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

Changes to the Electoral Act 1993

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 1 to 25A and Schedules 1 and 2 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 1 is the title clause.

Clause 2 provides for commencement. The substantive provisions come into force on the day after the date on which Parliament is next dissolved or expires after Royal assent, so that they first apply at the next general election. A person may apply to register a party of one from the day after Royal assent, so that registration can be completed before the registration bar in section 64 begins.

Clause 3 states the purpose of the Bill.

Clause 4 identifies the principal Act (the Electoral Act 1993).

Clause 5 inserts new definitions into section 3(1): *entitlement*, *non-voting member*, *party of one*, *voting member* and *voting place*.

Clause 6 amends section 27 to confirm that non-voting members are members of Parliament.

Clause 7 amends section 55 (How vacancies created). It repeals paragraph (fa), which refers to section 55A, and inserts a new ground of vacancy for a list member who leaves their party or is expelled from it.

Clause 8 repeals sections 55AAB to 55E (the party-hopping provisions).

Clause 9 amends section 133 to remove the reference to section 55A.

Clause 10 inserts new sections 59A to 59Q under a new cross-heading “Voting members and non-voting members”. These sections:

- state who sits (every elected candidate), who votes (voting members, up to each party's entitlement) and how status is fixed;
- deal with vacancies in voting places, members who leave their party, and by-elections;
- set out the status and rights of non-voting members;
- set out the offices that only voting members may hold;
- provide that votes, majorities and counts are counted in votes;
- require the Standing Orders to give effect to these rights; and
- state that the rights are not made enforceable in a court.

Clause 11 inserts new section 63B, which adapts the registration requirements for a party of one. It keeps the 500-member requirement that applies to every party.

Clause 12 inserts new sections 127B (Party of one: nationwide option), 127C (Party may decline party vote) and 127D (Party list must include every constituency candidate).

Clause 13 amends section 143 to provide for the local-only option.

Clause 14 amends section 150 (Form of ballot papers) to show a party of one on the party-vote part of the ballot paper and to show any opt-out.

Clause 15 amends section 191. It repeals subsection (8), so that all 120 voting places are allocated by party vote, makes a consequential amendment to subsection (7), and makes explicit how the one-electorate rule applies to a party of one.

Clause 16 amends section 192 so that only electorate winners who are on the party's list are deducted from the party's entitlement.

Clause 17 amends section 193 so that the declaration of the result also declares each member's voting status.

Clause 18 inserts new section 193B (Allocation of voting places).

Clauses 19 to 21 amend sections 129, 134 and 137 (vacancies) so that they work with the new rules on voting places.

Clause 23 makes the same counting change to sections 131 and 136.

Clause 24 and **Schedule 1** insert transitional provisions into Schedule 1AA.

Clause 25 and **Schedule 2** amend form 11 (ballot paper for general election) in Schedule 2.

Clause 25A (Part 2A) amends section 268. It adds the structure of MMP and the new rules to the reserved provisions, including a party's right to be registered with 500 members, party lists, the allocation of seats by party vote, and new section 193B in full. It protects the existence of a threshold and of the one-electorate rule, and leaves the percentage open to reduction by ordinary majority. It states that "75% of all the members" means 90 of the 120 votes. It is voted on separately from the rest of the Bill.

The draft wording

Electoral (Proportional Voting Strength) Amendment Bill. Draft for discussion, not introduced.

The Parliament of New Zealand enacts as follows:

Part 1 — Preliminary provisions

1 Title

This Act is the Electoral (Proportional Voting Strength) Amendment Act **[year]**.

2 Commencement

(1) Sections 1 to 4, 5 (to the extent that it inserts the definition of *party of one*), 11, and 24 come into force on the day after the date of Royal assent.

(2) The rest of this Act comes into force on the day after the date on which the Parliament in existence at the date of Royal assent is dissolved or expires.

