Zealand’s voter turnout is still significantly higher than that of many countries that have voluntary voting, including Canada (69 percent in the 2025 general election), the United States (64 percent in the 2024 Presidential election) and the United Kingdom (60 percent in the 2024 general election).^{157 158 159}

The Case for Compulsory Voting

Those favouring compulsory voting argue that higher turnout makes MPs more responsive to

the entire population and promotes policies that benefit all population groups, including current lower turnout groups such as the poor, young, and Māori. Compulsory voting would likely boost the turnout of these people.

It could reduce polarisation by forcing parties to appeal to the median voter rather than extreme bases, pushing party platforms toward more moderate positions. Compulsory voting is comparable to other civic responsibilities, such as paying taxes and serving on a jury. It may stimulate political engagement as more voters prepare to cast ballots and reinforce civic culture through national voting rituals.

The Case Against

On the other hand, compulsory voting could be considered an infringement of freedom. Democracy also protects the right not to vote and freedom of expression. Forcing citizens to the polls may violate free speech and association and undermine the principle of voluntary consent.

Forcing apathetic voters to participate could lead to ill-considered choices. Compulsion may increase protest, random, or uninformed voting. Higher rates of informal or blank ballots are common in compulsory systems.

Administration and enforcement create additional costs. Conscientious objectors may face penalties for principled non-participation and fines could disproportionately impact low-income people.

More fundamentally, compulsion treats the symptom (low turnout) rather than that causes (disengagement). It does little to address fundamental alienation or distrust in political systems. It may mask rather than solve deeper democratic problems.

New Zealand’s Position

While New Zealand’s decline in turnout has sparked periodic debate about compulsory voting

(most recently in 2017), several factors suggest compulsion is unnecessary.

New Zealand's democracy remains robust, despite declines in voter turnout, with free, fair, and well-administered elections. Compared to many other countries, voter turnout remains high at nearly 80 percent.

Implementing a compulsory voting system would require new enforcement mechanisms, penalties, and exemption processes, thereby creating additional administrative burdens.

Both major parties have previously rejected compulsory voting. In 2017, after three former Prime Ministers called for compulsory voting, the then Prime Minister, National's Bill English, stated, "no one's made the case for it", while Labour's Jacinda Ardern argued compulsion "doesn't achieve genuine engagement".¹⁶⁰

And as *New Zealand Herald* columnist Brian Rudman noted in 2017, "forcing the unwilling... is hardly democracy of the willing."¹⁶¹

Summary

Compulsory voting could address New Zealand's declining turnout and ensure broader representation, as demonstrated by Australia's consistently high participation rates. However, such a system raises significant concerns about freedom of expression and the quality of forced participation.

New Zealand's current voluntary system still achieves a high turnout compared to many democracies, and both major parties have rejected the introduction of compulsory voting. The costs and administrative complexity of enforcement, combined with philosophical objections to treating symptoms rather than addressing the causes of disengagement, suggest that compulsory voting is unlikely to be adopted.

5.5 Summary of Voting Issues

Efficient election administration underpins public confidence in democracy. New Zealand's procedures generally perform well but can be improved.

Earlier roll closure should reduce the incidence of special votes and the pressures they place on vote processing, verification, and counting.

A defined advance-voting period, modernised rules for campaign activity, and clearer guidance for election-day conduct would make the process more consistent.

Streamlined handling of special votes would shorten result delays, enabling faster government formation, while improved civics education would strengthen understanding of MMP and participation.

These operational reforms complete the package of measures designed to make New Zealand's electoral system both more efficient and more trusted.

Having examined New Zealand's voting rules, it is useful to step back and view our system in an international context. Many of the challenges identified, such as ensuring proportionality, managing overhangs, and maintaining public confidence in election processes, are shared by other democracies.

Comparing how similar systems have evolved helps to test whether New Zealand's current settings remain fit for purpose and to identify reforms that have succeeded elsewhere.

CHAPTER 6

International Comparisons

Electoral reform is rarely unique to one country. Democracies with similar constitutional traditions, particularly those using mixed or proportional systems, have faced comparable challenges in balancing representation, accountability, and stability. This section surveys international practice, not to prescribe a model for adoption, but to identify principles and mechanisms that have worked well elsewhere and could inform improvements to New Zealand's own arrangements.

6.1 The German Model

Germany's experience with MMP provides particularly valuable insights for New Zealand, as the original model upon which our system was based. However, the German implementation differs in several significant ways.^{162 163}

Like New Zealand, German MMP provides voters with two votes: the first is used to elect a candidate directly in their constituency using FPP, and the second is for a party's 'electoral list'. To enter the *Bundestag* (the lower house), a party must either get five percent of the nationwide second (party) vote or win three constituencies via first (electorate) votes. Either case results in that party entering the *Bundestag* and receiving seats in proportion to its national share of the second vote.

Parties representing recognised minorities that contest federal elections are exempt from the threshold. This applies only to the South Schleswig Voters' Association (*Südschleswiger Wählerverband* or SSW), which represents the Danish and Frisian minority in northern Germany.

Initially, in an overall distribution, all 630 seats (except those won by independent candidates) are first allocated proportionally at the federal level to parties that clear the 5 percent threshold, and then within each party to its candidates in each state.

Both calculations are done using the Sainte-Laguë method. The number of constituencies each party wins in each state is subtracted from its allocation to arrive at the final number of list seats.

The list seats won by each party are allocated using closed lists drawn up by each party within each state.

Constitutional Issues

Parliamentary term length

Germany's Parliamentary term is four years, compared to three years for New Zealand.

Timing of elections

Germany's Basic Law and Federal Election Act provide that federal elections must be held on a Sunday or a national holiday, no earlier than 46 and no later than 48 months after the first sitting of the *Bundestag* unless the *Bundestag* is dissolved earlier.

Germany's 2025 election took place seven months ahead of schedule due to the late 2024 collapse of the incumbent governing coalition. Following the loss of its majority, the government called and (intentionally) lost a motion of confidence, which enabled the approval of a new election by the Federal President. The 2025 election was the fourth early election in post-war German history, and the first since 2005.

Size of Parliament

Until 2023, Germany's *Bundestag* was intended to have 598 MPs. However, the assignment of compensatory list seats resulted in it blowing out to 707 MPs in 2017 and 735 MPs in 2021.

This 'XXL *Bundestag*' was the largest freely elected Parliament in the world. It proved costly and unwieldy, prompting major reforms in 2023 for the 2025 election aimed at fixing the chamber's size at 630 seats. The seat distribution would be determined solely through each party's second vote share (i.e., party vote). The three-constituency rule was eliminated but later reinstated by the courts.

Second Chamber

Germany's *Bundesrat* has 69 members, comprised of representatives from each of its 16 federal states (*Länder*), appointed by each state – there are no elections or fixed terms. Its composition will change depending on political developments in each state, such as a change in a state's government. The number of votes a state is allocated is based on a form of 'degressive proportionality' according to its population.^{164 165}

The *Bundesrat* responds to government legislation and may also initiate legislation. A Bill may only be discussed in the *Bundestag* once a statement from the *Bundesrat* has been made. The *Bundesrat* has not yet voted on the motion but it may significantly delay it. A Bill proposed by the *Bundesrat* must first be submitted to the Federal Government for a statement before the *Bundestag* can deal with it.

When the *Bundestag* has passed a Bill, it is forwarded to the *Bundesrat*. The *Bundesrat* may not amend a Bill passed by the *Bundestag*, but if it rejects a Bill, it can be referred to a mediation committee, which attempts to negotiate whether the Bill can find the approval of both chambers with amendments. An amended Bill must then be passed by both chambers.

Referendums

At the federal level, only two types of mandatory binding referenda exist: adopting a new constitution and regional referendums for restructuring states.¹⁶⁶

While federal referendums are severely restricted, all states have various statewide and municipal referendums. These include *Volksbegehren* (people's request) for citizens' initiatives; *Volksbefragung* (people's inquiry) for non-binding ballot questions; and *Volksentscheid* (people's decision) for binding referendums.

Reserved seats

Germany allows for seats to be reserved for parties of 'recognised national minorities', which are exempt from the 5 percent threshold. The SSW won one seat in each of the 2021 and 2025 elections.

MMP Design Issues

Overhang seats and their impact on proportionality

In 2013, Germany introduced compensatory list seats to deal with overhang situations. This followed a 2012 Constitutional Court ruling that significant uncompensated overhangs violated the principle of equal voting power.

The compensatory seats significantly increased the size of the *Bundestag* in 2017 and 2021 triggering changes for the 2025 election. Parties are no longer allowed to keep overhang seats. If a party wins overhang seats in a state, its constituency winners are excluded from the *Bundestag* in decreasing order of their first vote share (that is, those who won their districts with the smallest percentage of votes (compared to other winners from their own party) are the first to be excluded.

'Coat-tailing'

If a party does not get 5 percent of the party vote, it must win at least three constituencies to bring in any additional list MPs. In New Zealand, it is one electorate victory.

Coat-tailing is rare in Germany. The last time it happened was in 2021, when *Die Linke* ('The Left') won three constituencies and received 4.9 percent of the second vote, qualifying for proportional representation and securing 39 seats. Before that, it was 1994.¹⁶⁷

5 percent party vote threshold and 'wasted votes'

Germany's party vote threshold is, like New Zealand's, 5 percent. In 2025, the *Sabira Wagenknecht Alliance* (4.98 percent) and the Free Democrats (4.33 percent) received between four and five percent of the vote, but both failed to enter the *Bundestag*. Their combined 4.6 million votes were therefore 'wasted'.¹⁶⁸

Split between electorate MPs and list MPs

Until 2025, Germany's system provided for 299 electorate MPs and 299 list MPs (a 50:50 split, compared to a 60:40 split for New Zealand). However, the large numbers of compensatory list seats in 2017 and 2021 upset this balance.

At the 2025 election, with a fixed 630 MPs, 299 were to be elected from constituencies and 331 from party lists (roughly a 47:53 split). With parties now unable to keep overhang seats, the 2025 election results saw 276 constituency MPs and 354 list MPs elected (a 44:56 split).

By-elections

In Germany, by-elections are allowed but vacancies in constituencies may be filled by the party holding the seat, which appoints the replacement MP from its party list. This retains the proportionality of MMP.

'Waka Jumping'/Party Hopping'

German MPs are not required to resign if they leave their party. Article 38 of the Basic Law (*Grundgesetz*) establishes the principle of a "free mandate". MPs are representatives of the whole people and cannot be bound by party instructions or forced to resign for conscience-based decisions.¹⁶⁹

MPs who leave their party simply become independents and keep their seats. This happens regularly. For example, several MPs left the *Alternative für Deutschland* (AfD – 'Alternative for Germany') and other parties in recent years without losing their seats. The party cannot force them out of the *Bundestag*.

Voting Issues

Special vote processing

The German approach to MMP features a speedy vote counting process. German federal elections typically deliver definitive results within hours of polls closing, with formal certification following a few days later without significant changes.

German postal votes must arrive by Election Day and are counted on the day, eliminating the extended waiting period that characterises New Zealand's special vote count. Additionally, Germany does not permit same-day voter registration; electoral rolls are finalised in advance, significantly reducing post-election verification requirements. While this might reduce accessibility compared to New Zealand's highly flexible voting arrangements, it enables much faster results.

Election Day restrictions

Germany allows campaigning up to the day before the election and then relies on voluntary restraint on the Sunday of voting. It allows the release of exit polls immediately after 6 pm when voting ends.

Public Understanding and media coverage

Germany's system of MMP has been in place since 1949. The Weimar Republic (1919–33) also used a form of proportional representation. Unlike in New Zealand, there is no residual memory of FPP.

Although Germany's electoral system is complex, there is a strong understanding of the primary importance of the party vote. Germany's electorate races get media coverage, but German

media and voters are very cognisant that the second vote (party list vote) determines overall seats (they even officially call it the ‘more important vote’).

Compulsory Voting

In Germany, voting is not compulsory. Despite this, Germany’s voter turnout at the 2025 election was 82 percent, higher than New Zealand’s 2023 turnout of 78 percent.

Box 2: Learning from the German experience: the struggles of MMP’s originator

Germany served as the primary model for New Zealand’s adoption of MMP in 1996. Yet the originator of this electoral system has been struggling with its own creation for over seven decades. The German experience offers valuable lessons for New Zealand’s ongoing debates about electoral reform.

Not all German problems translate to the New Zealand context. Many issues result from Germany’s federal structure, with calculations performed separately for each state (*Land*, plural *Länder*). This previously meant parties needed to cross thresholds in individual states and votes were counted state-by-state before being aggregated nationally. New Zealand’s unitary system avoids these complications.

Overhang mandates (*Überhangmandate*), however, remain relevant to both systems. These occur when a party wins more constituency seats than its proportional vote entitles it to. Germany initially tolerated these distortions when they remained few. But as the political landscape fragmented with more parties entering Parliament, overhangs became increasingly common and problematic.

A 2013 electoral law reform introduced so-called ‘compensation seats’ (*Ausgleichsmandate*) to restore proportional representation. When a party received overhang seats, all other parties were given extra seats to maintain the correct proportions, like adding weights to both sides of an unbalanced scale.

