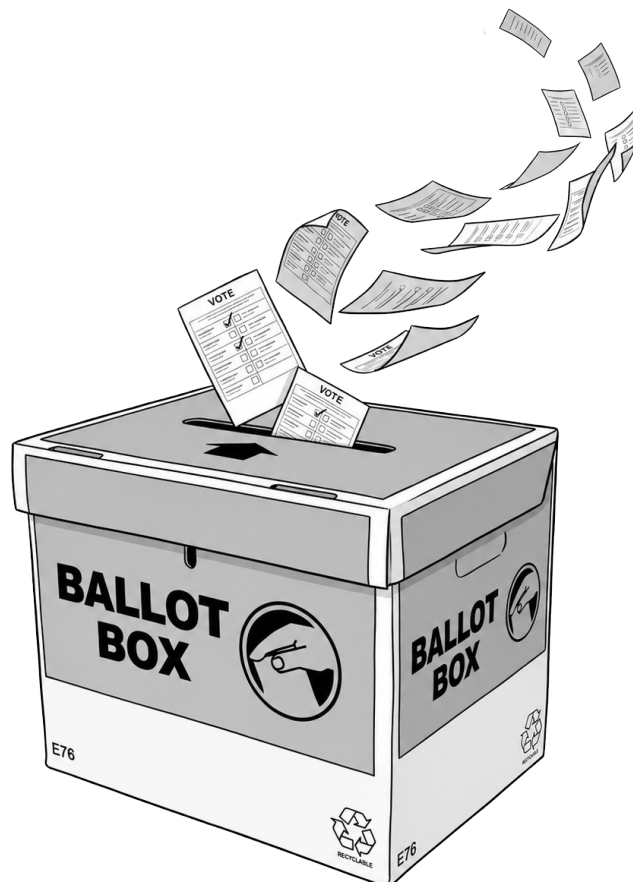


UNRAVELLING MMP

HOW THE 2026 ELECTION COULD BREAK
THE VOTING SYSTEM FROM TWO SIDES

AUGUST 2026

OLIVER HARTWICH



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Executive Summary

New Zealand has voted under MMP ten times. Through all ten campaigns, the parties honoured an informal rule found in no statute. You do not game the voting system. Everyone knew the system had a soft spot. Nobody built a strategy around it because each party assumed voters would punish the first one that tried.

The soft spot is called overhang. The party vote decides each party's share of Parliament's 120 seats; the electorate vote only decides who fills them. But a party that wins more electorates than its share keeps them all, and Parliament simply grows to make room. Win seats the cheap way, through electorates alone, and your allies can harvest the party votes you no longer need.

On Sunday, the old rule died. At its campaign launch in Gisborne, Te Pāti Māori publicly and deliberately asked supporters for exactly this split: candidate votes for the party, party votes for another party of the left, turning the Māori electorates into bonus seats.¹

On current polling, the play is worth three or four additional seats for the left bloc. That is a distortion of the system, albeit a modest one. The greater problem is what it invites: a response in kind from the other side of the political spectrum. And this year, the response would not be modest.

Because this year, of all years, the other side has a far bigger opportunity of the same kind waiting in plain view. On current polling, close to 900,000 people will give National their party vote, and none of those votes will yield an additional seat.²

National is on track to win about 37 electorates, one more than its share of the vote would give it. Its seats are already settled by the electorates alone. Whatever its supporters do with the party vote, National ends up with the same 37 seats.

A National voter who understands this needs no instruction from anyone. Her party vote is dead where it is but alive anywhere else on the centre-right. Moving it to ACT buys an additional seat and takes nothing from anyone else. She is not cheating. She has simply read the rules, as Te Pāti Māori's voters are now explicitly invited to do.

The numbers are startling. If one National voter in nine reasons this way, the governing coalition wins a majority that current polling denies it. If one in four does, the coalition wins 69 seats in a Parliament of 132, even though the opposition parties, between them, won more votes.

This is the outcome MMP was meant to make impossible. New Zealand adopted it after 1978 and 1981, when the party with more votes lost the election.³ Tactical voting on this scale would bring the wrong winner back, this time inside the proportional system itself. And none of it would break any law. That is the problem: the law itself invites it.

All of this lands under a promise already made. Christopher Luxon will put MMP to a referendum if he is re-elected. Public support for the system is real but soft. In the most recent poll, 53 percent would keep it, 29 percent would change it, and nearly one in five cannot say.⁴

An election that unravelled from two sides, by a left party gaming the Māori seats and right voters gaming the party vote, would write the case for MMP's abolition better than any campaign could. It does not have to end that way. Germany, which invented this electoral system, lived through the identical story and cured it in 2023 by abolishing the overhang. New Zealand runs a more exposed version of the same machine and has left the flaw untouched since the Electoral Commission recommended repairing it in 2012.⁵

Nothing can change the rules before 7 November. But everyone should understand precisely what the rules allow, because one party is already asking voters to use them, and arithmetic will tempt the rest. After the election, whoever governs should repair the machine before asking New Zealanders whether to keep it. An electoral system that punishes sincere voting and rewards clever voting will not stay legitimate for long.

Chapter 1: The vote that changes nothing

On Sunday, Te Pāti Māori launched its election campaign at Te Poho o Rāwiri Marae in Gisborne with a request no New Zealand party had made so explicitly before. Give us your candidate vote, the co-leaders asked, and give your party vote to whichever other opposition party you prefer.⁶

Rawiri Waititi supplied the reasoning. A voter who backs a rival candidate already assured of a seat through the party list is wasting their electorate vote. He is right. That is how MMP works. And the same reasoning, run through the other vote on the ballot paper, is about to meet a far bigger target.

Wellington has spent the winter worrying about wasted votes of the familiar kind. The Opportunity Party sits near the 5 percent threshold. If it falls just short, well over a hundred thousand party votes will count for nothing, and the seats will go to everyone else.⁷ Commentators call this the tragedy of the small-party voter.

They are watching the wrong party.

The biggest pile of effectively wasted party votes in this election will not belong to a party that misses out on Parliament. It will belong to the party that wins the most electorates. On current polling, every single party vote cast for National, close to 900,000 of them, will fail to add even one seat to National's total.⁸

That sentence sounds impossible at first reading. The whole point of MMP is that the party vote decides Parliament. For every other party, it does. Labour's share of seats will track its party vote. So will the Greens', ACT's and Opportunity's. National is the exception, and the exception has a name: overhang.

This research note explains, in plain language, how the overhang works, why, on current polling, it could make National's party votes worthless this year, and what happens if the taboo against exploiting the system is broken in the open. The short answer: a legal, rational chain of tactical voting that could hand government to the side with fewer votes, swell Parliament beyond 130 seats, and defeat the purpose of MMP without breaking a single rule.

The note also asks what should change. But its first job is a warning, because distortions of this kind thrive in obscurity.

Box 1: Your two votes

On 7 November, every voter gets two ticks. The party vote, on the left of the ballot paper, is a vote for a party. The electorate vote, on the right, is a vote for a person: the local MP for your area.

The party vote is the one that matters. It decides how many of Parliament's 120 seats each party gets. The electorate vote only decides which people fill some of those seats. In 2026, there are 71 electorates, so at least 49 MPs will enter from party lists.⁹

That is the design. This note is about the one case where the design breaks down: when a party wins more electoral seats than its party vote justifies.

Chapter 2: How MMP shares out the seats

Think of Parliament as a pie of 120 slices. The party vote cuts the pie. A party with 30 percent of the vote gets about 36 slices; a party with 10 percent gets about 12. A formula does the cutting, but the idea is simple: seats in proportion to votes.¹⁰

The electorate contests do not change the size of anyone's slice. They only decide who eats it. If a party's share comes to 36 seats and it wins 30 electorates, its next six seats are filled from its list. Win fewer electorates and more list candidates get in. Win more and fewer do. The total stays the same.

Until one year, it cannot.

Suppose a party's vote share entitles it to 36 seats, but its candidates win 37 electorates. An electorate MP cannot be turned away; each has won a local contest outright. So, the party keeps all 37. Parliament does not take the extra seat from anyone else, because every other party still gets its full share. Instead, the House grows by one seat, to 121. The extra seat is the overhang.