Drafting note: Decided on 19 November 2026 (commencement on the day after dissolution or expiry; a date set by Order in Council is not adopted). The new rules first apply to the general election held after the rest of the Act comes into force (see Schedule 1, new Part 5 of Schedule 1AA). The repeal of sections 55A to 55E (clause 8) must not take effect during the current Parliament. If it did, a member who changed party before the new rules applied would keep both seat and vote, and proportionality would not be protected. Subsection (2) therefore covers clause 8.

3 Purpose

The purpose of this Act is to amend the Electoral Act 1993 so that—

(a) every person elected to represent an electoral district takes a seat in the House of Representatives; and

(b) representation in the House of Representatives may be gained through the electorate vote, and the right to vote in the House derives from the party vote alone, so that election for an electoral district confers a seat but not, of itself, a vote; and

(c) each party's voting strength in the House of Representatives equals the number of seats to which its party vote entitles it under section 191 of that Act, so that the House has 120 votes; and

(d) members of Parliament elected beyond that entitlement, or without a party vote, are members of Parliament for all purposes except voting in the House, and have guaranteed rights to represent their electorates.

4 Principal Act

This Act amends the Electoral Act 1993.

Part 2 — Amendments to Electoral Act 1993

Subpart 1 — Definitions, membership, and vacancies

5 Section 3 amended (Interpretation)

In section 3(1), insert in their appropriate alphabetical order:

> **entitlement**, in relation to a party, means the number of seats to which the party is entitled under section 192(1) at a general election
>
> **non-voting member** means a member of Parliament who does not hold a voting place
>
> **party of one** means a political party registered under section 63B
>
> **voting member** means a member of Parliament who holds a voting place

> **voting place** means one of the places in the House of Representatives that carry the right to vote, as allocated to a party under section 193B and held by a member of Parliament in accordance with sections 59C to 59G

6 Section 27 amended (Members of Parliament)

In section 27, add as subsection (2):

> (2) Every person elected in accordance with this Act is a member of Parliament, whether the person is a voting member or a non-voting member.

Drafting note: Section 10(4) of the Constitution Act 1986 defines members of Parliament by reference to election "in accordance with the provisions of the Electoral Act 1993". No amendment to section 10(4) appears necessary **[To check]**.

7 Section 55 amended (How vacancies created)

(1) Repeal section 55(1)(fa).

(2) After section 55(1)(f), insert:

> (fb) if he or she was elected from a party list submitted under section 127, or was declared elected under section 137, and he or she leaves the political party for which he or she was elected, as provided in section 59F(2) or (3); or

Drafting note: Decided on 19 November 2026. A list member who leaves their party, or is expelled from it, leaves Parliament, and the seat is filled from the party's list. This keeps, for list members only, a vacancy rule similar in effect to section 55A, which is otherwise repealed (drafting question 9, decided).

8 Sections 55AAB to 55E repealed

Repeal sections 55AAB, 55A, 55B, 55C, 55D, and 55E.

Explanatory note to this clause: Sections 55A to 55E (inserted by the Electoral (Integrity) Amendment Act 2018) vacate the seat of a member who ceases to be a parliamentary member of the party for which they were elected. They are repealed because, under this Bill, an electorate member who leaves their party keeps the seat and gives up the vote, and the vote stays with the party (new section 59F). Proportionality is protected without unseating an electorate member. A list member's seat is vacated under new section 55(1)(fb) (clause 7). Section 55AAB (purpose of sections 55A to 55E) is repealed with them. The headings of the earlier sections 55A to 55E, which expired on 18 September 2005, remain in the reprint as "[Expired]" and need no amendment **[To check]**.

Cross-references found: section 55(1)(fa) (repealed by clause 7) and section 133 (amended by clause 9). No reference to sections 55A to 55E was found in the Constitution Act 1986 or the Parliament Act 2025. Other enactments were searched by phrase on 19 November 2026 and none refers to those sections (see open question 33); a drafter should repeat the search **[To check]**.

9 Section 133 amended (No writ to issue pending election petition)

In section 133, replace "section 55 or 55A" with "section 55".