Yet this solution created a new problem: parliamentary bloat. The Bundestag swelled from its intended 598 seats to 709 after the 2017

election, and further to 736 in 2021. There were fears that in future elections, it might end up with more than 900 MPs. The creation of compensation seats was a textbook case of treating the symptom rather than the disease.

Most bizarre was the ‘negative vote weight’ (*negatives Stimmengewicht*) paradox. In certain scenarios, more votes for a party could reduce its number of seats.

This mathematical quirk became infamous after a 2005 by-election in Dresden, required by the death of a constituency candidate shortly before the general election. Because the overall result outside Dresden was known by the time Dresdeners went to the polls, analysts could calculate that the CDU would gain more seats if fewer people voted for them.² Needless to say, electoral mathematics producing incentives not to vote for one’s preferred party rather undermines democratic principles.

Germany’s electoral reform cycle also reveals an institutional ping-pong absent in New Zealand. The Federal Constitutional Court repeatedly forced Parliament to revise electoral laws deemed unconstitutional. These rulings consistently upheld the constitutional principle that every vote must have equal weight – a fundamental guarantee the Court refused to let be compromised.

Whenever Parliament was forced to make amends, it responded with minimal changes, only for the Court to reject them again. Of course, this would not happen in New Zealand because there is no such judicial oversight. While it means that New Zealand might avoid frequent reforms, it also means that problems are likely to fester for longer.

Germany's latest electoral reform in 2023 attempted radical surgery on the system. That was when Germany eliminated overhangs altogether by prioritising proportionality. Only as many directly elected candidates as covered by a party's proportional entitlement now enter Parliament. Sounds good in theory, but it has come at a high cost to democratic credibility. The reform has created 'orphaned' constituencies without direct representation in the current Parliament.

Some electoral districts that voted for a winning candidate in the 2025 election found their victor denied a seat because their party had exceeded its proportional quota. The system now chooses which winning candidates miss out based on their vote share: those who won their districts

with the smallest percentage of votes (compared to other winners from their own party) are the first to be excluded.

Such an outcome would be politically untenable in New Zealand, where local representation remains highly valued. One imagines the response in Southland or Northland to being told their elected MPs would not be taking their seat because their parties got stronger results elsewhere.

MMP clearly remains a work in progress, even for its inventors. It is rather comforting to discover that even German precision engineering struggles with the mathematics of democratic representation. Perhaps electoral systems, like democracy itself, are destined to remain imperfect works perpetually in progress.

6.2 Scotland and Wales: The Additional Member System

The devolved parliaments of Scotland and Wales offer relevant comparisons as Westminster-derived systems operating with proportional representation. Both use the Additional Member System (AMS), which is a variant of MMP with regional implementation. The Scottish Parliament comprises 129 members (73 constituency MSPs and 56 regional list members), while the Welsh Senedd currently has 60 members (40 constituency and 20 regional), although it will expand to 96 for the 2026 election.¹⁷⁰

A crucial distinction from New Zealand's system is the absence of a formal electoral threshold in Scotland and Wales. Parties need only secure enough votes in a region to win at least one seat under the allocation formula. This typically requires around 5–7 percent in a region, depending on vote fragmentation and available seats. The Scottish Green Party's success demonstrates this system's accessibility – they often secure representation with 6–7 percent nationwide support distributed across regions.

In Scotland and Wales, Members of the Scottish Parliament and Members of the Senedd respectively, are not required to resign from their devolved parliaments if they leave their political party or resign from it.

Without a formal threshold barrier, Scotland and Wales have avoided some of the strategic voting complications seen in New Zealand. The concept of 'coat-tailing' does not apply, as there is no threshold to bypass. When a small party or independent wins a constituency (as in Scotland in 2003 and 2021), they simply retain that seat without triggering additional list seat calculations. This simpler system creates fewer distortions in voter behaviour.

However, the Scottish and Welsh systems face their own proportionality challenges. The fixed number of regional list seats can limit the system's ability to achieve perfect proportionality if one party dominates constituency seats. This was particularly evident in Wales, where in the 2003 election, Labour won 30 of 40 constituencies with about 40 percent of votes. With only 20 list seats to distribute across five

regions, the system could not fully compensate for this overrepresentation, resulting in Labour holding 50 percent of total seats on 40 percent

of votes. This illustrates how the ratio of list to constituency seats crucially affects an MMP system's ability to deliver proportional outcomes.

Table 13: Comparison of Features Across MMP Countries

Feature	New Zealand	Germany	Scotland	Wales
Parliamentary Term	3 years	4 years	5 years	5 years
Parliament size	120 (+overhangs)	630 (before 2025: variable)	129	60 (expanding to 96)
Electorate to list ratio	60:40	47:53	57:43	67:33
Party vote threshold	5%	5%	None (regional)	None (regional)
Electorate threshold	1 seat	3 seats	N/A	N/A
Overhang compensation	None	Yes	N/A	N/A
Reserve minority seats	Yes (Māori)	Threshold exemption	No	No
Party hopping restrictions	Yes (if invoked by party)	No	No	No
By-election handling	New election	Party list replacement or new election	New election	New election
Special vote processing time	2-3 weeks	Hours/days	Days	Days

6.3 Other International Approaches

Beyond Germany, Scotland, and Wales, several other jurisdictions offer insights into mixed-member systems.

Bolivia

Bolivia's Chamber of Deputies, its lower house, comprises 130 seats, elected using a seat linkage based mixed compensatory system with two votes:

- 63 deputies are elected by first-preference plurality to represent single-member electoral districts.
- 60 are elected by closed party-list proportional representation from party lists on a 'departmental' (regional) basis (in districts of varying sizes corresponding to Bolivia's nine departments with a threshold of 3 percent). The list seats in each region are awarded proportionally based on the vote for the presidential candidates, subtracting the number of single-member districts won

(to provide mixed-member proportional representation).

- Seven seats are reserved for indigenous seats elected by *usos y costumbres*, a system of customs and tradition. A voter can only vote in one of either the 'normal' constituencies or the special indigenous constituencies.

The election uses the same votes as the votes for the President and the Senate, making it a double (triple) simultaneous vote. Voters may therefore not split their ticket between these elections. However, they may vote for a candidate of a different list in the election of the Chamber, as the deputies from the single-member districts are elected using separate votes.

Party lists are required to alternate between men and women, and in the single-member districts, men are required to run with a female alternate, and vice versa. At least 50 percent of the deputies from single-member districts are required to be women.¹⁷¹

Lesotho

Lesotho's adoption of an MMP system followed a crisis in 1998, where one party swept 79 out of 80 seats with just 60 percent of the votes. In response, the electoral system was changed to combine 80 constituency seats with 40 compensatory proportional seats.

The new system improved proportionality, although it faced challenges in 2007 with parties forming strategic alliances that skewed seat allocations. Lesotho further tweaked its electoral system, so voters cast a single vote instead of separate constituency and party votes. This single vote determines the outcome in constituency elections and the allocation of top-up party list mandates.¹⁷²

South Korea

South Korea modified its electoral system in 2020 to include compensatory seats elected by proportional representation. The intention was to make it easier for previously underrepresented political parties to win a larger share of seats in the National Assembly.

The revised system disadvantages major parties because it distributes proportional seats based on the new 'compensatory system'. The new calculation aims to offset overrepresentation from 253 district seat races (determined through FPP voting). Of the 47 seats reserved for proportional representation, 30 are allocated through the new system, which subtracts the number of district seats that the party won from the percentage of votes cast for the party and then divides the number by two.

In response, the (then) opposition conservative United Future Party created a 'satellite party' competing only for the compensatory seats to offset the number of seats it would lose under the new system. This prompted the (then) ruling party, the Democratic Party, to do likewise.

This exploitation of the allocation formula shows how political actors can adapt strategically to system features in ways that may undermine intended outcomes.¹⁷³

CHAPTER 7

Reform Recommendations

Drawing on New Zealand's experience and international comparisons, several key reforms could enhance the effectiveness and fairness of our electoral system. These recommendations are organised into immediate practical improvements and longer-term structural changes.

7.1 Constitutional Issues

Parliamentary Term Length

New Zealand should increase its parliamentary term from three years to four years. While frequent elections promote accountability, the three-year term creates inefficiencies.

A longer term would allow governments to implement more substantive policy programmes without constant election pressure. Currently, the effective governing period is even shorter than three years. Four years would provide approximately three solid years of governance before election considerations dominate.

International experience supports such a change. Most comparable democracies, including Canada, Germany, the United Kingdom and the United States (Presidential) operate on four or five-year terms. Their experience suggests longer terms can coexist with robust democratic accountability, particularly when combined with strong parliamentary committee systems and other oversight mechanisms.

A longer term should be accompanied by strengthened select committee powers, including membership determined by parties' proportion of non-executive MPs. But this should be a matter for Parliament's Standing Orders, rather than in legislation.

Second Chamber

A second chamber is not required for a longer parliamentary term. If a second chamber is to be considered, it should be on its own merits.

If it were to add value, a second chamber would likely need to be elected rather than appointed and its role would be to scrutinise and revise legislation passed by the House of Representatives (rather than initiate its own legislation).

Any proposals for a second chamber would need to be carefully considered.

Election Timing

A set period for an election should be considered. Setting a precise date might be too restrictive but a set window for elections should be considered.

New Zealand should adopt Germany's approach of the date being within 46-48 months of the *Bundestag* meeting. This report recommends a four-year term, New Zealand should also adopt this window. Under a three-year term, the window would be 34-36 months. In this case, the next election would be held between 5 October and 5 December 2026.

The Prime Minister should still be free to pre-announce a date within a set window.

If there were a successful vote of no confidence an early election should still be possible. At the same time, a super-majority of MPs should also be able to extend the term in extreme circumstances, such as a pandemic.

Size of Parliament

New Zealand's Parliament of 120 MPs is considerably smaller than most OECD countries

with similar populations, which mostly have upwards of 150 MPs.

While there would be a fiscal cost to increase the number of MPs, it would make MPs more accessible to constituents and ensure their workloads are more manageable. A larger Parliament would also increase the ability of parliaments to hold executives to account, for example, by reducing the ratio of Executive members to MPs and enabling better resourced select committees.

142 MPs would be the minimum that would allow a 50:50 split between electorate and list MPs while retaining the number of electorate MPs (71) set for the 2026 General Election.

After applying the observational ‘cube root law’, 170 would be the number of MPs for New Zealand. This would also take the average population per MP (electorate and list) close to that when MMP was established.

If electorates are allowed to keep growing in geographic area and population, New Zealand could consider increasing the electorate population tolerance from +/-5 percent to +/-10 percent. This would be consistent with provisions in the Local Electoral Act, but would be a second-best alternative to preserving or increasing the number of MPs to maintain or reduce their average size.

Size of the Executive

New Zealand’s Executive (Ministers, Associate Ministers, and Parliamentary Undersecretaries) is unusually large and complicated. The current number of Executive members should be reduced to 15 ministers supported by 10 junior ministers.

Portfolios and departmental structures should be rationalised to match. The goal is to have more focused ministers, clearer accountability, and more coherent policy leadership.

Referendums

Government-initiated referendums should be retained but confined to major constitutional issues and significant conscience issues.

Citizen-initiated referendums should either be abolished or strengthened, and their results made binding on governments. However, this would need to be subject to a higher signature threshold for petitions and a veto available for significant fiscal policy and taxation implications.

Māori Electorates

Māori seats are not necessary to guarantee that Māori are represented in significant numbers. In the current Parliament, 27 percent of MPs claim Māori heritage. This compares to Māori’s 19 percent share of the population and the Māori electorate MPs comprising only 6 percent of all MPs. Also, many people of Māori descent are enrolled on the General Roll rather than the Māori Roll.

Furthermore, there are anomalies associated with the Māori seats, including their propensity for delivering overhang seats that can affect the proportionality of Parliament. Meanwhile, the recent ability to more easily switch electoral rolls close to an election increases the risk of ‘gaming’ (people swapping electoral rolls to influence the result of an electorate contest).

On the other hand, the Māori seats have a long history in New Zealand. While many people consider the seats a form of ‘special treatment’ or ‘separatism’, they are also regarded by many others as an expression of Treaty partnership and that any decision on their future should be a matter for Māori to determine. Attempting to abolish them would likely to be highly divisive and probably politically impossible.

However, the operation of Māori seats within MMP can be refined, especially their propensity to create overhang situations and a resulting loss of proportionality. This should be handled

by reducing the party vote threshold to 4 percent and increasing the percentage of list MPs to 50 percent. This would maintain Māori representation while better integrating it with MMP's proportional principles.

We also recommend reverting to the previous rules for changing between the Māori and General electoral rolls – that is, after each five-yearly population census. This ensures stability in the electoral rolls and reduces the opportunity for strategic gaming.

7.2 MMP Design Issues

Overhang Seats

Overhang seats are a growing problem. Although to date they have not significantly impacted on proportionality, they could in the future and might even swing a very close election.

Germany has previously addressed proportionality distortions caused by overhang seats through a compensatory model. When a party wins more electorates than its party vote share warrants, other parties received additional list seats to maintain proportionality. However, this is a complex system and, based on German experience, could result in a much larger Parliament. We therefore do not favour a compensatory system.

An alternative now used by Germany is to not allow overhang electorate seats and instead make up the loss of these seats through having more list MPs. If this were adopted in New Zealand it could result in some electorates being un-filled, leaving constituents unrepresented in Parliament.