New Zealand has seen small overhangs before. The Māori Party won more electorates than its party vote justified in 2005, 2008 and 2011, and Parliament grew to 121, 122 and 121 seats.¹¹ In 2023, Te Pāti Māori's six electorates produced two overhang seats, and National's win in the deferred Port Waikato contest added a third, for a Parliament of 123.¹²

Those were curiosities. One to three extra seats, produced by small parties with strong local support, changing no government. The overhang of 2026 would be different in kind if National voters follow Te Pāti Māori's lead because, for the first time, it would sit under the largest party in a governing coalition. And a large party's overhang does something a small party's cannot: it kills the party vote of a quarter of the electorate.

There is a reason New Zealand is more exposed to this than the country that invented MMP. Germany's old system split its parliament 50/50 between district seats and list seats. New Zealand runs 71 electorates against 49 list seats, a ratio of roughly 60:40.¹³ The more electorates a system has, the easier it is for a party to win more of them than its vote share covers. The Electoral Commission saw the risk in 2012 and recommended keeping the ratio at 60:40 at worst, alongside abolishing overhang seats. No government acted on the recommendations.¹⁴

Box 2: What is an overhang? A worked example

Say National wins 29 percent of the party vote. Its share of 120 seats comes to about 35. But say its candidates also win 37 electorate contests.

The 37 electorate MPs all keep their seats. The other parties keep their full shares too. Parliament grows to 122 seats, and the two extra seats are the overhang.

Now the strange part. Whether National's party vote is 29 percent, 25 percent or 20 percent, it still holds the same 37 seats. Its party vote has stopped doing anything at all.

Chapter 3: A million worthless votes

Te Pāti Māori's request rests on a perfectly correct observation. Its seats come from the Māori electorates, not from its share of the party vote. On current polling, the party would win six electorates on a party vote that entitles it to three.

The electorates are the meal. The party votes are leftovers, and leftovers can feed an ally: sent to Labour or the Greens, they buy the left bloc additional seats while costing Te Pāti Māori nothing. Last year's Tāmaki Makaurau by-election showed the method in action.¹⁵

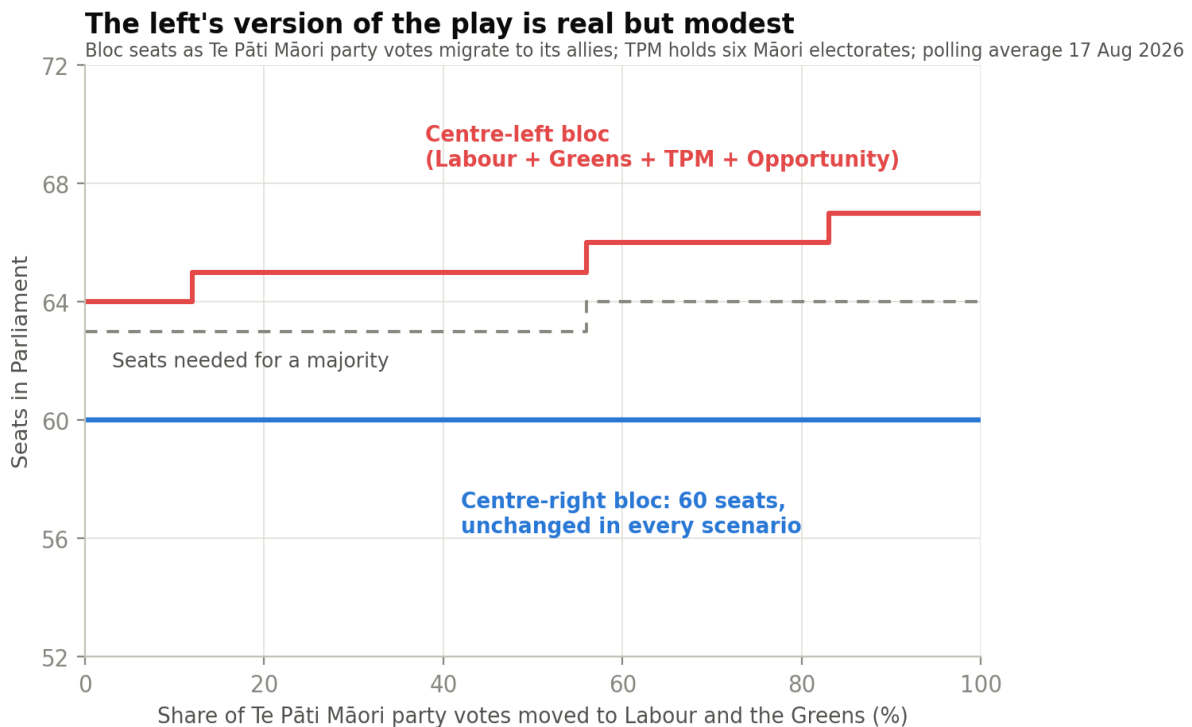


Figure 1: The left's version of the play: bloc seats as Te Pāti Māori party votes move to its allies

The chart shows the size of the prize. Full discipline lifts the left bloc from 64 to 67 seats, in a Parliament that has grown from 124 to 127. That is a real distortion of what voters chose, though a modest one.

It will not stay modest, because an invitation like this never stays on one side of politics. Whether the other side answers depend on whether the same strategy pays there as well. This year, the polling suggests it would pay far more than anything seven Māori electorates can offer to any voter who prefers a National-led government.

Here is where the 2026 election stands, according to the polling average as of 17 August: Labour 30.8 percent, National 29.8, the Greens 10.9, New Zealand First 10.6, ACT 7.8, Opportunity 5.7 and Te Pāti Māori 2.3.¹⁶ Seat projections, which apply the swing since 2023 to each electorate, expect National to hold about 37 of the 44 electorates it currently occupies.¹⁷

Run those numbers through the official formula and National's party vote earns it 36 seats, while its electorates deliver 37. National finishes in overhang, Parliament grows to 123, and not one of National's list candidates enters the House.¹⁸

Follow the logic one step further, because this is the heart of the matter. If National's electorates already exceed its share, then its share is irrelevant. At 29.8 percent, National secures 37 seats. It would still get 37 seats at 25 percent, and 37 again at 15. Close to 900,000 party votes, and the result would be identical if the pile were half the size.

Wasted is the right word, though political scientists use it more narrowly, for votes that fail to elect anyone. This note uses it in the practical sense: a wasted vote is one that changes nothing, whether it is cast or not. On that definition, the waste comes in two kinds. A vote for a party under 5 percent is wasted because it elects nobody. A National party vote in overhang is merely inert. It costs National nothing and buys National nothing.¹⁹ The roughly 64,000 votes TOP won in 2023 were mourned as New Zealand's wasted-vote problem.²⁰ National's dead pile in 2026 would be nearly fourteen times larger.

Wellington is beginning to notice. The economist Keith Rankin worked through National's overhang arithmetic in August.²¹ David Farrar's analysis of National's party list wrestles with how few list MPs any plausible party vote will deliver. The list includes Nicola Willis, Chris Bishop and Paul Goldsmith, who sit without safe electorates.²² What nobody has yet spelled out is what happens when a million voters realise their party vote is dead, and act on it.

Box 3: Where these numbers come from

Party votes are the polling average of 17 August 2026, weighted across 21 polls. Electorate seats follow the standard projections, which apply the national swing to each seat's 2023 result. Seat totals come from the same formula the Electoral Commission uses on election night. The technical appendix sets out every assumption, and all figures will be refreshed shortly before publication. The argument does not depend on any single poll: the danger zone spans everything from 26 to 32 percent for National.

Chapter 4: The temptation

Te Pāti Māori's invitation covers one side of the ballot, in seven electorates. But the reasoning behind it is portable. Nothing about it is specific to the left. This chapter shows where the reasoning travels once the other side picks it up. None of it is a recommendation. It is a forecast, and the case for repairing the rules. It should also be seen as a plea to Te Pāti Māori to reconsider its approach.

Picture a National supporter in Tauranga who has just understood Chapter 3. She wants a National-led government. She knows her electorate vote will help re-elect her National MP. And she knows her party vote will do nothing at all, because National's electorates already outrun its share.