10 New sections 59A to 59Q inserted

After section 59, insert:

> *Voting members and non-voting members*

59A Purpose of sections 59B to 59Q

The purpose of sections 59B to 59Q is to ensure that—

(a) every person elected to represent an electoral district takes a seat in the House of Representatives; and

(b) representation in the House of Representatives may be gained through the electorate vote, and the right to vote in the House derives from the party vote alone, so that election for an electoral district confers a seat but not, of itself, a vote; and

(c) each party's voting strength in the House of Representatives equals its entitlement, so that the House has 120 votes; and

(d) non-voting members are members of Parliament for all purposes except voting in the House, and have the rights set out in sections 59H to 59L.

59B Every elected candidate takes seat

(1) Every constituency candidate who is declared elected under section 179 and whose name is endorsed on the writ under section 185 takes a seat in the House of Representatives as a member of Parliament.

(2) Subsection (1) applies whether or not—

(a) the candidate's party has an entitlement; or

(b) the number of constituency candidates elected for the candidate's party is greater than its entitlement; or

(c) the candidate stood as an independent candidate, as a candidate for a party of one, or as a candidate for a party that declined the party vote under section 127C.

(3) Every list candidate who is declared elected under section 193(5) or section 137 takes a seat in the House of Representatives as a member of Parliament.

59C Voting strength of parties equals entitlement

(1) Each party has a number of voting places equal to its entitlement, and no more.

(1A) Representation in the House of Representatives may be gained through the electorate vote: election as a member for an electoral district confers a seat in the House. The right to vote in the House derives from the party vote alone. Election for an electoral district does not of itself confer a voting place: a member holds a voting place only where the party vote has given the member's party a voting place for the member to hold under section 59D.

(2) The total number of voting places is 120.

(3) A party that has no entitlement has no voting places.

(4) The number of voting places that a party has is fixed at the declaration under section 193(5) and does not change during the term of that Parliament (*see* section 59G).

(5) Subsection (2) is subject to section 193(4) and section 137(6). A voting place that cannot be filled under those provisions stays unfilled, and the number of voting places held is then fewer than 120.

Drafting note: Subsection (1A) was added on 19 November 2026 to state the principle outright: representation can be gained through the electorate vote, and voting rights in the House derive from the party vote alone. It is numbered (1A) so that cross-references to the other subsections are unaffected; the drafter may renumber. The same principle is stated in clause 3(b) and in section 59A(b).

59D Who holds voting places

(1) A party's voting places are held by the members of Parliament determined under section 193B.

(2) A member of Parliament may hold a voting place for a party only if the member's name was included in the list submitted by that party under section 127 for the general election concerned.

(3) Whether a member is a voting member or a non-voting member is fixed when the Electoral Commission declares the result under section 193(5).

(4) A member's status changes only in accordance with section 59E (vacancy in voting place) or section 59F (member leaving party).

(5) No party, party leader, or other person may assign, transfer, or exchange a voting place, or decline to take up a voting place in favour of another member, except as provided in sections 59E and 59F.

59E Voting place falling vacant

(1) A voting place falls vacant if—

(a) the seat of the voting member who holds it becomes vacant under section 55; or

(b) the voting member who holds it leaves the party for which the member was elected (*see* section 59F).

(2) The voting place stays with the party to which it was allocated.

(3) The voting place passes to the non-voting member of that party who—

(a) stands highest in the order of preference on the party's list submitted under section 127 for the last general election; and

(b) remains a member of that party; and

(c) has not left the party under section 59F.

(4) If no member satisfies subsection (3), the vacancy in the voting place must be filled under section 137 as if it were a vacancy in the seat of a list member of that party. The person declared elected under section 137 holds the voting place.

(5) The Speaker must, without delay, publish in the *Gazette* a notice that—

(a) states that the voting place has fallen vacant and why; and

(b) names the member to whom it passes under subsection (3), or states that subsection (4) applies.