Recent New Zealand reviews have recommended abolishing overhangs and reducing list MPs to keep the Parliament unchanged in size. This approach would be less disruptive but less proportional.

Proportionality impacts would be softened by simultaneously adopting a 50:50 split between electorate and list MPs with a larger Parliament size. Reducing the party vote threshold to 4 percent or 3.5 percent, and retaining coat-tailing.

Coat-Tailing

Coat-tailing has encouraged political parties to engage in strategic behaviour, even if it has not always been very effective for the larger party. It is unfair to other parties which get closer to the party vote threshold but cannot win an electorate because it has no large party to 'deal' with. It has therefore been controversial and previously recommended for abolition.

However, abolishing coat-tailing would result in more wasted votes and less proportional parliaments. While reducing the party vote threshold and adopting a 50:50 split between electorate and list MPs would be helpful for proportionality, they would not outweigh the increase in wasted votes and loss of proportionality from abolishing coat-tailing.

On balance, coat-tailing should be retained.

Party vote threshold

The party vote threshold should be lowered to 4 percent or 3.5 percent. Either would represent a balance between being high enough to prevent excessive fragmentation of Parliament, but low enough to give meaningful new political parties a more realistic chance of representation. It would also improve proportionality.

Split between electorate MPs and list MPs

The current split is 72 electorate seats to 48 list seats (or 60:40 in percentage terms), although this will change to 71 and 49 respectively for the 2026 General Election. The split has changed from 1996's 65 seats to 55 seats (54:46), which differed from the 1986 Royal Commission's recommended 60 seats each (50:50).

A higher proportion of list MPs would reduce this risk of overhangs. It would also help the ability of major parties to improve their line-ups' diversity and/or skill sets. A 50:50 split between electorate MPs and list MPs should be set.

However, a 50:50 split would only be feasible for a larger Parliament. Keeping MP numbers unchanged at 120 and reducing the number of electorates from 72 (or 71 for 2026) to 60 would make them even larger and harder for their MPs to service.

A 142 MP Parliament would be the minimum that would allow a 50:50 split while retaining the number of electorate MPs set for the 2026 General Election. Modelling indicates that using the Cube Root Law's size (170 for 2026) would provide the most proportional outcome, as measured by the Gallagher Index.

By-Elections

The Port Waikato situation in 2023 highlighted the need to modernise by-election provisions for the MMP environment. We recommend several changes to the Electoral Act.

In cases where a candidate dies during the campaign period, the law should be amended to prevent the creation of additional parliamentary seats. Instead of allocating a temporary list seat that later becomes an overhang, Parliament should operate with one fewer member until the delayed electorate vote is held. While this might briefly reduce constituency representation, it better preserves proportionality principles and avoids giving any party an unearned advantage.

An alternative might be to allow the electorate contest to proceed and only hold a delayed vote if the deceased candidate gained the most votes.

More generally, by-elections have become increasingly costly and voter turnouts have fallen. We recommend scrapping by-elections and enabling the party holding the seat to appoint

a replacement from its party list. This would maintain proportionality between elections and provide cost savings. However, this should be made subject to the party list replacement having and maintaining a connection to the area.

Waka Jumping

The Electoral Integrity Act's 'waka jumping' restrictions should be repealed. Although the restrictions preserve proportionality, they provide unaccountable party leaderships with too much power and are an unjustifiable restriction on MPs' freedom of expression and rights to follow their consciences.

7.3 Voting Issues

Special vote processing

The two-to-three-week delay in finalising election results creates unnecessary uncertainty and could be substantially reduced without compromising electoral integrity. We recommend:

- Ending the ability to enrol on Election Day(s), with the roll closing prior to the commencement of advance voting.
- Have the period for advance voting set in legislation.
- Allowing the processing and counting of votes during the voting period.
- Allowing preprocessing of advance vote verifications before election day.
- Implementing electronic electoral rolls for real-time duplicate vote checking.
- Moving away from overseas postal votes (removing the 10-day delay to receive them) and moving entirely to electronic means for overseas voting.
- Investing in additional counting staff and resources for the official count period.
- Work on automatic elector enrolment and updating of details.

These changes should reduce the special vote counting period from three weeks to a matter of days.

Election Day Restrictions

Most voters cast their votes before Election Day, and modern communication methods require a more pragmatic approach to Election Day restrictions. We recommend:

- Retain the ban on organised campaigning, paid advertising, and ‘treating’.
- Allow individual citizens to discuss their voting choices on social media.
- Permit normal news coverage and allow exit polling.
- Remove restrictions on campaign material near polling places.

The rules should be consistent across the entire voting period – advance voting and Election Day. Impacts on campaigning could be mitigated by having a shorter period for advance voting (e.g., seven days rather than 12).

These changes would recognise freedom of expression while preserving the dignity and calm of Election Day. The focus should shift from attempting to prevent all political discussion to preventing coordinated attempts to influence voters.

Public Understanding and Media Coverage

Improving public comprehension of MMP requires a multi-faceted approach focusing on voter education and media practice.

We recommend:

The Electoral Commission should launch an enhanced information programme emphasising the primacy of the party vote. This should include:

- Clear explanations on the ballot papers themselves.
- Targeted social media campaigns.
- Interactive online tools demonstrating how votes translate to seats.
- Specific outreach to first-time voters.

Media organisations should be encouraged to develop new approaches to election coverage that better reflect MMP’s realities. Rather than focusing on the electorate ‘horse races’, coverage should emphasise party vote trends and their implications for government formation. Election night broadcasts should consistently contextualise electorate results within the broader party vote picture.

Longer term, it could be worth considering strengthening civics education or creating incentives for civics knowledge.

Compulsory Voting

Compulsory voting would be expected to increase turnout, but only if rigorously enforced. It would not guarantee that additional votes are well-informed or well-intentioned.

We do not recommend a change to compulsory voting.

CHAPTER 8

Conclusion and Future Considerations

New Zealand has one of the oldest continuous democracies in the world and is today regarded as among the most democratically free countries.

New Zealand's MMP system has largely succeeded in its core aim of delivering proportional representation while maintaining stable governance. However, after nearly three decades of operation, several aspects of the system require modernisation to address emerging challenges and inefficiencies.

The reforms proposed in this research report aim to enhance both the technical operation and democratic legitimacy of our electoral system. They balance competing priorities: maintaining the system's fundamental strengths while addressing identified weaknesses; preserving valuable traditions while adapting to modern realities; ensuring broad representation while avoiding excessive fragmentation.

A longer term of Parliament (balanced by stronger select committees or even a second chamber), increasing the number of MPs, and reducing the size of the Executive should help governments develop and implement more coherent and long-term policies, while improving scrutiny and accountability. Repealing waka jumping restrictions would ensure MPs can exercise freedom of conscience.

Reducing the potential for overhangs should reduce incentives for strategic gaming. A lower party vote threshold, a 50:50 split between electorate and list MPs, and retention of coat-tailing should reduce the risk of overhangs and reduce the incidence of wasted party votes. Amending provisions for by-elections would be an added measure to preserve proportionality between elections.

Reforms to speed up vote processing and counting should deliver quicker results and speedier government formation. Election advertising rules should be modernised. Better information on how MMP works and civics education would improve public knowledge and buy-in for New Zealand's democracy.

The objective of this report is not to radically redesign our democracy but to restore balance between representation, accountability, and effective government, the same balance the 1986 Royal Commission sought to achieve for its time.

Looking to the future, further research would be merited on:

- Voter eligibility, including the voting age; voting rights for New Zealanders overseas; voting rights for recent migrant arrivals; and prisoner voting rights.
- Rules for political parties and campaigning, including funding and financing. These are important for electoral integrity but are beyond the scope of this report.
- The rise of digital technology. This will eventually enable new forms of voting and vote counting that could further improve efficiency. However, moves toward electronic voting would require assurances about security, extensive testing and public consultation to maintain confidence in electoral integrity.

New Zealand should maintain its tradition of regular electoral system review. While proposed reforms would address current issues, new challenges will inevitably emerge. Regular systematic reviews would help ensure the system serves New Zealand's democratic needs.

The success of any electoral reform depends on public understanding and acceptance. Implementation must be accompanied by comprehensive public education and clear communication about the reasons for and effects of changes.

With proper execution, these reforms would strengthen New Zealand's democracy while maintaining the core features that have made MMP successful.

Endnotes

- 1 Visual Capitalist, Mapped: *The World's Oldest Democracies*, <https://www.visualcapitalist.com/mapped-the-worlds-oldest-democracies/> It defines a country becoming a democracy when (1) the executive became directly or indirectly elected in popular elections and responsible to voters or to a legislature; (2) the legislature or the executive became chosen in free and fair elections; and (3) a majority of adult men (initially) were given the right to vote.
- 2 Freedom House, *Freedom in the World*, <https://freedomhouse.org/country/scores>
- 3 Economist Intelligence Unit, *World Democracy Index 2024*, <https://ourworldindata.org/grapher/democracy-index-eiu?mapSelect=-NZL>
- 4 Electoral Commission, *New Zealand Election Results, 2023 General Election, Statistics*, https://www.electionresults.govt.nz/electionresults_2023/statistics/index.html
- 5 In 1981 Social Credit won 20.7 percent of the vote but won only two seats and in 1984 the New Zealand Party won 12.2 percent of the vote but no seats.
- 6 In 1978 and 1981 National received fewer votes than Labour yet won majorities of seats (51 out of 92 in 1978 and 47 out of 92 in 1981).
- 7 Electoral Commission, *Sainte Laguë formula explained*, https://electionresults.govt.nz/sainte_lague.html. It includes a worked example.
- 8 Wikipedia, *Fourth National Government of New Zealand*, https://en.wikipedia.org/wiki/Fourth_National_Government_of_New_Zealand
- 9 Jack Vowles et al., *The Politics of Electoral Reform in New Zealand*, *Comparative Political Studies* 28(3), 1995, <https://journals.sagepub.com/doi/10.1177/019251219501600107?utm>
- 10 Entrenched by cross-reference by section 268 of the Electoral Act 1993, https://www.legislation.govt.nz/act/public/1993/0087/latest/DLM307519.html?search=ta_act%40act_E_ac%40ainf%40anif_an%40bn%40rn_25_a&p=1
- 11 Royal Commission into the Electoral System 1986, <https://elections.nz/democracy-in-nz/what-is-new-zealands-system-of-government/report-of-the-royal-commission-on-the-electoral-system/>
- 12 Wikipedia, *Referendums in New Zealand*, https://en.wikipedia.org/wiki/Referendums_in_New_Zealand
- 13 Royal Commission into the Electoral System 1986, Op. cit.
- 14 Radio New Zealand, *Support growing for four-year parliamentary term, poll shows*, <https://www.rnz.co.nz/news/political/431221/support-growing-for-four-year-parliamentary-term-poll-shows>
- 15 Research New Zealand, *Nearly half support 4-year parliamentary term; vast majority back reform*, <https://www.scoop.co.nz/stories/print.html?path=AK2503/S00025/nearly-half-support-4-year-parliamentary-term-vast-majority-back-reform.htm>
- 16 Independent Electoral Review 2023, November 2023, <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/independent-electoral-review/>
- 17 Department of Prime Minister and Cabinet, March 2024, *CO (24) 2: National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements*, <https://www.dpmc.govt.nz/publications/co-24-2-national-act-and-new-zealand-first-coalition-government-consultation-and-operating-arrangements>
- 18 Term of Parliament (Enabling 4-year Term) Legislation Amendment Bill, NZ Parliament, March 2025, <https://bills.parliament.nz/v/6/d259d3b7-961b-4d71-c262-08dd56a9bde4>
- 19 Justice Select Committee, 25 August 2025, *Final Report (Term of Parliament (Enabling 4 year Term) Legislation Amendment Bill)*, <https://selectcommittees.parliament.nz/v/SelectCommitteeReport/fad1fd2d-588e-4b42-ccf6-08dde37edfae>
- 20 Wikipedia, *List of Legislatures by Country*, https://en.wikipedia.org/wiki/List_of_legislatures_by_country. A unicameral parliament is a parliament with a single chamber (i.e., no upper house).
- 21 Ibid.