Then she remembers that governments are formed by blocs, not parties. A seat for ACT or New Zealand First keeps Labour out just as surely as a seat for National. Her party vote is dead where it is, but alive anywhere else on the centre-right. Moving it is free. Not moving it is the only way to waste it.

ACT could be the destination of such votes. It is safely above the 5 percent threshold, it holds Epsom as insurance, and it cannot govern with Labour, so a vote for ACT is a vote for a National-led coalition and nothing else. New Zealand First is a riskier vessel: it has governed with Labour before, and a party near the threshold can turn switched votes into destroyed ones.²³

Now count what happens as she is joined by others. The chart below runs the full range, from no switching to every National party vote moving to ACT. The blue line is the centre-right bloc. The dashed line is the majority it needs. And the red line is the centre-left bloc, which never moves.

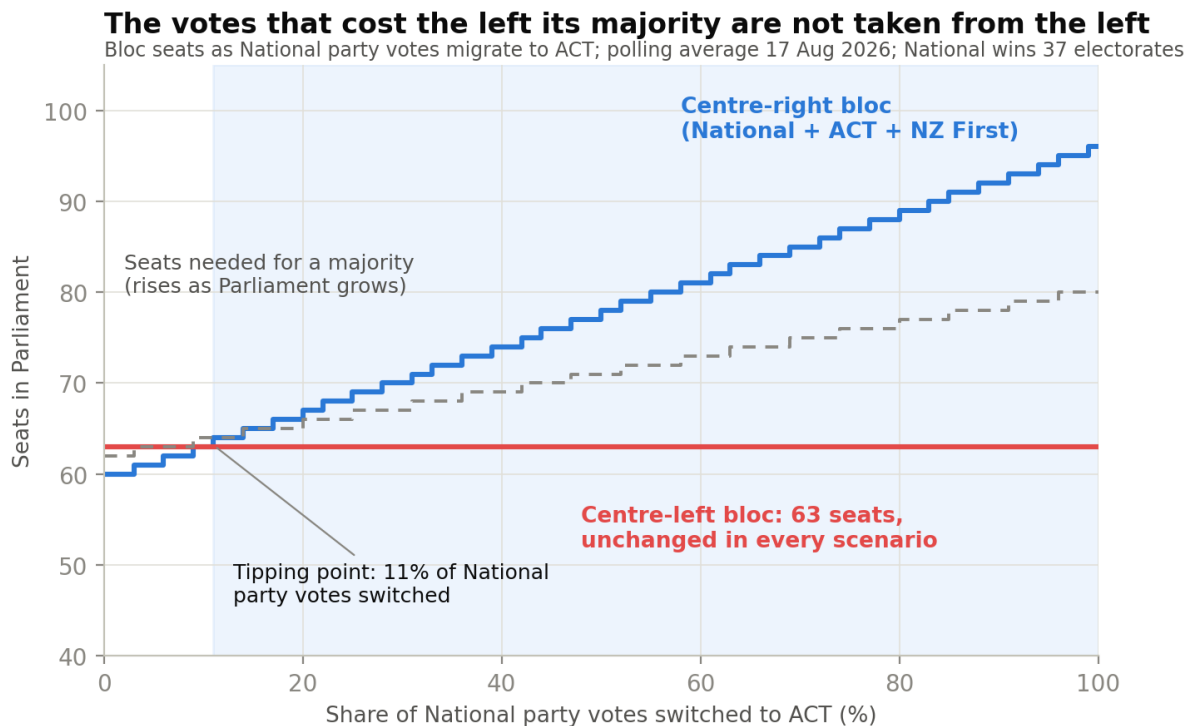


Figure 2: Bloc seats as National party votes migrate to ACT

The red line is the whole story. Nothing in this game takes a single seat from Labour, the Greens, Te Pāti Māori or Opportunity. They keep every seat the polls promise them, 63 in all, in every scenario. The centre-right simply grows Parliament around them until 63 is no longer a majority. The left could

campaign flawlessly, hold its vote and win the popular contest, and still watch the House expand until it loses.

Based on the current polling average, the tipping point is 11 percent. If one in nine National voters switches their party vote to ACT, the coalition reaches a majority. One in four takes it to 69 seats in a Parliament of 132. At the limit, with every National party vote switched, Parliament reaches 159 seats, and a bloc with 48.2 percent of the vote holds 96 of them against 63. Nobody expects the limit to be reached. Its purpose is to show the system has no floor.

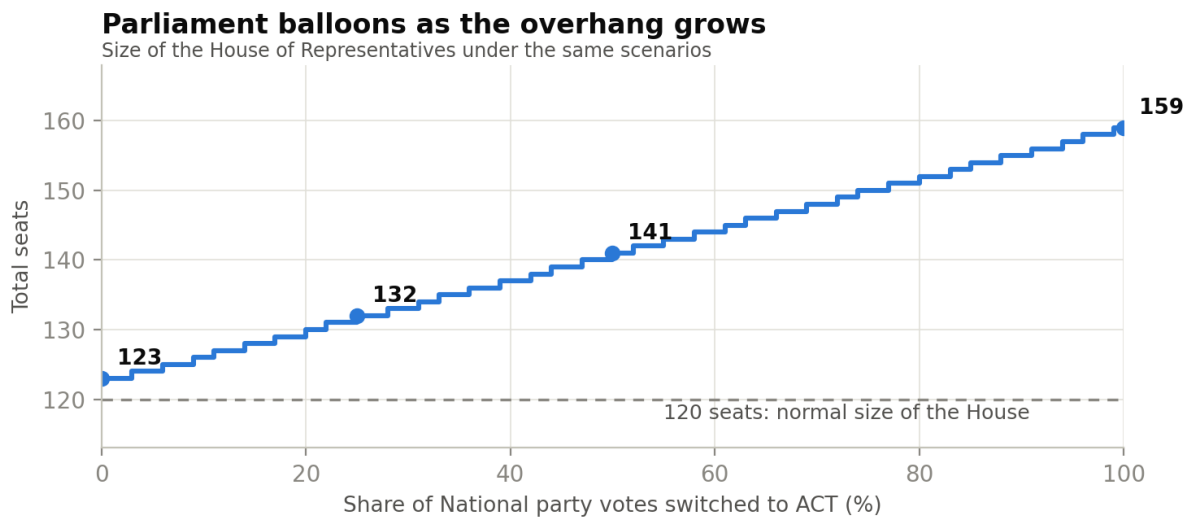


Figure 3: The size of Parliament under the same scenarios

The manoeuvre is also strangely safe. Tactical voting usually carries risk: get the numbers wrong and your clever vote is lost. Not here. If National unexpectedly wins fewer electorates and falls out of overhang, the switched votes still buy ACT seats for the same bloc, one for one. Modelling every combination of National electorate wins from 28 to 44 and switching from zero to half shows the same pattern: switching helps almost everywhere and never hurts.²⁴