(6) The member named in a notice under subsection (5)(b) becomes a voting member on the date of publication of the notice **[To check: whether the Speaker should first inquire, as in section 137(3), whether the member remains a member of the party]**.

(7) If a vacancy in a voting place cannot be filled under subsection (4) because section 137(6) applies, the voting place remains vacant until the next general election.

59F Member leaving party

(1) In this section, **party for which the member was elected** means,—

(a) for a member elected to represent an electoral district, the political party that nominated the member as a constituency candidate, or for which the member stood as a party of one; and

(b) for a member elected from a party list submitted under section 127, or declared elected under section 137, the political party on whose list the member's name appeared.

(2) A member leaves the party for which the member was elected if the member delivers to the Speaker a written notice, signed by the member, that states that the member—

(a) has resigned from the parliamentary membership of that party; or

(b) wishes to be recognised for parliamentary purposes as an independent member or as a member of another party.

(3) A member is also treated as having left the party for which the member was elected if the parliamentary leader of that party delivers to the Speaker a written notice, signed by the parliamentary leader, that states that—

(a) the party has expelled the member from its parliamentary membership; and

(b) at least two-thirds of the members of Parliament who are parliamentary members of that party agree that the notice be given.

(3A) For the purposes of subsection (3)(b), every member of Parliament who is a parliamentary member of the party has one vote, whether the member is a voting member or a non-voting member **[To check: whether the member to be expelled is counted, how the agreement is evidenced, and whether to carry over the written notice and 21 working days for a response that section 55D(b) and (c) now require]**.

(4) A voting member who leaves the party for which the member was elected under subsection (2) or (3)—

(a) keeps their seat; and

(b) becomes a non-voting member for the rest of the term of that Parliament; and

(c) does not take any voting place with them. The voting place falls vacant under section 59E(1)(b).

(5) A non-voting member who leaves the party for which the member was elected remains a non-voting member for the rest of the term of that Parliament.

(6) A member who has left a party under this section cannot become a voting member again during the term of that Parliament, whether by rejoining that party, joining another party, or otherwise.

(7) Subsections (4) to (6) do not apply to a member who was elected from a party list submitted under section 127, or declared elected under section 137. If such a member leaves the party under subsection (2) or (3), the member's seat becomes vacant under section 55(1)(fb), and the voting place falls vacant under section 59E(1)(a).

(8) A notice under this section takes effect when the Speaker receives it.

59G By-elections and changes of party do not change voting places

(1) The number of voting places that each party has under section 59C does not change during the term of a Parliament because of—

(a) a by-election; or

(b) a member leaving a party, joining a party, or being recognised for parliamentary purposes as a member of a different party; or

(c) a change in the registration of a party under Part 4.

(2) A person declared elected at a by-election is a non-voting member unless subsection (3) applies.

(2A) If a person is declared elected at a by-election as the candidate of a party and the person's name was not included in that party's list submitted under section 127 for the last general election, the person's name is added at the foot of that list, below every name that the party submitted and below any name added earlier under this subsection. The list as added to is the party's list for the purposes of sections 59D, 59E, and 137 for the rest of the term of that Parliament **[To check: who records and publishes the addition]**.

(2B) No other name may be added to a party's list during the term of a Parliament. A candidate at a by-election who is not declared elected is not added.

(3) A person declared elected at a by-election holds a voting place only if, on the day the person is declared elected,—

(a) the person's party has a voting place that is vacant and cannot be filled under section 59E(3) or (4); and

(b) the person's name is on that party's list, whether as submitted under section 127 for the last general election or as added to under subsection (2A).

(4) If the member whose seat became vacant held a voting place, that voting place stays with the member's party and is filled under section 59E. The by-election does not affect it.

(5) An independent candidate, or a candidate of a party with no voting places, who is declared elected at a by-election is a non-voting member.

59H Status of non-voting members

(1) A non-voting member is a member of Parliament for all purposes, except that the member may not vote in the House of Representatives or in a committee of the whole House.