- 22 Parliament of Australia, *Four-year parliamentary terms*, April 2024, https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/Research/FlagPost/2024/April/4YearTerms#:~:text=Prime%20Minister%20Anthony%20Albanese%20and%20Opposition%20Leader%20Peter,on%20the%20merits%20of%20a%20longer%20electoral%20cycle.
- 23 Wikipedia, *List of National Constitutions*, https://en.wikipedia.org/wiki/List_of_national_constitutions
- 24 Electoral Commission, *General Election: Report of the Chief Electoral Officer* (successive elections).
- 25 In the 2020-23 Parliament the Labour Party had a support agreement with the Green Party, despite Labour holding a majority of seats.
- 26 Review of Economic Policy, Dal Bo & Rossi, M (2011), *Term Length and Effort of Politicians*, <https://academic.oup.com/restud/article-abstract/78/4/1237/1594041>
- 27 Journal of International Economics, Conconi, P, Facchini, G & Zanadi, M, (2014), *The Protectionist Effect of Elections*, <https://www.sciencedirect.com/science/article/abs/pii/S0022199614000890>
- 28 Journal of Public Economics, Shi, M. & Svensson, J. (2006). *Political Budget Cycles: Do They Differ Across Countries and Why?* <https://ideas.repec.org/a/eel/pubeco/v90y2006i8-9p1367-1389.html>
- 29 Journal of Finance, Julio, B. & Yook, Y. (2012). *Political Uncertainty and Corporate Investment Cycles*, <https://lbrsresearch.london.edu/id/eprint/340/>
- 30 Wikipedia, *List of Legislatures by Country*, Op. cit.
- 31 Legislative Council abolished, <https://nzhistory.govt.nz/legislative-council-abolished>
- 32 Sir Geoffrey Palmer KC, School of International Service Research Paper, October 2017, *The Constitutional Significance of the Abolition of the Legislative Council in 1950*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3054306
- 33 Penelope Brook Cowen, Tyler Cowen and Alexander Tabarrok for the New Zealand Business Roundtable, *An Analysis of Proposals for Constitutional Change in New Zealand, 1992*, <https://www.nzinitiative.org.nz/reports-and-media/reports/an-analysis-of-proposals-for-constitutional-change-in-new-zealand/>
- 34 Politik, *Maybe it's time for a Second Chamber*, 26 May 2025, <https://www.politik.co.nz/maybe-its-time-for-a-second-chamber/>
- 35 United States Senate, *About the Senate*, <https://www.senate.gov/about/index.htm>
- 36 Parliament of Australia, *Role of the Senate*, https://www.aph.gov.au/About_Parliament/Senate/Practice_and_Procedure/Senate_Briefs/Brief01
- 37 Government of Canada, *About the Senate*, <https://www.canada.ca/en/campaign/independent-advisory-board-for-senate-appointments/about-the-senate.html>
- 38 Citizens' Information, *Seanad Éireann*, <https://www.citizensinformation.ie/en/government-in-ireland/houses-of-the-oireachtas/the-seanad/>
- 39 United Kingdom Parliament, *How do you become a Member of the House of Lords?* <https://www.parliament.uk/about/mps-and-lords/about-lords/lords-appointment/>
- 40 New Zealand Legislation, *Constitution Act 1986*, section 17, <https://www.legislation.govt.nz/act/public/1986/0114/latest/DLM94204.html>
- 41 New Zealand Legislation, *Electoral Act 1993*, section 139(1), https://www.legislation.govt.nz/act/public/1993/0087/latest/DLM307519.html?search=ta_act%40act_E_ac%40ainf%40anif_an%40bn%40rn_25_a&p=1
- 42 New Zealand Legislation, *Constitution Act 1986*, section 19.
- 43 One News, *What happens when Winston Peters goes into coalition talks*, 1 October 2023, <https://www.1news.co.nz/2023/10/01/what-happens-when-winston-peters-goes-into-coalition-talks/>
- 44 New Zealand Parliament, *The delay of the 2020 General Election*, <https://www.parliament.nz/en/visit-and-learn/history-and-buildings/parliament-during-covid-19/the-delay-of-the-2020-general-election/>
- 45 Independent Electoral Review 2023, Op. cit.
- 46 From 1966 the South Island had a fixed number of general seats, to preserve its representation after many years of decline in MPs, with the North Island's seats rising as its population grew quicker.
- 47 Electoral Commission, *New Zealand Election Results*, Op. cit.
- 48 Statistics New Zealand, *Number of Electorates and Electoral Populations: 2023 Census*, 23 October 2024, <https://www.stats.govt.nz/information-releases/number-of-electorates-and-electoral-populations-2023-census/>
- 49 Electoral Commission, *New Zealand Election Results*, Op. cit.
- 50 Robert D Cooter (2000), *The Strategic Constitution*, <https://gpde.direito.ufmg.br/wp-content/uploads/2019/08/The-Strategic-Constitution.pdf>

- 51 The rule was devised by Estonian political scientist Rein Taagepera in his 1972 paper “The size of national assemblies”. https://en.wikipedia.org/wiki/Cube_root_law
- 52 The cube root of New Zealand’s 2023 census electoral population of 4,993,923 is 170.9.
- 53 Wikipedia, *List of legislatures by number of members*, https://en.wikipedia.org/wiki/List_of_legislatures_by_number_of_members
- 54 Wikipedia, *Parliaments of Australian States and Territories*, https://en.wikipedia.org/wiki/Parliaments_of_the_Australian_states_and_territories
- 55 The Canadian Encyclopaedia, *Members of Provincial and Territorial Legislatures*, <https://www.thecanadianencyclopedia.ca/en/article/members-of-provincial-legislatures>
- 56 Wikipedia, *Composition of German State Parliaments*, https://en.wikipedia.org/wiki/Composition_of_the_German_state_parliaments
- 57 MultiState, *2025 State Legislatures*, <https://www.multistate.us/resources/2025-state-legislatures>
- 58 Wikipedia, https://en.wikipedia.org/wiki/Scottish_Parliament, <https://en.wikipedia.org/wiki/Senedd>, https://en.wikipedia.org/wiki/Northern_Ireland_Assembly
- 59 142 MPs would enable both a 50:50 split and the retention of the 71 electorates set for the 2026 election.
- 60 The Treasury, *Vote: Parliamentary Service*, May 2025, <https://www.treasury.govt.nz/publications/estimates/vote-parliamentary-service-finance-and-government-administration-sector-estimates-appropriations-2025-26>
- 61 McRobie, Alan, *The New Zealand Electoral Atlas*, GP Books, 1989.
- 62 Local Electoral Act 2001, *Section 19V Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions*, https://www.legislation.govt.nz/act/public/2001/0035/latest/DLM93301.html?search=ta_act%40act_L_ac%40ainf%40anif_an%40bn%40rn_25_a&p=2
- 63 Government of New Zealand, *How Government Works*, <https://www.govt.nz/browse/engaging-with-government/government-in-new-zealand/>
- 64 The New Zealand Initiative, March 2024, *Cabinet Congestion: The Growth of a Ministerial Maze*, <https://www.nzinitiative.org.nz/reports-and-media/reports/cabinet-congestion/>
- 65 The New Zealand Initiative, September 2025, *Unscrambling Government*, <https://www.nzinitiative.org.nz/reports-and-media/reports/unscrambling-government-less-confusion-more-efficiency/>
- 66 Journal of Economic Perspectives, Persson, T & Tabellini, G, February 2004, *Constitutions & Economic Policy*, https://www.researchgate.net/publication/4981699_Constitutions_and_Economic_Policy
- 67 Wikipedia, *Referendums in New Zealand*. https://en.wikipedia.org/wiki/Referendums_in_New_Zealand
- 68 New Zealand Legislation, *Citizens Initiated Referendum Act 1993*, <https://www.legislation.govt.nz/act/public/1993/0101/latest/DLM317193.html>
- 69 New Zealand Parliament, *What is a citizens-initiated referendum?*, <https://www.parliament.nz/en/get-involved/features/what-is-a-citizens-initiated-referendum/>
- 70 Wikipedia, *Referendums in New Zealand*, Op. cit.
- 71 The Electoral Knowledge Network, *Swiss Direct Democracy*, https://aceproject.org/ace-en/focus/direct-democracy/cs-swiss/mobile_browsing/onePag
- 72 About Switzerland, *Direct Democracy*, <https://www.aboutswitzerland.eda.admin.ch/en/direct-democracy>
- 73 Kymlicka, Will (1996), *Multicultural Citizenship: A Liberal Theory of Minority Rights*, <https://academic.oup.com/book/4528>
- 74 Dr. Oleh Protsyk, *The Representation of Minorities and Indigenous Peoples in Parliament*, United Nations Development Programme (2010), <https://www.agora-parl.org/resources/library/representation-minorities-and-indigenous-peoples-parliament>
- 75 New Zealand Business Roundtable, *The Māori Seats in Parliament*, Philip A Joseph, May 2008, <https://www.nzcp.com/wp-content/uploads/2014/08/TheMaoriSeatsInParliament.pdf>
- 76 New Zealand Parliament, *Record number of Māori MPs elected to New Zealand Parliament*, 15 December 2023, <https://www.parliament.nz/en/get-involved/features/record-number-of-maori-mps-elected-to-new-zealand-parliament/>
- 77 Royal Commission on the Electoral System 1986, Op cit.
- 78 Arseneau, Dr Therese, *The Impact of MMP on Representation in New Zealand’s Parliament*, August 2017 <https://www.aspg.org.au/wp-content/uploads/2017/08/Session-2-Dr-Therese-Arseneau-The-Impact-of-MMP-on-Representation-in-New-Zealand-Parliament.pdf>

- 79 Prior to 2020 Te Pāti Māori was known as The Māori Party – conveniently, both abbreviate to ‘TPM’.
- 80 Electoral Commission, *New Zealand Election Results*, Op. cit.
- 81 Ibid.
- 82 Electoral Commission, *New Zealand Election Results, Tamaki Makaurau By-Election*, September 2025, https://www.electionresults.govt.nz/2025_tamaki_makaurau_byelection/
- 83 New Zealand Legislation, *Electoral (Māori Electoral Option) Legislation Act 2022*, <https://www.legislation.govt.nz/act/public/2022/0062/latest/whole.html>
- 84 Electoral Commission, *Māori Electoral Option*, <https://elections.nz/democracy-in-nz/what-is-an-electoral-roll/what-is-the-maori-electoral-option/>
- 85 Independent Electoral Review 2023, Op. cit.
- 86 New Zealand Herald, *Manurewa Marae inquiry findings: Christopher Luxon ‘shocked’, Chris Hipkins says ‘alarm bell’ for NZ reputation*, 18 February 2025, <https://www.nzherald.co.nz/nz/politics/manurewa-marae-inquiry-findings-christopher-luxon-shocked-chris-hipkins-says-alarm-bell-for-nz-reputation/UHLPQF6MAFBMTF7244ZHRBW2HQ/>
- 87 Independent Electoral Review 2023, Op. cit.
- 88 Gallagher, Michael and Mitchell, Paul (eds), *The Politics of Electoral Systems*, Oxford University Press, September 2015, <https://academic.oup.com/book/26299>
- 89 Calculator Academy, *Gallagher Index Calculator*, <https://calculator.academy/gallagher-index-calculator/>
- 90 Wikipedia, *Overhang seat*, https://en.wikipedia.org/wiki/Overhang_seat
- 91 Electoral Commission, *New Zealand Election Results*, Op. cit.
- 92 Ibid.
- 93 Shugart, Matthew Soberg, *Overhang seats and MMP*, Fruits & Votes blog (2021), <https://fruitsandvotes.wordpress.com>
- 94 New Zealand Herald, *Tamihere to Jackson: Go for the party vote bro and concede seats to Te Pāti Māori*, 30 May 2023. <https://www.nzherald.co.nz/kahu/tamihere-to-jackson-go-for-the-party-vote-bro-and-concede-seats-to-te-pati-maori/OZA54YLFVBEVZA2JNINLSMHRKM/>
- 95 Newsroom, *Why we could see a 127-seat Parliament at the next election*, 16 November 2023, <https://newsroom.co.nz/2023/11/16/why-we-could-see-a-127-seat-parliament-at-the-next-election/>
- 96 Electoral Commission, *Report of the Electoral Commission on the Review of the MMP Voting System*, October 2012, <https://www.elections.nz/assets/2012-report-of-the-Electoral-Commission-on-the-review-of-mmp.pdf>
- 97 Independent Electoral Review 2023, Op. cit.
- 98 Deutsche Bundestag, *Election of Members of the German Bundestag*, <https://www.bundestag.de/en/parliament/elections/arithmetic/arithmetic-199936>
- 99 Sveriges Riksdag, *Elections to the Riksdag*, <https://www.riksdagen.se/en/how-the-riksdag-works/democracy/elections-to-the-riksdag/>
- 100 Electoral Commission, *New Zealand Election Results*, Op. cit.
- 101 Electoral Commission, *New Zealand Election Results*, Op. cit.
- 102 Stuff, *PM and Banks have their Epsom cup of tea*, 11 November 2011, <https://www.stuff.co.nz/national/politics/5948536/PM-and-Banks-have-their-Epsom-cup-of-tea>
- 103 Radio New Zealand, *Ōhāriu candidates scramble after Dunne’s table-flip*, 25 August 2017, <https://www.rnz.co.nz/news/political/337983/ohariu-candidates-scramble-after-dunne-s-table-flip>
- 104 Boston, Jonathan; Church, Stephen; Levine, Stephen; McLeay, Elizabeth; and Roberts, Nigel (eds), *Left Turn: The New Zealand General Election of 1999*. Victoria University Press. 2000, [https://en.wikipedia.org/wiki/Coromandel_\(New_Zealand_electorate\)#cite_note-12](https://en.wikipedia.org/wiki/Coromandel_(New_Zealand_electorate)#cite_note-12)
- 105 The New Zealand Initiative, *Kiwis don’t know basic civics, new survey says*, 9 September 2020 <https://www.nzinitiative.org.nz/reports-and-media/media/media-release-kiwis-dont-know-basic-civics-new-survey-says>
- 106 Royal Commission into the Electoral System 1986, Op. cit.
- 107 The Spinoff, Haimoana Gray, *Is there such a thing as a wasted vote?* 30 August 2023, <https://thespinoff.co.nz/politics/30-08-2023/is-there-such-a-thing-as-a-wasted-vote>
- 108 Electoral Commission, *New Zealand Election Results*, Op. cit.
- 109 Wikipedia, *Electoral Threshold*, https://en.wikipedia.org/wiki/Electoral_threshold
- 110 Wikipedia, *2023 Dutch general election*, https://en.wikipedia.org/wiki/2023_Dutch_general_election
- 111 Wikipedia, *2022 Israeli legislative election*, https://en.wikipedia.org/wiki/2022_Israeli_legislative_election