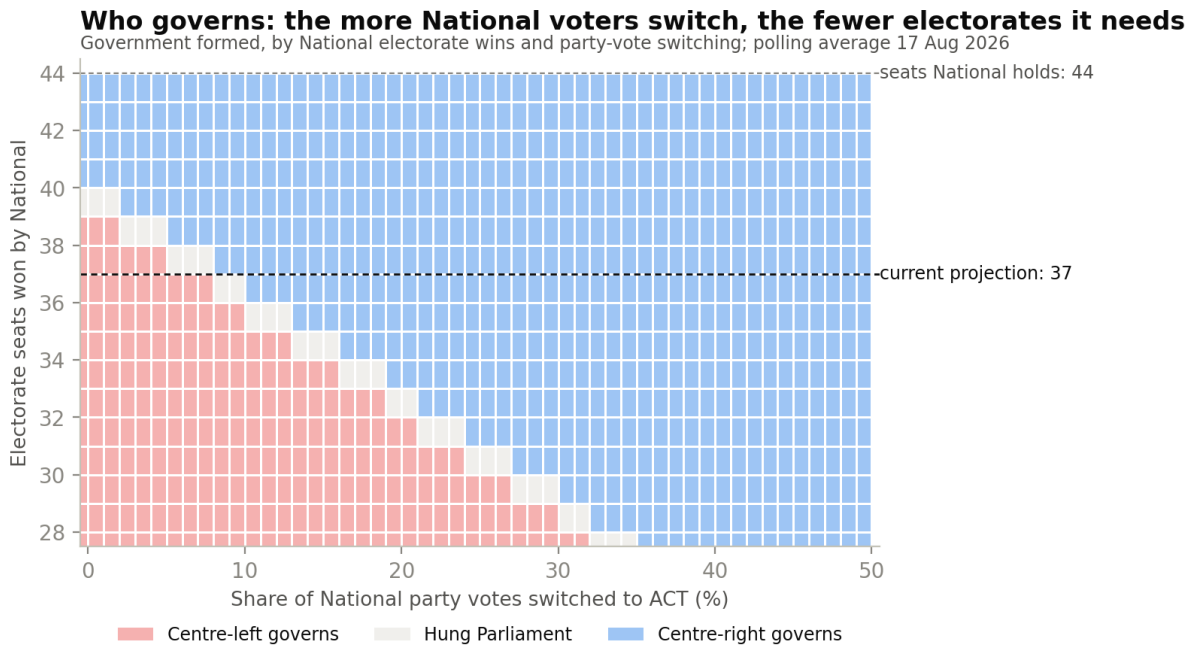


Figure 4: Who governs, by National electorate wins and party-vote switching

There is a second half to the swap, and it points the other way. ACT and New Zealand First supporters mostly watch their electorate votes die, because their candidates rarely win local contests. Cast for the National candidate instead, and those votes can flip marginal electorates. And while National is in overhang, every extra electorate is a pure gain: Parliament grows by one, National keeps the seat, and Labour loses nothing, because its list tops it straight back up. On current numbers, four flipped marginals alone would hand the coalition a majority, without one party vote moving.

Put the two halves together and the strategy has a name in the international literature: the decoy. The big party wins the districts; a partner list harvests the proportional votes; the compensation mechanism connecting them dies.²⁵ New Zealand's version needs no formal pact. It needs only what already exists: voters who understand split voting, and parties that understand voters.

New Zealand has both. One party vote in three was already split from the electorate vote by 1999, and political scientists who studied it found that voters were doing so strategically, deserting hopeless candidates while keeping their party loyalty.²⁶ The German literature calls the party-vote version coalition insurance: supporters of a big party lending their list vote to its junior partner.²⁷ Two German scholars, writing about overhang before their country abolished it, noted that overhang becomes a majority bonus exactly when voters split their tickets in a coordinated pattern on a large scale.²⁸ That sentence, written as analysis, reads in New Zealand in 2026 as an instruction manual.

Set the two plays side by side. Te Pāti Māori's version, from Chapter 3, is worth three or four seats. The National version is worth nine seats at one voter in four, and eighteen at one in two.

Who would issue the instruction? Not National. On current polling, its list delivers nobody anyway, but a party-vote campaign for ACT would extinguish even the faint hope that a late recovery brings one or two list MPs home, its finance spokesperson first among them. Not ACT, at least not loudly; poaching a senior partner's votes is poor coalition manners. But nobody needs to issue it. The electorate half is ordinary campaigning ("give our candidate your local vote"). The party-vote half is one viral spreadsheet in the last fortnight of the campaign. The swap assembles itself out of two halves, each individually deniable.

Nor should anyone assume the endgame belongs to ACT. A National Party that accepted the new rules of the game would not gift its party votes to a partner with policy views of its own. It would build a vehicle it controls: a nominally independent electorate brand, or a list brand, constructed to win one side of the ballot and take orders afterwards. And who knows how Labour and the Greens might, in time, respond to that?

That is exactly what Italy's decoy lists were. That National has never built one is not a failure of imagination. It is evidence that, until Sunday, everyone believed the convention would hold.

Box 4: Would voters really do this?

They already have, in miniature. In Epsom, National has signalled for two decades that its supporters should give their electorate vote to the ACT candidate, and they duly have. The famous staged cup of tea between John Key and John Banks in 2011 was the signal made visible.²⁹ Epsom voters were asked to split their ballots against their own party, for the good of the bloc. They complied, election after election. Tāmaki Makaurau proved the same learning on the left in 2025, when voters grasped that backing the challenger cost them nothing, because the incumbent was safe on his party's list. The 2026 manoeuvre asks the same voters to run the same logic through the other vote, on a national scale.

Chapter 5: What would be left of MMP

New Zealand did not adopt MMP as an experiment in fashionable design. It adopted MMP because of two specific elections. In 1978, Labour won more votes than National, and National won a comfortable majority of seats. In 1981 it happened again: Labour won 39.0 percent to National's 38.8, and National won 47 seats to Labour's 43.³⁰ Twice in a row, the side with fewer votes governed the country.

The Royal Commission on the Electoral System, reporting in 1986, put "fairness between political parties" first among its criteria: the seats a party holds should reflect the votes it received.³¹ When New Zealanders confirmed MMP at the ballot box, the evidence shows fairness of representation was precisely what they were voting for.³²

Now set that purpose against the scenarios in Chapter 4. At 25 percent switching, the centre-left bloc wins 49.7 percent of the vote against the coalition's 48.2, and loses by 63 seats to 69. The wrong winner returns, four decades on, inside the very system built to banish it. But there is one difference. In 1978 and 1981, the distortion was an accident of electorate boundaries. In 2026, it would be the deliberate, coordinated and entirely legal choice of one side's voters.

The deeper loss is harder to count. Rules are always incomplete. What makes an electoral system work is a shared sense that some victories are not worth winning, and New Zealand has run MMP for thirty years on exactly that understanding. Every party could see the overhang lever. None pulled it, because each expected the voters to punish whoever did.

Once one party pulls the lever and profits, restraint stops being a principle and becomes a handicap. What follows is nobody's plan. It is simply what happens when no one can afford to be the last honest player.

A word about the size of Parliament, because the scenarios above swell it from 123 seats to as many as 159. Chapter 7 will argue that a larger House, chosen deliberately, would serve New Zealand well. This would not be that. A Parliament inflated by tactics is not a chosen Parliament: its size would be determined by whichever bloc gamed hardest, and it would lurch from election to election. The seats, though, are only the visible symptom.

The real casualty is the thing the seats sit on: the integrity of the electoral system and the shared commitment not to game it.

MMP asks voters a sincere question about who should govern. Every tactical play described in this note answers a different question: how do we squeeze the most seats from the fewest votes? An election fought on the second question no longer measures what the country wants. It measures which side has the better spreadsheet.

And the international record shows where this road ends. Where compensatory systems could be gamed, they were gamed, not by accident but as strategy.³³

Box 5: When other countries broke their systems

Italy, 2001. Italy's mixed system contained a correction meant to help smaller parties: when a party won a district seat, the votes behind that win were subtracted from its list total before the proportional seats were shared out. Both major alliances dodged the subtraction. They attached their district candidates to decoy lists (*liste civetta*), paper parties that existed only to soak up the penalty, while the real party lists kept their full totals. The correction never engaged, dozens of seats shifted, and the system was scrapped within five years.³⁴

Albania, 2005. The two big parties told supporters to give their list votes to allied small parties. The compensation tier collapsed; international observers called the election a manipulation of the system's spirit.³⁵

Lesotho, 2007. The governing party and the opposition each contested the districts while an allied party contested the list, in open circumvention of the MMP compensation rules. One alliance gained roughly 20 extra seats.³⁶

In each case, the tactic was legal, public and fatal to the system's purpose.

Economic theory treats this outcome as predictable rather than surprising. A recent formal analysis of compensatory systems proves that, under conditions New Zealand's rules meet in an overhang year, splitting a party's votes across allied vehicles is a dominant strategy, the move that pays regardless of what opponents do.³⁷ Systems that rely on parties and voters declining a free lunch eventually meet someone hungry.

MMP's designers promised the best of both worlds: local representation and proportional outcomes.³⁸ The full swap delivers the worst of one: a Parliament where the districts decide everything, the lists decorate the result, and the party vote, the vote New Zealanders were told decides Parliament, decides nothing on one entire side of politics.

Chapter 6: Germany's warning

In the autumn of 2005, the strangest campaign in modern German history ran for two weeks in one city. The Christian Democrats blanketed Dresden with a message no party had uttered before: do not give us your party vote.

