Save MMP!
We tolerate an overhang.
We stop it from distorting proportionality.

Changes to the Constitution Act 1986

The draft wording proposed by SaveMMP

> First draft for legal review, 16 November 2026. This is not a Government bill. It has not been drafted or checked by the Parliamentary Counsel Office, and lawyers have not yet reviewed it. It contains open questions and points marked for a lawyer to check. It is written in the form of a bill to show the changes in full; we ask that it be taken up as a Government bill, drafted by the Parliamentary Counsel Office.

Clauses 26 to 28 of the draft Electoral (Proportional Voting Strength) Amendment Bill.

How to read this draft

- **New wording** stands on a tinted background with a purple line. The text around it says where it goes in the law.
- **[Open]** The point is not decided. “Open question 20” refers to the list of open questions at www.savemmp.org.nz/law/ and in the complete draft.
- **[To check]** A point a lawyer needs to confirm, such as a section number.
- The draft uses the words of the law: “member” for an MP, “electoral district” for an electorate, “constituency candidate” for an electorate candidate.

What the clauses do

- **Clause 26** amends section 6 of the Constitution Act 1986 so that only voting members may be Ministers.
- **Clause 27** amends section 8 of that Act so that only a voting member may be appointed a Parliamentary Under-Secretary.
- **Clause 28** amends section 12 of that Act so that only a voting member may be chosen as Speaker.

The draft wording

26 Section 6 amended (Ministers of Crown to be members of Parliament)

(1) In the heading to section 6, replace “members of Parliament” with “voting members of Parliament”.

(2) In section 6(1), replace “only if that person is a member of Parliament” with “only if that person is a member of Parliament who is a voting member within the meaning of section 3(1) of the Electoral Act 1993”.

(3) In section 6(2)(a), after “but shall vacate office”, insert “if they do not become a voting member within that period” **[To check: the full text of section 6(2)(a) was only partly read. The insertion must fit its existing structure (a candidate appointed before becoming a member must vacate office unless they become a member within a fixed period)]**.

(4) After section 6(2), insert:

> (2A) A Minister of the Crown or member of the Executive Council who becomes a non-voting member (within the meaning of section 3(1) of the Electoral Act 1993) ceases to hold that office **[To check: interaction with section 6(2)(b) as replaced by the Constitution Amendment Act 2026, which deals with continuity between polling day and the declaration of list members]**.

27 Section 8 amended (Appointment of Parliamentary Under-Secretaries)

In section 8(1), replace “any member of Parliament” with “any member of Parliament who is a voting member within the meaning of section 3(1) of the Electoral Act 1993”.

28 Section 12 amended (Election of Speaker)

In section 12, replace “choose one of its members as its Speaker” with “choose one of its voting members (within the meaning of section 3(1) of the Electoral Act 1993) as its Speaker”.

Drafting note: Section 11 of the Constitution Act 1986 (“shall not be permitted to sit or vote ... until that member has taken the Oath”) needs no amendment. Non-voting members must still take the oath before sitting (new section 59H(2)(a)).

About this document

SaveMMP is an independent, non-partisan New Zealand campaign to keep MMP proportional: every electorate keeps the MP it chose, and each party gets exactly the votes in Parliament its party vote earned. SaveMMP is independent of every political party.

This draft is published at **www.savemmp.org.nz/law/**, where the latest version and the list of open questions can be found. To send us a question or a correction, use the contact form at **www.savemmp.org.nz/contact/**, or our Facebook Page, facebook.com/savemmpnz.

This document is not legal advice. It gives general information only. We work hard to check every detail, but we cannot guarantee that it is free of mistakes.