- 112 Independent Electoral Review 2023, Op. cit.
- 113 Electoral Commission, *New Zealand Election Results*, Op. cit.
- 114 Shugart, Matthew Soberg and Wattenberg, Martin P, Oxford University Press, February 2003, *Mixed-Member Electoral Systems: The Best of Both Worlds?* <https://academic.oup.com/book/12676>
- 115 Renwick, Alan, Cambridge University Press, *The Politics of Electoral Reform: Changing the Rules of Democracy*, May 2010, <https://www.cambridge.org/core/books/politics-of-electoral-reform/3733BEF844B6479CE2E5C648622D4AC6>
- 116 Flis, Jaroslaw; Grofman, Bernard; and Kaminski, Marek, Public Choice, July 2025, *Mixed electoral systems: an introduction to the special issue*, <https://link.springer.com/article/10.1007/s11127-025-01311-3?utm>
- 117 New Zealand Legislation, *Electoral Act 1993*, section 35 (General electorates) and section 45 (Māori electorates), <https://legislation.govt.nz/act/public/1993/0087/latest/DLM307519.html>
- 118 Electoral Commission, *Review of the MMP Voting System*, October 2012, Op. cit.
- 119 Independent Electoral Review 2023, Op. cit.
- 120 The author used Chat GPT to model overhangs for each option. For Option A (120 MPs) and Option C (Cube Root Law), electorate wins were scaled Hamilton-style to the new number of electorates in the same proportions as the actual results. For Option B (actual electorates), it used the actual electorate distribution. For Options A and C much would depend on whether the smaller and larger number of electorates would really have been won in the same proportions as in reality.
- 121 Radio New Zealand, *An Extra Port Waikato Seat in Parliament: What you need to know*, 10 October 2023, <https://www.rnz.co.nz/news/national/499821/an-extra-port-waikato-seat-in-parliament-what-you-need-to-know>
- 122 Electoral Commission, *New Zealand Election Results*, Op. cit.
- 123 Pundit, Geddis, Andrew, *What does Port Waikato's "plus-one" seat in parliament mean for our election?*, 10 October 2023, <https://www.pundit.co.nz/content/what-does-port-waikatos-plus-one-mean-for-our-election>
- 124 Wikipedia, *Clutha (New Zealand) electorate*, [https://en.wikipedia.org/wiki/Clutha_\(New_Zealand_electorate\)#CITEREFNorton1988](https://en.wikipedia.org/wiki/Clutha_(New_Zealand_electorate)#CITEREFNorton1988)
- 125 Radio New Zealand, *An Extra Port Waikato Seat in Parliament: What you need to know*, Op. cit.
- 126 Electoral Commission, *New Zealand Election Results*, Op. cit.
- 127 Independent Electoral Review 2023, Op. cit.
- 128 Justice Select Committee, *Inquiry into the 2023 General Election*, February 2024, <https://selectcommittees.parliament.nz/v/2/45d515a2-cfe2-467c-5af4-08dc27565084>
- 129 Newshub, *Port Waikato by-election cost revealed, additional funding necessary to save commission from 'significant financial risk'*, 19 October 2023, <https://www.stuff.co.nz/politics/350480367/port-waikato-by-election-cost-revealed-additional-funding-necessary-to-save-commission-from-significant-financial-risk>
- 130 Wikipedia, *Electoral (Integrity) Amendment Acts*, [https://en.wikipedia.org/wiki/Electoral_\(Integrity\)_Amendment_Acts](https://en.wikipedia.org/wiki/Electoral_(Integrity)_Amendment_Acts)
- 131 Examples of countries with anti-defection laws include India, Pakistan, Bangladesh, Sri Lanka, South Africa, and Fiji.
- 132 Independent Electoral Review 2023, Op. cit.
- 133 The Spinoff, *Why does counting the special votes take such a long time?*, 17 October 2023, <https://thespinoff.co.nz/politics/17-10-2023/why-does-counting-the-special-votes-take-so-long>
- 134 Ministry of Justice, *Regulatory Impact Statement for Improving the Timeliness of the Official Vote Count*, <https://www.justice.govt.nz/assets/Documents/Publications/Improving-the-timeliness-of-the-vote-count-final.pdf>
- 135 Electoral Commission, *New Zealand Election Results*, Op. cit.
- 136 Electoral Commission, *How to vote from overseas*, <https://vote.nz/voting/how-to-vote/vote-from-overseas/>
- 137 Electoral Commission, *Voting Information*, <https://elections.nz/guidance-and-rules/candidate-hub/resources/enrolment-and-resources-2/>
- 138 Controller and Auditor General, *General Election 2023: Independent Review of Counting Errors*, May 2024, <https://www.oag.parliament.nz/2024/election-2023>
- 139 The Spinoff, *Why does counting the special votes take such a long time?*, Op. cit.
- 140 Ibid.

- 141 Justice Select Committee, *Inquiry into the 2023 General Election*, February 2024, Op. cit.
- 142 Goldsmith, Hon Paul, Minister of Justice, *Overhauling unsustainable electoral laws*, 24 July 2025, <https://www.beehive.govt.nz/release/overhauling-unsustainable-electoral-laws>
- 143 Collins, Hon Judith KC, Attorney General, *Report under the New Zealand Bill of Rights Act 1990 on the Electoral Matters Legislation Amendment Bill*, <https://www.justice.govt.nz/assets/Documents/Publications/25072025-Electoral-Amendment-Bill.pdf>
- 144 The Post, *Controversial changes to voter enrolment won't speed up final count: Electoral Commission*, <https://www.thepost.co.nz/politics/360835185/controversial-changes-voter-enrolment-wont-speed-final-count-electoral-commission>
- 145 Radio New Zealand, *Election 2023: Voters told to steer clear of posting on social media*, 13 October 2023, <https://www.rnz.co.nz/news/political/500065/election-2023-voters-told-to-steer-clear-of-posting-on-social-media>
- 146 New Zealand Herald, *Changing times remove need for ban on tweets*, 25 July 2015, <https://www.nzherald.co.nz/nz/politics/editorial-changing-times-remove-need-for-ban-on-tweets/W35TEWKMJNJTLOCVR63W4ZMBZU/#:-:text=Its%20intent%20is%20to%20provide,campaign%20before%20casting%20their%20votes>
- 147 Electoral Commission, *New Zealand Election Results*, Op. cit.
- 148 New Zealand Herald, *Changing times remove need for ban on tweets*, Op. cit.
- 149 Ibid.
- 150 Justice Select Committee, *Inquiry into the 2023 General Election*, Op. cit.
- 151 Wikipedia, *1978 New Zealand General Election*, https://en.wikipedia.org/wiki/1978_New_Zealand_general_election
- 152 New Zealand History, *Election Days*, <https://nzhistory.govt.nz/politics/election-day/general-elections>
- 153 The New Zealand Initiative, *Democracy in the Dark*, September 2020, <https://www.nzinitiative.org.nz/reports-and-media/reports/democracy-in-the-dark/>
- 154 Australian Electoral Commission, *Voter turnout – previous Events*, https://www.aec.gov.au/Elections/federal_elections/voter-turnout.htm
- 155 Australian Electoral Commission, *Participation in the 2025 federal election*, <https://www.aec.gov.au/election/fe25/participation-rates.htm>
- 156 Wikipedia, *History of voting in New Zealand*, https://en.wikipedia.org/wiki/History_of_voting_in_New_Zealand
- 157 Wikipedia, *Voter turnout in Canada*, https://en.wikipedia.org/wiki/Voter_turnout_in_Canada
- 158 Wikipedia, *Voter turnout in United States presidential elections*, https://en.wikipedia.org/wiki/Voter_turnout_in_United_States_presidential_elections.
- 159 House of Commons Library, *2024 general election: Turnout*, <https://commonslibrary.parliament.uk/general-election-2024-turnout/>
- 160 Radio New Zealand, *Former PMs support compulsory voting in New Zealand*, 7 April 2017, <https://www.rnz.co.nz/news/political/328358/former-pms-support-compulsory-voting-in-nz>
- 161 Brian Rudman, *Compulsory voting not the answer to low turnout*, New Zealand Herald, 12 April 2017, <https://www.nzherald.co.nz/nz/brian-rudman-compulsory-voting-not-the-answer-to-low-turnout/MNXUTTBASCLMY3WZG22QWEQGQE/#:-:text=Australian,to%20vote%20because%20they%27re%20engaged>
- 162 Wikipedia, *Electoral System of Germany*, https://en.wikipedia.org/wiki/Electoral_system_of_Germany
- 163 Wikipedia, *Bundestag* <https://en.wikipedia.org/wiki/Bundestag>
- 164 'Degressive proportionality' is a system where although the total number of seats is allocated based on states' population sizes, more populous states agree to be under-represented relative to less populous states: the larger the state, the smaller the number of seats relative to its population. This system is also used for the European Parliament: <https://www.europarl.europa.eu/factsheets/en/sheet/20/the-european-parliament-organisation-and-operation>
- 165 Bundesrat, *Composition of the Bundesrat*, <https://www.bundesrat.de/EN/organisation-en/stimmenverteilung-en/stimmenverteilung-en-node.html>
- 166 Basic Law for the Federal Government of Germany, <https://faolex.fao.org/docs/pdf/ger128242E.pdf>
- 167 The Federal Returning Officer, *Minimum representation clause*, <https://www.bundeswahlleiterin.de/en/service/glossar/g/grundmandatsklausel.html>
- 168 Wikipedia, *2025 German Federal Election*, https://en.wikipedia.org/wiki/2025_German_federal_election

- 169 Deutscher Bundestag, *Basic Law for the Federal Republic of Germany*, <http://www.parliament.am/library/parlamentarizm2019/germania.pdf#:~:text=Members%20of%20the%20German%20Bundestag%20shall%20be%20elected,or%20instructions%20and%20responsible%20only%20to%20their%20conscience.>
- 170 Institute for Government, *Electoral systems across the UK*, February 2020, <https://www.instituteforgovernment.org.uk/explainer/electoral-systems-across-uk>
- 171 Election Passport, Bolivia, <https://www.electionpassport.com/electoral-systems/bolivia/>
- 172 Election Passport, Lesotho, <https://www.electionpassport.com/electoral-systems/lesotho/>
- 173 Korea Economic Institute, *How Does South Korea's New Election System Work?* April 2020, <https://keia.org/the-peninsula/how-does-south-koreas-new-election-system-work/>

References

- About Switzerland, *Direct Democracy*, <https://www.aboutswitzerland.eda.admin.ch/en/direct-democracy>
- Arseneau, Dr Therese, *The Impact of MMP on Representation in New Zealand's Parliament*, August 2017 <https://www.aspg.org.au/wp-content/uploads/2017/08/Session-2-Dr-Therese-Arseneau-The-Impact-of-MMP-on-Representation-in-New-Zealands-Parliament.pdf>
- Australian Electoral Commission, *Tally Room 2025 Federal Election Turnout by State*, 14 May 2025, <https://tallyroom.aec.gov.au/HouseTurnoutByState-31496.htm>
- Australian Electoral Commission, *Voter turnout – previous events*, https://www.aec.gov.au/Elections/federal_elections/voter-turnout.htm
- Basic Law for the Federal Government of Germany, <https://faolex.fao.org/docs/pdf/ger128242E.pdf>
- Boston, Jonathan; Church, Stephen; Levine, Stephen; McLeay, Elizabeth; and Roberts, Nigel (eds), *Left Turn: The New Zealand General Election of 1999*. Victoria University Press. 2000, [https://en.wikipedia.org/wiki/Coromandel_\(New_Zealand_electorate\)#cite_note-12](https://en.wikipedia.org/wiki/Coromandel_(New_Zealand_electorate)#cite_note-12)
- Bundesrat, *Composition of the Bundesrat*, <https://www.bundesrat.de/EN/organisation-en/stimmenverteilung-en/stimmenverteilung-en-node.html>
- Calculator Academy, *Gallagher Index Calculator*, <https://calculator.academy/gallagher-index-calculator/>
- Collins, Hon Judith KC, Attorney General, *Report under the New Zealand Bill of Rights Act 1990 on the Electoral Matters Legislation Amendment Bill*, <https://www.justice.govt.nz/assets/Documents/Publications/25072025-Electoral-Amendment-Bill.pdf>
- Controller and Auditor General, *General Election 2023: Independent Review of Counting Errors*, May 2024, <https://www.oag.parliament.nz/2024/election-2023>
- Cooter, Robert D, 2000, *The Strategic Constitution*, <https://gpde.direito.ufmg.br/wp-content/uploads/2019/08/The-Strategic-Constitution.pdf>
- Cowen, Penelope Brook, Cowen, Tyler and Tabarrok, Alexander for the New Zealand Business Roundtable, *An Analysis of Proposals for Constitutional Change in New Zealand*, 1992, <https://www.nzinitiative.org.nz/reports-and-media/reports/an-analysis-of-proposals-for-constitutional-change-in-new-zealand/>
- Department of Prime Minister and Cabinet, March 2024, *CO (24) 2: National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements*, <https://www.dPMC.govt.nz/publications/co-24-2-national-act-and-new-zealand-first-coalition-government-consultation-and-operating-arrangements>
- Deutscher Bundestag, *Basic Law for the Federal Republic of Germany*, <http://www.parliament.am/library/parlamentarizm2019/germania.pdf#:~:text=Members%20of%20the%20German%20Bundestag%20shall%20be%20elected,or%20instructions%20and%20responsible%20only%20to%20their%20conscience.>
- Deutsche Bundestag, *Election of Members of the German Bundestag*, <https://www.bundestag.de/en/parliament/elections/arithmetic/arithmetic-199936>
- Economist Intelligence Unit, *World Democracy Index 2024*, <https://ourworldindata.org/grapher/democracy-index-eiu?mapSelect=-NZL>
- Election Passport, Bolivia, <https://www.electionpassport.com/electoral-systems/bolivia/>
- Election Passport, Lesotho, <https://www.electionpassport.com/electoral-systems/lesotho/>
- Electoral Commission, *General Election: Report of the Chief Electoral Officer* (successive elections).
- Electoral Commission, *How to vote from overseas*, <https://vote.nz/voting/how-to-vote/vote-from-overseas/>
- Electoral Commission, *Māori Electoral Option*, <https://elections.nz/democracy-in-nz/what-is-an-electoral-roll/what-is-the-maori-electoral-option/>
- Electoral Commission, *New Zealand Election Results, 2023 General Election, Statistics*, https://www.electionresults.govt.nz/electionresults_2023/statistics/index.html
- Electoral Commission, *New Zealand Election Results*, <https://www.electionresults.govt.nz/>
- Electoral Commission, *New Zealand Election Results, Tamaki Makaurau By-Election*, September 2025, https://www.electionresults.govt.nz/2025_tamaki_makaurau_byelection/