A candidate's death had postponed the vote in one Dresden district until two weeks after the national election. By then, the seat arithmetic was public. The CDU held overhang seats in Saxony, and mathematicians had worked out that if the party won more than about 41,000 party votes in Dresden, it would lose a seat in parliament. More votes would have meant fewer seats. The CDU campaigned for electorate votes only; its supporters obliged, and with 38,202 party votes, the CDU stayed under the line and kept its seat.³⁹

Germans called the phenomenon negative vote weight, and the spectacle of a party begging voters to shun it set off a constitutional reckoning. In 2008, the Federal Constitutional Court ruled that an electoral law under which a vote could harm the party it was cast for violated the equality and directness of elections.⁴⁰ The court gave parliament a deadline; parliament's first fix was struck down in 2012; and from 2013, Germany patched the system with levelling seats: every overhang seat was matched by compensating seats for everyone else, until proportionality was restored.⁴¹

The patch preserved fairness and destroyed the furniture. The Bundestag swelled from 598 seats to 631, then 709, then 736, the largest freely elected parliament on earth.⁴² In 2023, Germany gave up patching. The reform capped the Bundestag at 630 seats and abolished overhang outright: a district winner now takes a seat only if the party's national vote covers it. The constitutional court upheld the core of the reform in 2024.⁴³ Seventy years after inventing the overhang problem, Germany solved it by deleting the overhang.

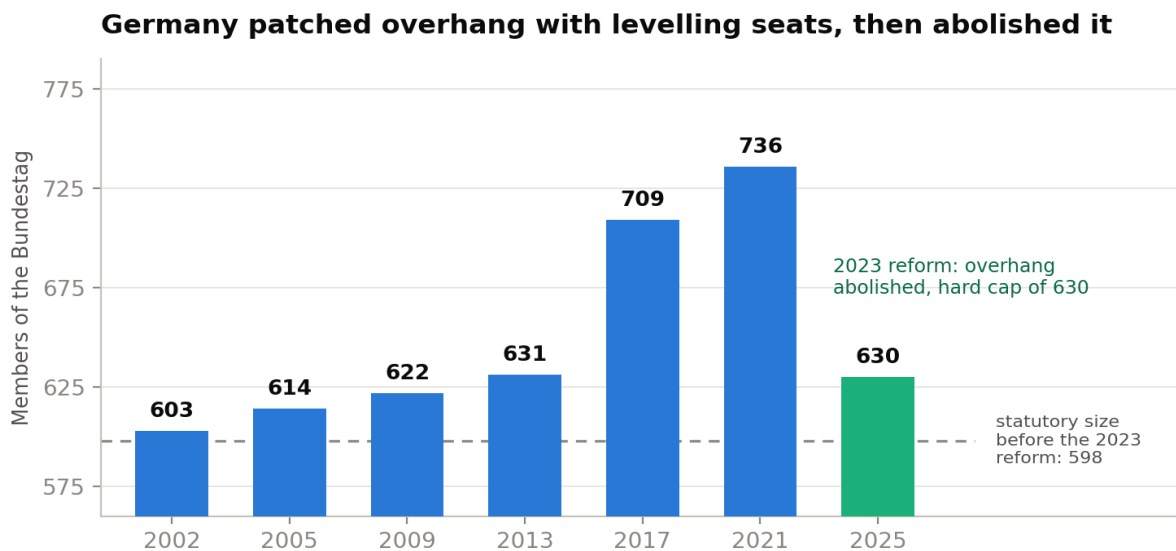


Figure 5: The Bundestag, 2002 to 2025

Set New Zealand beside that history and the comparison is uncomfortable. Germany's exposure came from a parliament split 50:50 between districts and lists; New Zealand runs 60:40.⁴⁴ Germany's distortions were accidents of federal arithmetic; New Zealand's would be a deliberate national strategy. Germany had levelling seats to protect proportionality while it argued; New Zealand has no equivalent. An overhang here is simply a transfer of power to one side. And Germany had a

constitutional court with jurisdiction over its electoral law. New Zealand has a recommendation from 2012, sitting in a drawer.⁴⁵

One irony deserves to be recorded here. A National party vote in 2026 would not be poisonous in the Dresden sense, because it could not cost National a seat. It would merely be dead.⁴⁶ New Zealand's version of the disease is milder for the party and worse for the country: in Germany, the perversity punished a single party's tally; here, it would quietly decide who governs.

The tipping point never rises far: right-bloc seats (blue), left bloc (red), majority line (dashed) — National wins 37 electorates in all panels

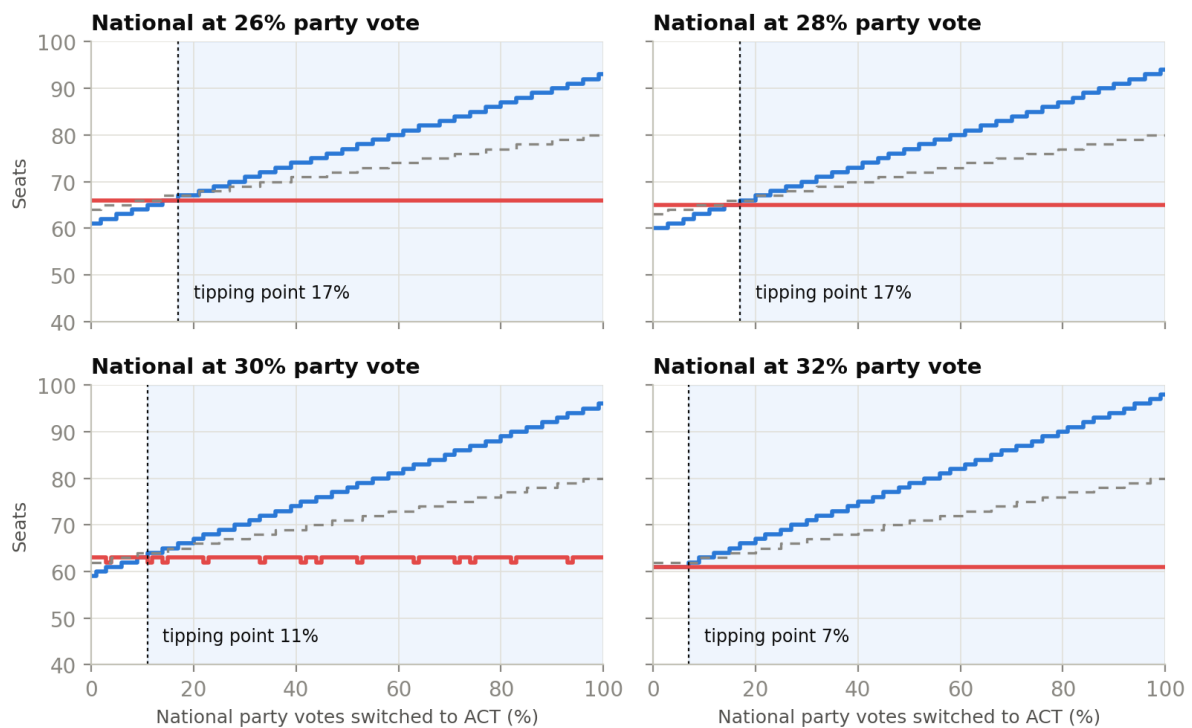


Figure 6: The tipping point at four polling levels

Chapter 7: What should change

After 7 November, the question is larger than repair. Christopher Luxon has promised a referendum on MMP itself if he is re-elected, saying it is right to check whether the system still holds New Zealanders' confidence.⁴⁷ The public still backs MMP, but softly. In a poll taken days after the announcement, 53 percent wanted to keep it, 29 percent wanted a change, and nearly one in five could not say.

MMP won its referendums in 1993 and 2011. It has never been tested after an election it was seen to lose to gamesmanship. A wrong-winner government seated in a Parliament of 130 would write the case for abolition better than any campaign could. The parties most devoted to MMP have the most to gain from repairing it first.

Nothing can change before the election. Electoral law does not move in ten weeks, and it should not be rewritten mid-campaign by whoever it currently disadvantages. The remedies belong to the next Parliament. They are not all equal, and the most obvious one is the weakest.

The obvious remedy is the one the Electoral Commission recommended in 2012: abolish overhang seats.⁴⁸ But abolition alone contains a flaw that mattered little then and matters greatly now.