(2) Without limiting subsection (1), a non-voting member—

(a) must take the oath or make the affirmation required by section 11 of the Constitution Act 1986; and

(b) has the privileges, immunities, and powers of a member of the House of Representatives; and

(c) is a member for the purposes of Part 4 of the Parliament Act 2025 (salaries, allowances, expenses, and services). If elected to represent an electoral district, the member is entitled to the same electorate office and constituency services funding as any other member elected to represent an electoral district; and

(d) may attend any meeting of a select committee as any other member may.

(2A) A non-voting member who is a parliamentary member of a party is entitled to take part, and to vote, in every decision of the parliamentary members of that party on the same terms as a voting member of that party. This includes any decision about the discipline, suspension, or expulsion of a member **[To check: how the entitlement is enforced; whether a party rule or practice that denies it is of no effect; see section 59Q]**.

(3) For the purposes of section 55(1)(a), a non-voting member gives their attendance in the House if the member attends a meeting of a select committee of which the member is a member.

59I Written statements and reports on electorate matters

(1) A non-voting member may, as of right, present to the House of Representatives a written statement or report on any matter relating to the electoral district that the member represents.

(2) The member presents the statement or report by delivering it to the Clerk of the House of Representatives in the manner provided by the Standing Orders.

(3) The Clerk must accept a statement or report that complies with the requirements as to form set by the Standing Orders. The statement or report is then presented to the House.

(4) A statement or report presented under this section—

(a) must be published under the authority of the House in the same way as a paper presented to the House; and

(b) stands referred to a select committee as provided by the Standing Orders.

(5) The delivery, presentation, and publication of a statement or report under this section, and the statement or report itself, are proceedings in Parliament for the purposes of Article 9 of the Bill of Rights 1688 and Part 2 of the Parliament Act 2025 (*see* section 13(2)(e) of that Act).

(6) The Standing Orders may regulate the form and timing of statements and reports, and may set a reasonable limit on their length. They must not limit how many statements and reports a non-voting member may present, or prevent a member from presenting statements and reports on electorate matters.

(7) The select committee to which a statement or report is referred must consider it and report on it to the House of Representatives within the time provided by the Standing Orders.

59J Guaranteed select committee place

(1) Each non-voting member is entitled to be a member of at least one select committee.

(2) As a member of that committee, a non-voting member has all the rights of a committee member, including the right to speak, to question witnesses, and to move motions, except that the member may not—

(a) vote on any question put to the committee; or

(b) give or withhold leave, or take part in any decision taken by leave of the committee; or

(c) be counted in the quorum of the committee.

(3) A non-voting member must be appointed to the committee that the member chooses, in the manner and within the time provided by the Standing Orders. At the start of a Parliament the appointment must be made at the same time as the other members of select committees are appointed. The member may not be removed from that committee except—

(a) at the member's own request; or

(b) while the member is suspended from the service of the House; or

(c) on being appointed to another committee under this section.

(4) A place held under this section is in addition to the places allocated to parties in proportion to their voting places and does not count towards that allocation.

(4A) The Standing Orders may limit the number of non-voting members who hold places under this section on any one select committee. The limit must leave every non-voting member a place on a select committee.

59K Oral address in the House

(1) A non-voting member has no right to address the House of Representatives orally, except that the member may, as of right, make—

(a) one maiden statement; and

(b) one valedictory statement; and

(c) the statements provided for in subsection (2).

(2) A non-voting member is entitled, on request, to be heard orally by the House on a specified matter at least once in each calendar year. The House may order that a non-voting member be heard on further occasions.

(3) A request that a non-voting member be heard may be made by the member or by the member's party.

(4) A request under subsection (3) must be granted if the member is entitled to be heard under subsection (2). Any other request may be granted—

(a) by the Business Committee; or

(b) by the House, on a motion that must be put without debate.