- Electoral Commission, *Report of the Electoral Commission on the Review of the MMP Voting System*, October 2012, <https://www.elections.nz/assets/2012-report-of-the-Electoral-Commission-on-the-review-of-mmp.pdf>
- Electoral Commission, *Sainte Laguë formula explained*, https://electionresults.govt.nz/sainte_lague.html
- Electoral Commission, *Voting Information*, <https://elections.nz/guidance-and-rules/candidate-hub/resources/enrolment-and-resources-2/>
- European Parliament, *Organisation and Operation*, <https://www.europarl.europa.eu/factsheets/en/sheet/20/the-european-parliament-organisation-and-operation>
- Flis, Jaroslaw; Grofman, Bernard; and Kaminski, Marek, Public Choice, July 2025, Mixed electoral systems: an introduction to the special issue, <https://link.springer.com/article/10.1007/s11127-025-01311-3?utm>
- Freedom House, *Freedom in the World*, <https://freedomhouse.org/country/scores>
- Gallagher, Michael and Mitchell, Paul (eds), *The Politics of Electoral Systems*, Oxford University Press, September 2015, <https://academic.oup.com/book/26299>
- Goldsmith, Hon Paul, Minister of Justice, *Overhauling unsustainable electoral laws*, 24 July 2025, <https://www.beehive.govt.nz/release/overhauling-unsustainable-electoral-laws>
- Government of Canada, *About the Senate*, <https://www.canada.ca/en/campaign/independent-advisory-board-for-senate-appointments/about-the-senate.html>
- Government of New Zealand, *How Government Works*, <https://www.govt.nz/browse/engaging-with-government/government-in-new-zealand/>
- House of Commons Library, *2024 general election: Turnout*, <https://commonslibrary.parliament.uk/general-election-2024-turnout/>
- Independent Electoral Review 2023, November 2023, <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/independent-electoral-review/>
- Institute for Government, *Electoral systems across the UK*, February 2020, <https://www.instituteforgovernment.org.uk/explainer/electoral-systems-across-uk>
- Ireland Citizens' Information, *Seanad Éireann*, <https://www.citizensinformation.ie/en/government-in-ireland/houses-of-the-oireachtas/the-seanad/>
- Journal of Economic Perspectives, Persson, T & Tabellini, G, February 2004, *Constitutions & Economic Policy*, https://www.researchgate.net/publication/4981699_Constitutions_and_Economic_Policy
- Journal of Finance, Julio, B. & Yook, Y. (2012). *Political Uncertainty and Corporate Investment Cycles*, <https://lbsresearch.london.edu/id/eprint/340/>
- Journal of International Economics, Conconi, P, Facchini, G & Zanadi, M, (2014), *The Protectionist Effect of Elections*, <https://www.sciencedirect.com/science/article/abs/pii/S0022199614000890>
- Journal of Public Economics, Shi, M. & Svensson, J. (2006). *Political Budget Cycles: Do They Differ Across Countries and Why?* <https://ideas.repec.org/a/eee/pubeco/v90y2006i8-9p1367-1389.html>
- Justice Select Committee, 25 August 2025, Final Report (Term of Parliament (Enabling 4 year Term) Legislation Amendment Bill), <https://selectcommittees.parliament.nz/v/SelectCommitteeReport/fad1fd2d-588e-4b42-ccf6-08dde37edfae>
- Justice Select Committee, *Inquiry into the 2023 General Election*, February 2024, <https://selectcommittees.parliament.nz/v/2/45d515a2-cfe2-467c-5af4-08dc27565084>
- Korea Economic Institute, *How Does South Korea's New Election System Work?* April 2020, <https://keia.org/the-peninsula/how-does-south-koreas-new-election-system-work/>
- Kymlicka, Will (1996), *Multicultural Citizenship: A Liberal Theory of Minority Rights*, <https://academic.oup.com/book/4528>
- McRobie, Alan, *The New Zealand Electoral Atlas*, GP Books, 1989
- Ministry of Justice, *Regulatory Impact Statement for Improving the Timeliness of the Official Vote Count*, <https://www.justice.govt.nz/assets/Documents/Publications/Improving-the-timeliness-of-the-vote-count-final.pdf>
- MultiState, *2025 State Legislatures*, <https://www.multistate.us/resources/2025-state-legislatures>
- Newshub, *Port Waikato by-election cost revealed, additional funding necessary to save commission from 'significant financial risk'*, 19 October 2023, <https://www.stuff.co.nz/politics/350480367/port-waikato-by-election-cost-revealed-additional-funding-necessary-to-save-commission-from-significant-financial-risk>

- Newsroom, *Why we could see a 127-seat Parliament at the next election*, 16 November 2023, <https://newsroom.co.nz/2023/11/16/why-we-could-see-a-127-seat-parliament-at-the-next-election/>
- New Zealand Business Roundtable, *The Māori Seats in Parliament*, Philip A Joseph, May 2008, <https://www.nzcp.com/wp-content/uploads/2014/08/TheMaoriSeatsInParliament.pdf>
- New Zealand Herald, *Changing times remove need for ban on tweets*, 25 July 2015, <https://www.nzherald.co.nz/nz/politics/editorial-changing-times-remove-need-for-ban-on-tweets/W35TEWKMJNJTLOCVR63W4ZMBZU/#:~:text=Its%20intent%20is%20to%20provide,campaign%20before%20casting%20their%20votes>
- New Zealand Herald, *Manurewa Marae inquiry findings: Christopher Luxon 'shocked', Chris Hipkins says 'alarm bell' for NZ reputation*, 18 February 2025, <https://www.nzherald.co.nz/nz/politics/manurewa-marae-inquiry-findings-christopher-luxon-shocked-chris-hipkins-says-alarm-bell-for-nz-reputation/UHLPQF6MAFBMTF7244ZHRBW2HQ/>
- New Zealand Herald, Rudman, Brian, *Compulsory voting not the answer to low turnout*, 12 April 2017, <https://www.nzherald.co.nz/nz/brian-rudman-compulsory-voting-not-the-answer-to-low-turnout/MNXUTTBASCLMY3WZG22QWEQGQE/#:~:text=Australian,to%20vote%20because%20they%27re%20engaged>
- New Zealand Herald, *Tamihere to Jackson: Go for the party vote bro and concede seats to Te Pāti Māori*, 30 May 2023, <https://www.nzherald.co.nz/kahu/tamihere-to-jackson-go-for-the-party-vote-bro-and-concede-seats-to-te-pati-maori/OZA54YLFVBEVZA2JNINLSMHRKM/>
- New Zealand History, *Election Days*, <https://nzhistory.govt.nz/politics/election-day/general-elections>
- New Zealand Legislation, *Citizens Initiated Referendum Act 1993*, <https://www.legislation.govt.nz/act/public/1993/0101/latest/DLM317193.html>
- New Zealand Legislation, *Constitution Act 1986*, section 17, <https://www.legislation.govt.nz/act/public/1986/0114/latest/DLM94204.html>
- New Zealand Legislation, *Constitution Act 1986*, section 19, <https://www.legislation.govt.nz/act/public/1986/0114/latest/DLM94204.html>
- New Zealand Legislation, *Electoral Act 1993*, section 35 (General electorates) and section 45 (Māori electorates), <https://legislation.govt.nz/act/public/1993/0087/latest/DLM307519.html>
- New Zealand Legislation, *Electoral Act 1993*, section 139(1), https://www.legislation.govt.nz/act/public/1993/0087/latest/DLM307519.html?search=ta_act%40act_E_ac%40ainf%40anif_an%40bn%40rn_25_a&p=1
- New Zealand Legislation, *Electoral Act 1993*, section 268, https://www.legislation.govt.nz/act/public/1993/0087/latest/DLM307519.html?search=ta_act%40act_E_ac%40ainf%40anif_an%40bn%40rn_25_a&p=1
- New Zealand Legislation, *Electoral (Māori Electoral Option) Legislation Act 2022*, <https://www.legislation.govt.nz/act/public/2022/0062/latest/whole.html>
- New Zealand Legislation, *Local Electoral Act 2001, Section 19V Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions*, https://www.legislation.govt.nz/act/public/2001/0035/latest/DLM93301.html?search=ta_act%40act_L_ac%40ainf%40anif_an%40bn%40rn_25_a&p=2
- New Zealand Parliament, *What is a citizens-initiated referendum?*, <https://www.parliament.nz/en/get-involved/features/what-is-a-citizens-initiated-referendum/>
- New Zealand Parliament, *The delay of the 2020 General Election*, <https://www.parliament.nz/en/visit-and-learn/history-and-buildings/parliament-during-covid-19/the-delay-of-the-2020-general-election/>
- New Zealand Parliament, *Record number of Māori MPs elected to New Zealand Parliament*, 15 December 2023, <https://www.parliament.nz/en/get-involved/features/record-number-of-maori-mps-elected-to-new-zealand-parliament/>
- One News, *What happens when Winston Peters goes into coalition talks*, 1 October 2023, <https://www.1news.co.nz/2023/10/01/what-happens-when-winston-peters-goes-into-coalition-talks/>
- Parliament of Australia, *Four-year parliamentary terms*, April 2024, https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/Research/FlagPost/2024/April/4YearTerms#:~:text=Prime%20Minister%20Anthony%20Albanese%20and%20Opposition%20Leader%20Peter,on%20the%20merits%20of%20a%20longer%20electoral%20cycle
- Parliament of Australia, *Role of the Senate*, https://www.aph.gov.au/About_Parliament/Senate/Practice_and_Procedure/Senate_Briefs/Brief01