If the House stays at 120 while an overhanging party keeps its electorate wins, the extra seats must come out of everyone else's share. Parliament stops growing, but the gaming still pays. The bill is simply sent to the other parties. Abolition cures the symptom and leaves the incentive.

Germany's cure of 2023 removes the incentive: cap the House and make the party vote sovereign, so a district winner without party-vote coverage does not enter Parliament.⁴⁹ It works.

But its price is that winning an electorate no longer guarantees a seat, and in New Zealand, that price would fall hardest on the Māori electorates, where overhang is most likely. No Parliament will tell a winning Māori electorate MP to stay home. In this country, the German cure is politically dead on arrival.

What remains is compensation. This was Germany's remedy of 2013: when one party wins overhang seats, every other party receives balancing seats until proportionality returns.⁵⁰ Every electorate winner keeps their seat, including every Māori electorate winner. And the tactical split stops paying off, because whatever one bloc engineers through the electorates, the balance restores to everyone else. A game that can no longer be won does not get played.

Germany's parliament ballooned under this rule because its overhang was an accident of geography that voters kept renewing, not because anyone gamed the compensation. In New Zealand, the balancing seats would sit idle in normal years and appear exactly when someone tried their luck.

Compensation works best alongside prevention, and the prevention has already been designed. The Initiative's report *MMP After 30 Years*, by Nick Clark, recommends enlarging Parliament from 120 to 170 seats in line with international norms, moving to an equal split between electorate and list seats, and cutting the party vote threshold to 4 percent or lower.⁵¹ Those reforms attack the frequency of overhang at its source, and this note endorses them.

Where this note differs is on the residual rule: Clark's package abolishes the overhang, while the analysis above points to compensating it instead. Prevention makes the gaming rare, and compensation makes it pointless.

A larger Parliament is not a popular idea. New Zealanders voted four to one for a smaller one in 1999, and nobody should pretend that sentiment has vanished.⁵² But 120 members for more than five million

people is small beside every comparable democracy, and the honest sale is simple: a somewhat larger House is the price of an election that cannot be won by arithmetic. Under compensation, the bill only ever arrives when a party tries.

Until the law changes, the only defence is the oldest one. Distortions of this kind work best when nobody is watching. Now everybody can.

Questions and answers

Is any of this illegal? No. Tactical voting breaks no law. Every vote described in this note, on either side of politics, would be cast lawfully, in secret, by a voter making a free choice between registered parties. There is no offence of voting cleverly. Nor does the scenario need any conspiracy: no party needs to organise it, no money needs to change hands, and no two voters need to agree on anything. Each voter simply follows their own interest, and the distortion assembles itself.

That is what makes it dangerous: a scheme can be banned, but an incentive written into the law itself can only be removed by changing the law.

Is this not just Epsom again? It is Epsom's logic, reversed and scaled up. In Epsom, National supporters lend their electorate vote to ACT's candidate so that a coalition partner survives; the party vote stays home. The 2026 manoeuvre runs the same lending operation through the other vote: the electorate vote stays home, and the party vote is lent out. The difference is scale, because Epsom moves a single seat.

The party-vote version moves the balance of Parliament and decides who governs. Twenty years of tolerated tactical coordination in one Auckland seat has taught a generation of voters exactly how this works.

Is anyone actually doing this? Yes. Te Pāti Māori opened its campaign by asking supporters to vote for its candidates while giving their party votes to another party of the left. That is the overhang play in its small form: the party's electorate wins become bonus seats, and its allies lose nothing. On current polling it is worth three or four additional seats for the left bloc.

The National-sized version of the same play is worth several times more. A one-sided breach of the old convention cannot stay one-sided for long, and the side with more electorates has more to gain from the rupture.

Would National encourage this? Publicly, never. National campaigns on its party vote and could hardly ask supporters to give it to someone else. There is also an internal reason for silence: on current polling National wins no list seats at all, and a switching campaign would extinguish even the faint hope that a late recovery brings one or two list MPs home, including senior figures without electorate seats.

But National does not control the outcome. The voters own their votes, and arithmetic this simple does not stay secret for a ten-week campaign.

Why ACT and not New Zealand First? Because a tactical vote should go where it cannot be lost or turned against you. ACT meets both tests: it polls clear of the 5 percent threshold, it holds Epsom as insurance even if it slips below, and it has ruled out governing with Labour, so a vote lent to ACT can only ever return as a seat for a National-led coalition.

New Zealand First fails both tests. A party near the threshold can turn switched votes into destroyed ones, and a party that has governed with Labour before might do so again, in which case the lent vote helps elect the government it was meant to prevent.

What if the polls are wrong? They will be wrong somewhere, because polls always are. The point is that the conclusion survives. Modelling National at anywhere between 26 and 32 percent of the party vote, the tipping point stays between 7 and 17 percent of National's voters. Below about 30 percent, National is in overhang before a single vote is switched.

And even in the case where the polls flatter National and it escapes overhang, the switched votes are not wasted: they still elect ACT MPs for the same bloc. The strategy is robust to polling error, which is precisely why it deserves attention now rather than after the fact.

Has Parliament grown before? Three times, modestly. The Māori Party's electorate wins produced Parliaments of 121, 122 and 121 seats in 2005, 2008 and 2011, and in 2023 Te Pāti Māori's six electorates plus National's deferred win in Port Waikato produced 123. Nobody much minded, because one to three extra seats changed no government and cost little. The scenarios in this note run from 123 seats to 159. A Parliament enlarged by a third, produced by tactics rather than by any decision New Zealanders voted on, would be a different thing altogether.

Is MMP itself now in question? Yes. Christopher Luxon has promised a referendum on the voting system if he is re-elected. The most recent poll found that 53 percent of New Zealanders want to keep MMP and 29 percent want change, and the rest are unsure. That is a majority, but a soft one.

MMP survived its referendums in 1993 and 2011 as the system that kept elections fair. Whether it would survive one held after an election it was seen to lose to tactical gaming is another question. The surest way to protect the system is to repair it before anyone can make that argument.

Can anything be done before 7 November? The rules cannot change, because electoral law does not move in ten weeks, and it should not be rewritten mid-campaign by whoever it currently disadvantages. What can change is knowledge. Voters deserve to know what their two votes actually do under these rules, commentators should watch the party-vote gap between National and ACT as closely as they watch the preferred prime minister numbers, and the parties should campaign knowing that everyone can see the board. After the election, the repair job described in Chapter 7 belongs near the top of any government's agenda.

The best time to fix electoral law is early in a term, when nobody yet knows whom the fix will favour.

Glossary

Party vote. Your vote for a party is the left-hand tick on the ballot paper. It determines each party's share of the 120 seats, and it is the vote MMP was built around. For every party except one in overhang, more party votes mean more seats.

Electorate vote. Your vote for a local MP, the right-hand tick. It decides who represents your area, not how many seats a party gets. A party can win every electorate contest narrowly or lose them all narrowly without its total number of seats changing, so long as it stays out of overhang.

List MP. An MP who enters Parliament from a party's ranked candidate list rather than by winning an electorate. List seats top a party up from its electorate wins to its full party-vote share. They are the balancing item that makes Parliament proportional, which is why a party in overhang, needing no topping up, gets none.

Sainte-Laguë formula. The arithmetic that turns party votes into seats. Each qualifying party's vote total is divided by 1, then 3, then 5, 7 and so on, and the 120 highest results across all parties each win a seat. The details matter less than the effect: seats end up as close to proportional as whole numbers allow.

Threshold. The entry test for list seats. A party must win 5 percent of the party vote or one electorate seat; otherwise, its party votes count for nothing and its supporters' votes are redistributed, in effect, to everyone else. The threshold is the wasted vote most people know about. This note is about the one they do not.

Overhang. The extra seats created when a party wins more electorates than its party vote covers. The electorate winners all keep their seats, every other party keeps its full share, and Parliament grows beyond 120 to make room. New Zealand has seen overhangs of one to three seats; the scenarios in this note produce overhangs of ten or more.

Wasted vote. Any vote that has no effect on the make-up of Parliament. It usually comes in the form of a party vote for a party that misses the threshold and therefore elects nobody. But it is possible to also consider a party vote for a party in overhang as an effectively wasted vote because such a vote changes nothing since the party's seats are already settled by its electorate wins.