(5) A non-voting member who is not a member of a recognised party applies to the Speaker, who decides the application and must grant a request to which the member is entitled under subsection (2).

(6) The Standing Orders must provide for the time, place, and manner in which non-voting members make statements and are heard under this section, and must set a minimum time for a member to speak and for questions to the member.

59L Standing in the House

(1) A non-voting member is a member of the House of Representatives and is not a stranger.

(2) A non-voting member does not sit in the Chamber while the House is sitting. The member may enter the Chamber only—

(a) to take the oath or make the affirmation required by section 11 of the Constitution Act 1986; or

(b) to make a statement, or to be heard, under section 59K.

(2A) A non-voting member is entitled, at all times when the House is sitting, to a place in a gallery of the House from which to observe its proceedings.

(3) In the proceedings and ceremonies of the House, a non-voting member ranks after voting members and above Officers of Parliament.

59M Voting, majorities, and counts in House

(1) Only voting members may vote in the House of Representatives or in a committee of the whole House.

(2) A non-voting member may not—

(a) cast a vote, record an abstention, or have a vote cast on their behalf by a party; or

(b) cast a vote separately from their party, or record a dissenting vote; or

(c) give or exercise a proxy.

(3) In a party vote, the votes cast for a party must not exceed the number of its voting places that are held at the time of the vote.

(4) Every question in the House is decided, and every majority, quorum, or minimum number of members required by the Standing Orders for the House is counted, by reference to voting members and their votes.

(5) In any enactment, a reference to a majority or percentage of "all the members of the House of Representatives", or of all the members of the House however expressed, means that majority or percentage of the 120 voting places (so that 75% means 90 votes), whether or not every voting place is held at the time.

59N Offices that may be held only by voting members

(1) Only a voting member may be appointed to, or hold, any of the following offices:

(a) Minister of the Crown or member of the Executive Council (*see* section 6 of the Constitution Act 1986):

(b) Deputy Speaker:

(c) Assistant Speaker:

(d) Leader of the Opposition:

(e) leader of a party recognised for parliamentary purposes:

(f) whip of a party:

(g) chairperson or deputy chairperson of a select committee:

(h) Parliamentary Under-Secretary (*see* section 8 of the Constitution Act 1986).

(2) Only a voting member may be chosen as Speaker under section 12 of the Constitution Act 1986.

(3) A person who holds an office listed in subsection (1) or (2) and who becomes a non-voting member ceases to hold that office.

(4) The Standing Orders must give effect to this section.

Drafting note: The **Leader of the House** is a Minister by convention, so paragraph (a) covers the office. The Standing Orders mention the office (SO 284) but do not create it. The **Shadow Leader of the House** is a colloquial title and does not appear in the Standing Orders. Paragraph (f) does not cover it. It is added as a party office in SO 36(1B) (see the changes to the Standing Orders). Parliamentary Under-Secretaries and select committee deputy chairpersons must also be voting members (decided on 19 November 2026).

59O Standing Orders must provide for rights

The Standing Orders of the House of Representatives must provide for the rights and rules in sections 59H to 59N. However, the rights in those sections do not depend on the Standing Orders providing for them.

59P Party votes cast by party for its voting strength

(1) Nothing in sections 59B to 59O requires a party to adopt any rule about its parliamentary membership or caucus, except as provided in sections 59F(3) and (3A) and 59H(2A).

(2) Nothing in sections 59B to 59O prevents a party from casting its votes in the House through its leader or a whip, as provided in the Standing Orders, up to the number of its voting places.

59Q Rights not enforceable in courts beyond parliamentary privilege

(1) Nothing in sections 59B to 59P makes any right, duty, or rule in those sections enforceable in a court or tribunal, except to the extent that Part 2 of the Parliament Act 2025 and the law of parliamentary privilege permit.

(2) Nothing in sections 59B to 59P limits the privileges, immunities, and powers of the House of Representatives under Part 2 of the Parliament Act 2025.