- Palmer, Sir Geoffrey KC, School of International Service Research Paper, October 2017, *The Constitutional Significance of the Abolition of the Legislative Council in 1950*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3054306
- Politik, *Maybe it's time for a Second Chamber*, 26 May 2025, <https://www.politik.co.nz/maybe-its-time-for-a-second-chamber/>
- Protsyk, Dr Oleh, *The Representation of Minorities and Indigenous Peoples in Parliament*, United Nations Development Programme (2010), <https://www.agora-parl.org/resources/library/representation-minorities-and-indigenous-peoples-parliament>
- Pundit, Geddis, Andrew, *What does Port Waikato's "plus-one" seat in parliament mean for our election?*, 10 October 2023, <https://www.pundit.co.nz/content/what-does-port-waikatos-plus-one-mean-for-our-election>
- Radio New Zealand, *An Extra Port Waikato Seat in Parliament: What you need to know*, 10 October 2023, <https://www.rnz.co.nz/news/national/499821/an-extra-port-waikato-seat-in-parliament-what-you-need-to-know>
- Radio New Zealand, *Election 2023: Voters told to steer clear of posting on social media*, 13 October 2023, <https://www.rnz.co.nz/news/political/500065/election-2023-voters-told-to-steer-clear-of-posting-on-social-media>
- Radio New Zealand, *Former PMs support compulsory voting in New Zealand*, 7 April 2017, <https://www.rnz.co.nz/news/political/328358/former-pms-support-compulsory-voting-in-nz>
- Radio New Zealand, *Ōhāriu candidates scramble after Dunne's table-flip*, 25 August 2017, <https://www.rnz.co.nz/news/political/337983/ohariu-candidates-scramble-after-dunne-s-table-flip>
- Radio New Zealand, *Support growing for four-year parliamentary term, poll shows*, <https://www.rnz.co.nz/news/political/431221/support-growing-for-four-year-parliamentary-term-poll-shows>
- Renwick, Alan, Cambridge University Press, *The Politics of Electoral Reform: Changing the Rules of Democracy*, May 2010, <https://www.cambridge.org/core/books/politics-of-electoral-reform/3733BEF844B6479CE2E5C648622D4AC6>
- Research New Zealand, *Nearly half support 4-year parliamentary term; vast majority back reform*, <https://www.scoop.co.nz/stories/print.html?path=AK2503/S00025/nearly-half-support-4-year-parliamentary-term-vast-majority-back-reform.htm>
- Review of Economic Policy, Dal Bo & Rossi, M (2011), *Term Length and Effort of Politicians*, <https://academic.oup.com/restud/article-abstract/78/4/1237/1594041>
- Royal Commission into the Electoral System 1986, <https://elections.nz/democracy-in-nz/what-is-new-zealands-system-of-government/report-of-the-royal-commission-on-the-electoral-system/>
- Shugart, Matthew Soberg, *Overhang seats and MMP*, Fruits & Votes blog (2021), <https://fruitsandvotes.wordpress.com>
- Shugart, Matthew Soberg and Wattenberg, Martin P, Oxford University Press, February 2003, *Mixed-Member Electoral Systems: The Best of Both Worlds?*, <https://academic.oup.com/book/12676>
- Statistics New Zealand, *Number of Electorates and Electoral Populations: 2023 Census*, 23 October 2024, <https://www.stats.govt.nz/information-releases/number-of-electorates-and-electoral-populations-2023-census/>
- Stuff, *PM and Banks have their Epsom cup of tea*, 11 November 2011, <https://www.stuff.co.nz/national/politics/5948536/PM-and-Banks-have-their-Epsom-cup-of-tea>
- Sveriges Riksdag, *Elections to the Riksdag*, <https://www.riksdagen.se/en/how-the-riksdag-works/democracy/elections-to-the-riksdag/>
- The Canadian Encyclopaedia, *Members of Provincial and Territorial Legislatures*, <https://www.thecanadianencyclopedia.ca/en/article/members-of-provincial-legislatures>
- The Electoral Knowledge Network, *Swiss Direct Democracy*, https://aceproject.org/ace-en/focus/direct-democracy/cs-swiss/mobile_browsing/onePag
- The New Zealand Initiative, March 2024, *Cabinet Congestion: The Growth of a Ministerial Maze*, <https://www.nzinitiative.org.nz/reports-and-media/reports/cabinet-congestion/>
- The New Zealand Initiative, *Democracy in the Dark*, September 2020, <https://www.nzinitiative.org.nz/reports-and-media/reports/democracy-in-the-dark/>
- The New Zealand Initiative, *Kiwis don't know basic civics, new survey says*, 9 September 2020, <https://www.nzinitiative.org.nz/reports-and-media/media/media-release-kiwis-dont-know-basic-civics-new-survey-says>
- The New Zealand Initiative, *Unscrambling Government*, September 2025, <https://www.nzinitiative.org.nz/reports-and-media/reports/unscrambling-government-less-confusion-more-efficiency/>

- The Post, *Controversial changes to voter enrolment won't speed up final count: Electoral Commission*, <https://www.thepost.co.nz/politics/360835185/controversial-changes-voter-enrolment-wont-speed-final-count-electoral-commission>
- The Spinoff, Haimoana Gray, *Is there such a thing as a wasted vote?*, 30 August 2023, <https://thespinoff.co.nz/politics/30-08-2023/is-there-such-a-thing-as-a-wasted-vote>
- The Spinoff, *Why does counting the special votes take such a long time?*, 17 October 2023, <https://thespinoff.co.nz/politics/17-10-2023/why-does-counting-the-special-votes-take-so-long>
- The Treasury, *Vote: Parliamentary Service, May 2025*, <https://www.treasury.govt.nz/publications/estimates/vote-parliamentary-service-finance-and-government-administration-sector-estimates-appropriations-2025-26>
- Term of Parliament (Enabling 4-year Term) Legislation Amendment Bill, NZ Parliament, March 2025 <https://bills.parliament.nz/v/6/d259d3b7-961b-4d71-c262-08dd56a9bde4>
- United Kingdom Parliament, *How do you become a Member of the House of Lords?* <https://www.parliament.uk/about/mps-and-lords/about-lords/lords-appointment/>
- United States Senate, *About the Senate*, <https://www.senate.gov/about/index.htm>
- Visual Capitalist, *Mapped: The World's Oldest Democracies*, <https://www.visualcapitalist.com/mapped-the-worlds-oldest-democracies/>
- Vowles, Jack et al., *The Politics of Electoral Reform in New Zealand*, *Comparative Political Studies* 28(3), 1995, <https://journals.sagepub.com/doi/10.1177/019251219501600107?utm>
- Wikipedia, *1978 New Zealand General Election*, https://en.wikipedia.org/wiki/1978_New_Zealand_general_election
- Wikipedia, *2022 Israeli legislative election*, https://en.wikipedia.org/wiki/2022_Israeli_legislative_election
- Wikipedia, *2023 Dutch general election*, https://en.wikipedia.org/wiki/2023_Dutch_general_election
- Wikipedia, *Bundestag* <https://en.wikipedia.org/wiki/Bundestag>
- Wikipedia, *Clutha (New Zealand) electorate*, [https://en.wikipedia.org/wiki/Clutha_\(New_Zealand_electorate\)#CITEREFNorton1988](https://en.wikipedia.org/wiki/Clutha_(New_Zealand_electorate)#CITEREFNorton1988)
- Wikipedia, *Composition of German State Parliaments*, https://en.wikipedia.org/wiki/Composition_of_the_German_state_parliaments
- Wikipedia, *Cube Root Law*, https://en.wikipedia.org/wiki/Cube_root_law
- Wikipedia, *Electoral (Integrity) Amendment Acts*, [https://en.wikipedia.org/wiki/Electoral_\(Integrity\)_Amendment_Acts](https://en.wikipedia.org/wiki/Electoral_(Integrity)_Amendment_Acts) Independent Electoral Review 2023.
- Wikipedia, *Electoral System of Germany*, https://en.wikipedia.org/wiki/Electoral_system_of_Germany
- Wikipedia, *Electoral Threshold*, https://en.wikipedia.org/wiki/Electoral_threshold
- Wikipedia, *Fourth National Government of New Zealand*, https://en.wikipedia.org/wiki/Fourth_National_Government_of_New_Zealand
- Wikipedia, *Gallagher Index*, https://en.wikipedia.org/wiki/Gallagher_index
- Wikipedia, *History of voting in New Zealand*, https://en.wikipedia.org/wiki/History_of_voting_in_New_Zealand
- Wikipedia, *List of Legislatures by Country*, https://en.wikipedia.org/wiki/List_of_legislatures_by_country.
- Wikipedia, *List of legislatures by number of members*, https://en.wikipedia.org/wiki/List_of_legislatures_by_number_of_members
- Wikipedia, *List of National Constitutions*, https://en.wikipedia.org/wiki/List_of_national_constitutions
- Wikipedia, *Overhang Seat*, https://en.wikipedia.org/wiki/Overhang_seat
- Wikipedia, *Parliaments of Australian States and Territories*, https://en.wikipedia.org/wiki/Parliaments_of_the_Australian_states_and_territories
- Wikipedia, *Referendums in New Zealand*, https://en.wikipedia.org/wiki/Referendums_in_New_Zealand
- Wikipedia, https://en.wikipedia.org/wiki/Scottish_Parliament, <https://en.wikipedia.org/wiki/Senedd>, https://en.wikipedia.org/wiki/Northern_Ireland_Assembly
- Wikipedia, *Voter turnout in Canada*, https://en.wikipedia.org/wiki/Voter_turnout_in_Canada
- Wikipedia, *Voter turnout in United States presidential elections*, https://en.wikipedia.org/wiki/Voter_turnout_in_United_States_presidential_elections.

Appendices

APPENDIX A: Key developments in New Zealand's electoral system:

- 1853: First elections in New Zealand (FPP). Suffrage based on property qualification.
- 1867: Māori seats established. Male suffrage with no property qualification (aged over 21).
- 1879: Three-year parliamentary term established.
- 1879: Universal male suffrage introduced (aged over 21).
- 1881: Country quota introduced.
- 1893: Franchise extended to women (aged over 21).
- 1911: First triennial national referendum on sale of alcohol.
- 1919: Women allowed to stand as candidates.
- 1945: Country quota abolished; electoral population changed from total to adult population.
- 1951: Legislative Council (upper house) abolished.
- 1952: Electoral population changed back to total population.
- 1967: Referendum for four-year term lost.
- 1969: Voting age reduced from 21 to 20.
- 1974: Voting age reduced from 20 to 18.
- 1986: Royal Commission on the Electoral System recommends MMP.
- 1987: Triennial national referendums on sale of alcohol abolished.
- 1990: Referendum for four-year term lost.
- 1992: Referendum shows preference for change in electoral system from FPP.
- 1993: Referendum approves change to MMP; passage of Citizens Initiated Referendums Act; passage of new Electoral Act.
- 1996: First MMP election.
- 2001: First 'waka jumping' law passed (expired 2005).
- 2010: All prisoners disenfranchised from voting.
- 2011: Referendum confirms preference for MMP over FPP.
- 2012: Electoral Commission MMP review completed.
- 2018: Second 'waka jumping' law passed.
- 2020: Enrolment on election day permitted; prisoners serving sentences of less than three years re-enfranchised.
- 2022: Māori electoral enrolment changed.
- 2023: Independent Electoral Review completed.
- 2025: Term of Parliament (Enabling 4-year Term) Legislation Amendment Bill.

APPENDIX B: MMP Election Results

1996

Party	Party Vote %	Electorate Seats Won	List Seats Allocated	Total Seats
National	33.84%	30	14	44
Labour	28.19%	26	11	37
NZ First	13.35%	6	11	17
Alliance	10.10%	1	12	13
ACT	6.10%	1	7	8
Christian Coalition	4.33%	0	0	0
Aotearoa Legalise Cannabis	1.66%	0	0	0
United NZ	0.88%	1	0	1
Others (14)	1.55%	0	0	0
Total	100.00%	65	55	120

The outcome was a National/NZ First coalition government with 61 of 120 seats. The coalition collapsed in 1998. National retained power with support of independents who had left NZ First and the Alliance, and ACT.

1999

Party	Party Vote %	Electorate Seats Won	List Seats Allocated	Total Seats
Labour	38.74%	41	8	49
National	30.50%	22	17	39
Alliance	7.74%	1	9	10
ACT	7.04%	0	9	9
Greens	5.16%	1	6	7
NZ First	4.26%	1	4	5
Christian Heritage	2.38%	0	0	0
Future NZ	1.12%	0	0	0
Aotearoa Legalise Cannabis	1.10%	0	0	0
United NZ	0.54%	1	0	1
Others (12)	1.42%	0	0	0
Total	100.00%	67	53	120

The outcome was a Labour/Alliance coalition minority government with 59 of 120 seats, supported by the Greens (66 seats in total).

2002

Party	Party Vote %	Electorate Seats Won	List Seats Allocated	Total Seats
Labour	41.26%	45	7	52
National	20.93%	21	6	27
NZ First	10.38%	1	12	13
ACT	7.14%	0	9	9
Greens	7.00%	0	9	9
United Future	6.69%	1	7	8
Jim Anderton's Progressive Coalition	1.70%	1	1	2
Christian Heritage	1.35%	0	0	0
Outdoor Recreation	1.28%	0	0	0
Alliance	1.27%	0	0	0
Others (4)	0.99%	0	0	0
Total	100.00%	69	51	120

The outcome was a Labour/Jim Anderton Progressive coalition minority government with 54 of 120 seats and supported by United Future (62 seats in total).

2005

Party	Party Vote %	Electorate Seats Won	List Seats Allocated	Total Seats
Labour	41.10%	31	19	50
National	39.10%	31	17	48
NZ First	5.72%	0	7	7
Greens	5.30%	0	6	6
United Future	2.67%	1	2	3
Māori	2.12%	4	0	4
ACT	1.51%	1	1	2
Jim Anderton's Progressives	1.16%	1	0	1
Others (11)	1.30%	0	0	0
Total	100.00%	69	52	121

The outcome was a Labour/Jim Anderton Progressive coalition minority government with 51 of 121 seats, supported by NZ First and United Future (61 seats in total).

2008

Party	Party Vote %	Electorate Seats Won	List Seats Allocated	Total Seats
National	44.93%	41	17	58
Labour	33.99%	21	22	43
Greens	6.72%	0	9	9
NZ First	4.07%	0	0	0
ACT	3.65%	1	4	5
Māori	2.39%	5	0	5
Jim Anderton's Progressives	0.91%	1	0	1
United Future	0.87%	1	0	1
Others (11)	2.48%	0	0	0
Total	100.00%	70	52	122

The outcome was a National minority government with 58 of 122 seats, supported by ACT, Māori Party, and United Future (69 seats in total).