Tactical voting. Voting not for your sincere first preference but in the way most likely to produce the outcome you want, a safe seat traded for a useful one. Epsom is New Zealand's long-running example. Tactical voting is legal everywhere and, in small doses, harmless; the danger arises when a system makes it profitable on a national scale.

Bloc. The group of parties that would govern together. In 2026: National, ACT and New Zealand First on one side; Labour, the Greens, Te Pāti Māori and Opportunity on the other. Blocs matter because a tactical voter does not need their own party to win seats. Any seat inside the bloc keeps the other side out.

Wrong winner. An election in which the side with fewer votes wins more seats and forms the government. New Zealand produced the wrong winners under First Past the Post in 1978 and 1981 and adopted MMP largely to make such outcomes impossible.

Levelling seats. Germany's remedy from 2013: whenever one party won overhang seats, every other party received compensating seats until proportionality was restored. It preserved fairness at the cost of size, swelling the Bundestag to 736 members before Germany abandoned the approach.

Second-vote coverage. Germany's remedy from 2023: a district winner takes a seat only if the party's national party vote entitles it to one. This abolishes overhang entirely, and with it the tactics described in this note, at the price that winning a district no longer guarantees a seat.

Decoy strategy. The endgame of tactical voting under a compensatory system: one party contests the districts while an allied party or list collects the proportional votes, so that the compensation linking the two tiers never engages. Italy, Albania and Lesotho have all seen it done. Where it succeeds, proportional representation survives on paper only.

Technical appendix

Method. Seat allocations follow sections 191 to 193 of the Electoral Act 1993: the Sainte-Laguë divisor method over 120 seats, applied to parties that reach 5 percent of the party vote or win an electorate, with electorate winners retained where they exceed a party's allocation.⁵³ The model reproduces the official 2023 result exactly, including the three overhang seats.

Baseline. Party votes are the poll-of-polls average of 17 August 2026: Labour 30.8, National 29.8, Greens 10.9, New Zealand First 10.6, ACT 7.8, Opportunity 5.7, Te Pāti Māori 2.3, others 2.1.⁵⁴ Electorate seats follow the published projections: National 37, Labour 26, Te Pāti Māori 5, Greens 2, ACT 1, of the 71 electorates.⁵⁵

Switching scenarios. A switching level of x percent moves x percent of National's party vote to ACT, holding all else constant. The matrix in Figure 4 varies National's electorate wins from 28 to 44, assigning gained or lost electorates against Labour; Labour's list compensation means this assumption is close to neutral for bloc totals. The Te Pāti Māori scenario in Chapter 4 assumes the party holds six Māori electorates while its party vote falls to 0.5 percent, the balance moving to Labour and the Greens in equal parts. The sensitivity runs in Figure 6 set National at 26, 28, 30 and 32 percent, rescaling all other parties proportionately; the tipping points there partly reflect the closer race, not the overhang alone.

Reading the results. Three regularities organise everything. While National is in overhang, its party votes buy nothing; each party vote switched to ACT buys the bloc a seat; and each electorate National gains is a full extra seat against half a seat of majority threshold. The centre-left's seat count is fixed by its own party vote throughout.

Caveats. All scenarios are mechanism demonstrations at one polling snapshot, not forecasts. Polls carry margins of error larger than several of the gaps shown. Electorate projections rest on uniform swing, which New Zealand's sparse seat-level polling cannot refine. Figures will be updated close to publication.

Endnotes

- ¹ Te Pāti Māori launched its campaign at Te Poho o Rāwiri Marae in Gisborne on 16 August 2026, asking supporters for their candidate votes while directing party votes to other opposition parties. See "Te Pāti Māori's election pitch: candidate vote only," *The Spinoff*, 17 August 2026, reporting coverage by RNZ's Tuwhenuaroa Natanahira and *The New Zealand Herald's* Julia Gabel. URL: <https://thespinoff.co.nz/the-bulletin/17-08-2026/te-pati-maoris-election-pitch-candidate-vote-only>.
- ² Polling average of 21 polls to 17 August 2026, election2026.nz. URL: <https://election2026.nz/>. The most recent constituent poll is 1News–Verian, 8–11 August 2026. At the 2023 election 2,883,412 party votes were cast; 29.8 percent of that turnout is some 860,000 votes.
- ³ Report of the Royal Commission on the Electoral System, *Towards a Better Democracy* (Wellington: Government Printer, 1986). Fairness between political parties heads the Commission's ten criteria for judging voting systems.
- ⁴ "Most Kiwis still back MMP despite Luxon stance, new poll," 1News, 17 August 2026. URL: <https://www.1news.co.nz/2026/08/17/most-kiwis-still-back-mmp-despite-luxon-stance-new-poll/>. The 1News Verian poll found 53 percent for keeping MMP, 29 percent for change and 18 percent unsure. In the 2011 referendum, 57.8 percent voted to keep MMP.
- ⁵ Electoral Commission, *Report of the Electoral Commission on the Review of the MMP Voting System* (Wellington, 2012). URL: <https://elections.nz/assets/2012-report-of-the-Electoral-Commission-on-the-review-of-mmp.pdf>. The Commission recommended lowering the party vote threshold to 4 percent, abolishing the one-electorate-seat threshold, abolishing the overhang provision, and considering a statutory 60:40 ratio of electorate to list seats.
- ⁶ "Te Pāti Māori's election pitch: candidate vote only," *The Spinoff*, 17 August 2026.
- ⁷ On the Opportunity Party's position near the threshold, see "The Opportunity Party knocks," *The Spinoff*, 28 July 2026. URL: <https://thespinoff.co.nz/the-bulletin/28-07-2026/the-opportunity-party-knocks>. The party, led by Qiulae Wong since November 2025, polled between about 3 and 8 percent over July and August 2026.
- ⁸ Polling average of 21 polls to 17 August 2026, election2026.nz.
- ⁹ Following the 2025 boundary review, the 2026 election will be contested in 71 electorates (48 North Island general, 16 South Island general, 7 Māori), leaving 49 list seats. Electoral Commission, "Boundary Review 2025." URL: <https://elections.nz/democracy-in-nz/historical-events/boundary-review-2025>.
- ¹⁰ Electoral Act 1993 (NZ), ss 191–193. URL: <https://www.legislation.govt.nz/act/public/1993/0087/latest/DLM310435.html>. For the official explanation of the Sainte-Laguë calculation, see Electoral Commission, "Sainte-Laguë allocation formula." URL: https://www.electionresults.govt.nz/sainte_lague.html.
- ¹¹ The Māori Party won four electorates on 2.12 percent of the party vote in 2005 (one overhang seat, 121-seat Parliament), five electorates on 2.39 percent in 2008 (two overhang seats, 122 seats) and three electorates on 1.43 percent in 2011 (one overhang seat, 121 seats). Electoral Commission results, elections.nz.
- ¹² Electoral Commission, "Official results for the 2023 General Election." URL: <https://elections.nz/media-and-news/2023/official-results-for-the-2023-general-election>. Te Pāti Māori won six Māori electorates against a four-seat entitlement. The Port Waikato electorate contest was deferred after the death of a candidate; National's Andrew Bayly won it on 25 November 2023, adding a third overhang seat for a 123-seat Parliament.
- ¹³ Electoral Commission, "Boundary Review 2025."
- ¹⁴ Electoral Commission, *Review of the MMP Voting System* (2012).
- ¹⁵ The party cites the 2025 Tāmaki Makaurau by-election as proof of concept. Labour's Peeni Henare, safe on Labour's list, lost the seat once voters understood that electing Oriini Kaipara would cost them nothing. Julia Gabel, *The New Zealand Herald*, August 2026, reported in *The Spinoff*, 17 August 2026.
- ¹⁶ Polling average of 21 polls to 17 August 2026, election2026.nz.
- ¹⁷ Electorate projections: Kiwi Polls, kiwipolls.co.nz (National 37 electorates); election2026.nz (National 36); David Farrar's analysis assumes 37. On National's marginal seats (Mt Roskill, Maungakiekie, Whanganui and others), see "Who's up, down and in the danger zone as National releases its election party list," *The*