2011

Party	Party Vote %	Electorate Seats Won	List Seats Allocated	Total Seats
National	47.31%	42	17	59
Labour	27.48%	22	12	34
Greens	11.06%	0	14	14
NZ First	6.59%	0	8	8
Conservative	2.65%	0	0	0
Māori	1.43%	3	0	3
Mana	1.08%	1	0	1
ACT	1.07%	1	0	1
United Future	0.60%	1	0	1
Others (4)	0.72%	0	0	0
Total	100.00%	70	51	121

The outcome was a National minority government with 59 of 121 seats, supported by ACT, Māori Party, and United Future (64 seats in total).

2014

Party	Party Vote %	Electorate Seats Won	List Seats Allocated	Total Seats
National	47.04%	41	19	60
Labour	25.13%	27	5	32
Greens	10.70%	0	14	14
NZ First	8.66%	0	11	11
Conservative	3.97%	0	0	0
Internet Mana	1.42%	0	0	0
Māori	1.32%	1	1	2
ACT	0.69%	1	0	1
United Future	0.22%	1	0	1
Others (6)	0.86%	0	0	0
Total	100.00%	71	50	121

The outcome was a National minority government with 60 of 121 seats, supported by ACT, Māori Party, and United Future (64 seats in total).

2017

Party	Party Vote %	Electorate Seats Won	List Seats Allocated	Total Seats
National	44.45%	41	15	56
Labour	36.89%	29	17	46
NZ First	7.20%	0	9	9
Greens	6.27%	0	8	8
Opportunities	2.44%	0	0	0
Māori	1.18%	0	0	0
ACT	0.50%	1	0	1
Others (9)	1.07%	0	0	0
Total	100.00%	71	49	120

The outcome was a Labour/NZ First coalition minority government with 55 of 120 seats, supported by the Greens (63 seats in total).

2020

Party	Party Vote %	Electorate Seats Won	List Seats Allocated	Total Seats
Labour	50.01%	46	19	65
National	25.58%	23	10	33
Greens	7.86%	1	9	10
ACT	7.59%	1	9	10
NZ First	2.60%	0	0	0
Opportunities	1.51%	0	0	0
New Conservative	1.48%	0	0	0
Māori	1.17%	1	1	2
Advance	0.98%	0	0	0
Others (8)	1.22%	0	0	0
Total	100.00%	72	48	120

The outcome was a Labour majority government with 65 of 120 seats, supported by the Greens (75 seats in total).

2023

Party	Party Vote %	Electorate Seats Won	List Seats Allocated	Total Seats
National	38.08%	43	5	48
Labour	26.91%	17	17	34
Greens	11.60%	3	12	15
ACT	8.64%	2	9	11
NZ First	6.08%	0	8	8
Te Pati Māori	3.08%	6	0	6
Opportunities	2.22%	0	0	0
NZ Loyal	1.20%	0	0	0
Others (9)	2.19%	0	0	0
Total	100.00%	71	51	122

National subsequently won the Port Waikato by-election, which increased its electorates to 44 and its total seats to 49. The total seats for the Parliament also increased to 123.

The outcome was a National/ACT/NZ First majority coalition government with 68 of 123 seats.

APPENDIX C: Gallagher Indexes With 50:50 Split Options

50:50 Split Options with No Overhangs, No Coat-Tailing, 4% Threshold

Year	Index for Actual Election Result	Index for Packages without 50:50 Split	Index for Option A: 50:50 split on current size	Index for Option B: size required to retain actual electorates	Index for Option C: size for Cube Root Law rounded to nearest even number
1996	4.50	2.06	2.06	2.01	1.95
1999	3.13	3.13	3.13	3.15	3.27
2002	2.59	2.72	2.72	2.83	3.05
2005	1.38	2.61	2.35	2.58	2.46
2008	4.14	3.44	3.54	3.65	3.49
2011	2.39	2.35	2.48	2.54	2.40
2014	3.74	3.68	3.97	4.09	4.23
2017	2.82	2.81	2.81	2.85	2.86
2020	4.21	4.44	4.44	4.64	4.64
2023	3.05	3.06	3.06	3.06	3.00

Source: New Zealand election results inputted by ChatGPT into Gallagher Index calculator.

50:50 Split Options with No Overhangs, No Coat-Tailing, 3.5% Threshold

Year	Index for Actual Election Result	Index for Packages without 50:50 Split	Index for Option A: 50:50 split on current size	Index for Option B: size required to retain actual electorates	Index for Option C: size for Cube Root Law rounded to nearest even number
1996	4.50	2.06	2.06	2.01	1.95
1999	3.13	3.13	3.13	3.15	3.27
2002	2.59	2.72	2.72	2.83	3.05
2005	1.38	2.61	2.35	2.58	2.46
2008	4.14	2.27	2.12	2.11	2.07
2011	2.39	2.35	2.48	2.54	2.40
2014	3.74	1.38	1.48	1.67	1.54
2017	2.82	2.81	2.81	2.85	2.86
2020	4.21	4.44	4.44	4.64	4.64
2023	3.05	3.06	3.06	3.06	3.00

Source: New Zealand election results inputted by ChatGPT into Gallagher Index calculator.

50:50 Split Options with No Overhangs, Coat-Tailing On, 4% Threshold

Year	Index for Actual Election Result	Index for Packages without 50:50 Split	Index for Option A: 50:50 split on current size	Index for Option B: size required to retain actual electorates	Index for Option C: size for Cube Root Law rounded to nearest even number
1996	4.50	2.06	2.06	2.01	1.95
1999	3.13	3.13	3.13	3.15	3.27
2002	2.59	2.72	2.59	2.55	2.65
2005	1.38	2.61	1.27	1.28	1.13
2008	4.14	3.44	2.12	2.11	2.07
2011	2.39	2.35	2.48	2.23	2.26
2014	3.74	3.68	3.68	3.93	3.92
2017	2.82	2.81	2.81	2.85	2.86
2020	4.21	4.44	4.22	4.33	4.28
2023	3.05	3.06	3.06	3.06	3.00

Source: New Zealand election results inputted by ChatGPT into Gallagher Index calculator.

50:50 Split Options with No Overhangs, Coat-Tailing On, 3.5% Threshold

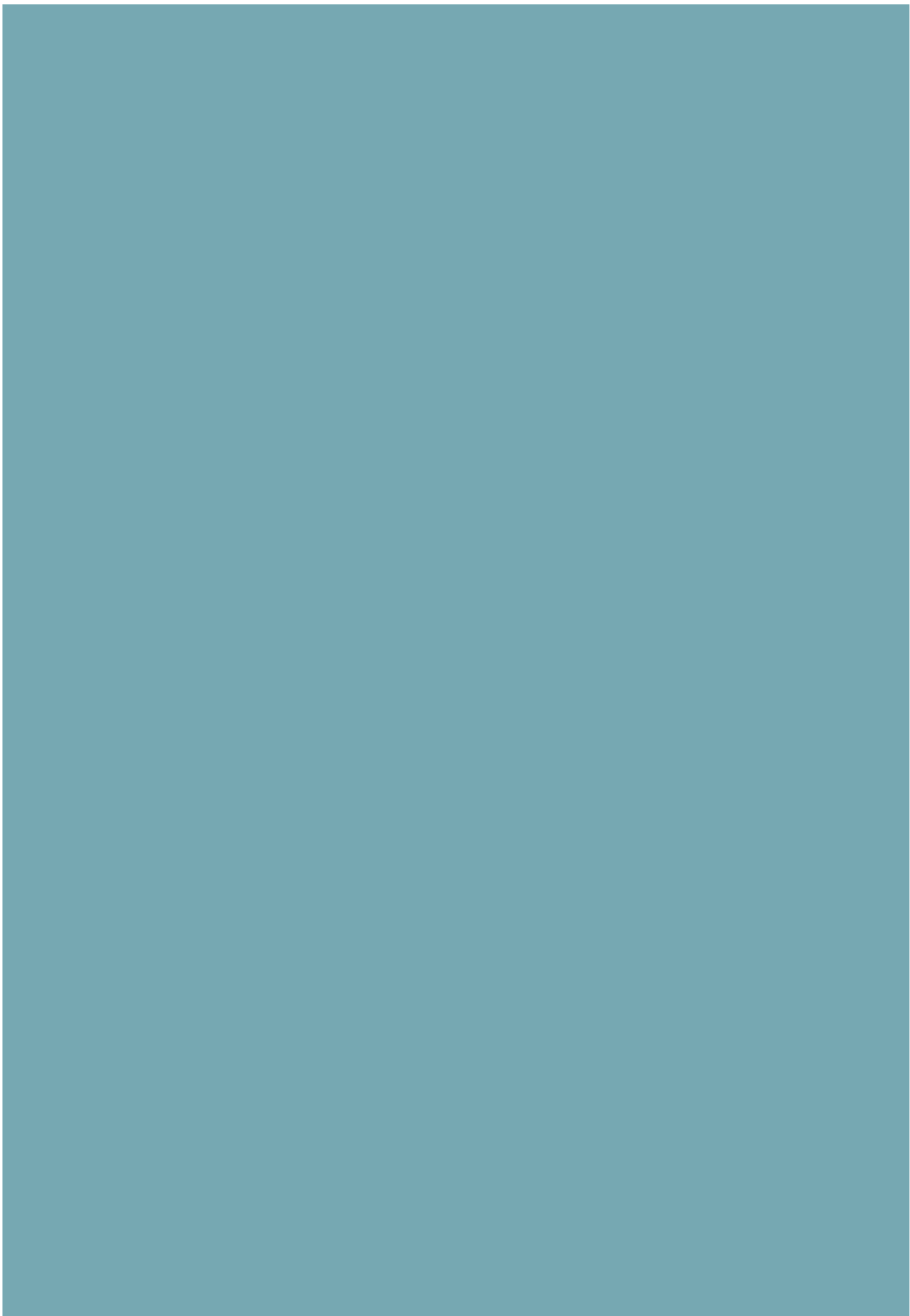
Year	Index for Actual Election Result	Index for Packages without 50:50 Split	Index for Option A: 50:50 split on current size	Index for Option B: size required to retain actual electorates	Index for Option C: size for Cube Root Law rounded to nearest even number
1996	4.50	2.06	2.06	2.01	1.95
1999	3.13	3.13	3.13	3.15	3.27
2002	2.59	2.72	2.59	2.55	2.65
2005	1.38	2.61	1.27	1.28	1.13
2008	4.14	2.27	2.12	2.11	2.07
2011	2.39	2.35	2.48	2.23	2.26
2014	3.74	1.38	1.38	1.50	1.43
2017	2.82	2.81	2.81	2.85	2.86
2020	4.21	4.44	4.22	4.33	4.28
2023	3.05	3.06	3.06	3.06	3.00

Source: New Zealand election results inputted by ChatGPT into Gallagher Index calculator.

APPENDIX D: By-Election Results Under MMP

Date	Electorate	Party pre by-election	Party post by-election	Voter Turnout	Turnout at Previous General Election
May 1998	Taranaki-King Country	National	National	62.0%	86.1%
Jul 2004	Te Tai Hauauru	Labour*	Māori Party	32.9%	58.5%
Jun 2009	Mount Albert	Labour	Labour	47.8%	80.2%
Nov 2010	Mana	Labour	Labour	54.7%	82.9%
Mar 2011	Botany	National	National	36.4%	76.3%
Jun 2011	Te Tai Tokerau	Māori Party*	Mana	41.4%	63.3%
Jun 2013	Ikaroa-Rawhiti	Labour	Labour	35.7%	58.8%
Nov 2013	Christchurch East	Labour	Labour	41.5%	73.4%
Mar 2015	Northland	National	New Zealand First	65.4%	80.1%
Dec 2016	Mount Roskill	Labour	Labour	38.5%	75.0%
Feb 2017	Mount Albert	Labour	Labour	30.0%	80.4%
Jun 2018	Northcote	National	National	43.9%	77.6%
Jun 2022	Tauranga	National	National	40.5%	85.6%
Dec 2022	Hamilton West	Labour*	National	31.4%	81.2%
Nov 2023	Port Waikato	National	National	35.9%	81.6%
Sep 2025	Tamaki Makaurau	Te Pati Māori	Te Pati Māori	27.1%	63.4%

* Sitting MP had resigned from their party and sought a fresh mandate at a by-election. The first two instances of this (Tariana Turia in Te Tai Hauauru and Hone Harawira in Te Tai Tokerau) were successful but the third instance (Gaurav Sharma in Hamilton West) was not.



New Zealand has one of the world's oldest democracies and is widely regarded as among the most democratically free countries. After nearly three decades of Mixed Member Proportional representation, our electoral system has delivered more representative parliaments and relatively stable governments.

But the system has developed inefficiencies. Three-year terms are too short for effective governance under MMP. Our Parliament of 120 MPs is 30% smaller than international benchmarks suggest. The Executive has become bloated with 81 ministerial portfolios. Special votes take three weeks to process and count. And public understanding of how MMP actually works remains surprisingly limited.

Drawing on academic literature as well as New Zealand and international experience, this report identifies targeted reforms to restore balance between representation, accountability, and effective government. From extending the parliamentary term and increasing the number of MPs to abolishing overhang seats and reducing the party vote threshold, from modernising voting rules to improving civic education, these evidence-based proposals show how New Zealand's electoral system can be strengthened for the next generation.

The goal is not radical redesign but careful refinement – preserving what works while fixing what doesn't.

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