- Spinoff*, 8 August 2026. URL: <https://thespinoff.co.nz/politics/08-08-2026/whos-up-down-and-in-the-danger-zone-as-national-releases-its-election-party-list>.
- 18 All seat calculations in this note were produced with a model of the statutory allocation described in the technical appendix. The model reproduces the official 2023 allocation, including its three overhang seats, exactly.
 - 19 With one minor qualification, set out here for completeness. While National is in overhang, additional National party votes still raise its notional entitlement within the 120 allocated seats. Each notional seat National claims but does not need is denied to another party, usually Labour, occasionally ACT or New Zealand First. A National party vote can therefore, at the margin, cost the centre-right bloc a seat. This is a weaker cousin of Germany's negative vote weight (see Chapter 6): it can harm the vote's own side, though never National itself.
 - 20 In 2023, parties that won no seats received about 5.6 percent of all party votes, led by TOP on 2.22 percent (64,601 votes). Electoral Commission, "Official results for the 2023 General Election."
 - 21 Keith Rankin, "The Problem for National," *Scoop*, 11 August 2026. URL: <https://www.scoop.co.nz/stories/HL2608/S00030/the-problem-for-national.htm>.
 - 22 David Farrar, "National's 2026 party list," *Kiwiblog*, August 2026. URL: https://www.kiwiblog.co.nz/2026/08/nationals_2026_party_list.html.
 - 23 National has ruled out governing with the Opportunity Party, while ACT has ruled out any arrangement with Labour. See "National rules out working with Opportunity Party," *RNZ*. URL: <https://www.rnz.co.nz/news/politics/809555/national-rules-out-working-with-opportunity-party>.
 - 24 See the technical appendix.
 - 25 Daniel Bochsler, "A quasi-proportional electoral system 'only for honest men'? The hidden potential for manipulating mixed compensatory electoral systems," *International Political Science Review* 33, no. 4 (2012): 401–420. DOI: 10.1177/0192512111420770. Bochsler documents the Italian *liste civetta* of 2001, the Albanian vote-splitting instruction of 2005 and related cases.
 - 26 Jeffrey A. Karp, Jack Vowles, Susan A. Banducci and Todd Donovan, "Strategic voting, party activity, and candidate effects: testing explanations for split voting in New Zealand's new mixed system," *Electoral Studies* 21, no. 1 (2002): 1–22. DOI: 10.1016/S0261-3794(00)00031-7.
 - 27 Thomas Gschwend, "Ticket-splitting and strategic voting under mixed electoral rules: Evidence from Germany," *European Journal of Political Research* 46, no. 1 (2007): 1–23. DOI: 10.1111/j.1475-6765.2006.00641.x. Gschwend finds voters "employ either a wasted-vote or a coalition insurance strategy" rather than defaulting to large parties.
 - 28 Franz Urban Pappi and Michael Herrmann, "Überhangmandate ohne negatives Stimmgewicht: Machbarkeit, Wirkungen, Beurteilung," *Zeitschrift für Parlamentsfragen* 41, no. 2 (2010): 260–278. DOI: 10.5771/0340-1758-2010-2-260. The authors observe that overhang operates as a majority bonus where parties offer clear coalition options before the election and voters split their votes in a uniform pattern in large numbers.
 - 29 On the Epsom arrangement and the 2011 "cup of tea" between John Key and John Banks, see "Tea tape scandal," Wikipedia. URL: https://en.wikipedia.org/wiki/Tea_tape_scandal.
 - 30 In 1978, Labour won 40.4 percent of the vote to National's 39.8, and National won 51 of 92 seats. In 1981, Labour won 39.0 percent to National's 38.8 (702,630 votes to 698,508), and National won 47 seats to Labour's 43. Official results, elections.nz.
 - 31 Royal Commission on the Electoral System, *Towards a Better Democracy* (1986).
 - 32 Peter Aimer and Raymond Miller, "Partisanship and principle: Voters and the New Zealand electoral referendum of 1993," *European Journal of Political Research* 41, no. 6 (2002): 795–809. DOI: 10.1111/1475-6765.t01-1-00032. Jack Vowles, "The Politics of Electoral Reform in New Zealand," *International Political Science Review* 16, no. 1 (1995): 95–115. DOI: 10.1177/019251219501600107.
 - 33 Bochsler (2012).
 - 34 Bochsler (2012).
 - 35 Bochsler (2012).
 - 36 Jørgen Elklit, "The 2007 General Election in Lesotho: Abuse of the MMP System?" *Journal of African Elections* 7, no. 1 (2008): 10–19. DOI: 10.20940/jae/2008/v7i1a1.
 - 37 Byeonghyeon Jeong, "The cost of proportional representations in electoral system design," *Economic Theory Bulletin* 12, no. 1 (2024): 47–56. DOI: 10.1007/s40505-024-00261-1. Jeong proves that where the total number of seats is fixed and compensation links tiers, "splitting is a dominant strategy for every party."
 - 38 Matthew Soberg Shugart and Martin P. Wattenberg, eds., *Mixed-Member Electoral Systems: The Best of Both Worlds?* (Oxford: Oxford University Press, 2001).

- ³⁹ On the Dresden I by-election of 2 October 2005, see “Wahlergebnis der Nachwahl im Wahlkreis 160 – Dresden I,” *wahlrecht.de*. URL: <https://www.wahlrecht.de/news/2005/nachwahl-2005.htm>. The CDU needed to stay under roughly 41,000 party votes to avoid losing a list seat; it received 38,202.
- ⁴⁰ Bundesverfassungsgericht, judgment of 3 July 2008, 2 BvC 1/07 and 2 BvC 7/07. URL: <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2008/bvg08-068.html>.
- ⁴¹ Bundesverfassungsgericht, judgment of 25 July 2012, 2 BvF 3/11 and others, striking down the first replacement law; the 2013 amendment to the Federal Elections Act introduced levelling seats (*Ausgleichsmandate*). See Joachim Behnke, “Wahlrechtsreform: Ist der gordische Knoten endlich geplatzt?” *Zeitschrift für Politikwissenschaft* 32, no. 4 (2022): 805–815. DOI: 10.1007/s41358-022-00330-6.
- ⁴² On the growth of overhang and its consequences, see Joachim Behnke, “Überhangmandate bei der Bundestagswahl 2009 – das ewige Menetekel,” *Politische Vierteljahresschrift* 51, no. 3 (2010): 531–552. DOI: 10.1007/s11615-010-0024-x. Bundestag sizes: 603 (2002), 614 (2005), 622 (2009), 631 (2013), 709 (2017), 736 (2021).
- ⁴³ Deutscher Bundestag, “Das geltende Wahlrecht nach der Reform 2023.” URL: <https://www.bundestag.de/parlament/wahlen/wahlrecht-inhalt-975000>. The Federal Constitutional Court upheld second-vote coverage and the 630-seat cap on 30 July 2024. On the reform’s trade-offs, see Jarosław Flis, Joachim Behnke and Kamil Lorenc, “Cancellation of overhang seats: the price of unkept promises,” *Public Choice* 204 (2025): 237–259. DOI: 10.1007/s11127-025-01306-0.
- ⁴⁴ Electoral Commission, “Boundary Review 2025.”
- ⁴⁵ Electoral Commission, *Review of the MMP Voting System* (2012).
- ⁴⁶ See note 18 above.
- ⁴⁷ “Most Kiwis still back MMP despite Luxon stance, new poll,” 1News, 17 August 2026.
- ⁴⁸ Electoral Commission, *Review of the MMP Voting System* (2012).
- ⁴⁹ Deutscher Bundestag, “Das geltende Wahlrecht nach der Reform 2023.”
- ⁵⁰ Behnke (2022); Flis, Behnke and Lorenc (2025).
- ⁵¹ Nick Clark, *MMP After 30 Years: Time for Electoral Reform?* (Wellington: The New Zealand Initiative, 2025).
- ⁵² In the 1999 citizens initiated referendum, 81.5 percent voted for reducing the size of Parliament to 99 MPs. The referendum was non-binding and was not implemented.
- ⁵³ Electoral Act 1993 (NZ), ss 191–193.
- ⁵⁴ Polling average of 21 polls to 17 August 2026, election2026.nz.
- ⁵⁵ Electorate projections: Kiwi Polls; election2026.nz; Farrar, “National’s 2026 party list.”

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