[Open: legal advice needed: interaction with the exclusive cognisance of the House (Parliament Act 2025, ss 15–18) and with section 268 entrenchment; see open question 20]

Drafting note on placement: The new sections are placed in Part 3 (The House of Representatives), after section 59 and before the cross-heading "Persons qualified to vote", which begins with section 60. Section numbers 59A to 59Q are not in use **[To check]**.

Subpart 2 — Party of one, ballot options, and declining party vote

11 New section 63B inserted (Registration of party of one)

After section 63A, insert:

63B Registration of party of one

(1) A person who intends to stand as a constituency candidate at a general election, and who does not intend to stand for any other registered party, may apply under section 63 to register a political party whose only intended candidate is that person (a **party of one**).

(2) An application for registration of a party of one—

(a) must state that the party is a party of one and name its candidate; and

(b) may be made by the candidate, who may also act as the secretary of the party for the purposes of this Act **[To check: interaction with the auditor requirement in section 63(2)(c)(v) and with Part 6A; campaign finance is out of scope]**; and

(c) must otherwise comply with section 63, subject to subsection (3).

(3) The requirement in section 63(2)(c)(vi) and (vii), and in section 66(1)(b), that the party have at least 500 current financial members who are eligible to enrol as electors applies to a party of one.

(4) The name of a party of one may include the name of its candidate. Section 65 applies.

(5) A party of one may not have any component party and may not be a component party of another party.

(6) Section 64 (times when registration prohibited) applies to an application under this section.

12 New sections 127B to 127D inserted

After section 127A, insert:

127B Party of one: nationwide option

(1) A party of one that wishes to appear on the part of the ballot paper that relates to the party vote must submit a list under section 127 that contains only the name of its candidate.

(2) The candidate must also be nominated under section 143 as a constituency candidate for one electoral district, with the party of one shown as the candidate's party.

(3) Section 127A (deposit) applies.

(4) The party of one is then a party listed on the part of the ballot paper that relates to the party vote for the purposes of sections 150 and 191 to 193B.

(5) For the avoidance of doubt,—

(a) the party of one gains a voting place only if its party vote earns a place under section 191 and the party is not disregarded under section 191(4); and

(b) section 191(4) applies to a party of one without modification. Its total is therefore disregarded unless it reaches 5% of the party votes or its candidate is elected to represent an electoral district; and

(c) nothing in this section changes the method of allocation in section 191(5) to (10).

127C Party may decline party vote

(1) The secretary of any registered political party, including a party of one, may decline the party vote for a general election by giving the Electoral Commission a signed notice in a form that the Electoral Commission has approved.

(2) The notice must be received by the Electoral Commission no later than noon on nomination day.

(3) If a party declines the party vote,—

(a) the party must not submit a list under section 127 for that election. Any list already submitted is treated as withdrawn under section 128C, and any deposit paid must be returned **[To check]**; and

(b) the party does not appear on the part of the ballot paper that relates to the party vote; and

(c) the words "NO PARTY VOTE" must be shown on the part of the ballot paper that relates to the electorate vote, immediately below the party name of each of its constituency candidates (*see* section 150(6)(da)); and

(d) the party has no entitlement and no voting places for the term of the Parliament elected at that election, and each of its candidates who is elected is a non-voting member.

(4) A notice under this section may not be withdrawn after noon on nomination day. Its effect is fixed for the term of the Parliament elected at that election.

127D Party list must include every constituency candidate

(1) A list submitted by a party under section 127 must include the name of every person whom the party nominates as a constituency candidate at that general election.

(2) If a person is nominated as a constituency candidate for a party and the person's name is not on the list that the party has submitted under section 127, the Electoral Commission must notify the secretary of the party without delay. The secretary may then add the person's name to the list, at the place in the order of preference that the secretary chooses, until noon on nomination day **[To check: time limits in sections 127, 128 and 146]**.

(3) If the person's name is not added to the list, the nomination has no effect as a nomination for that party **[To check: whether the nomination lapses, or the person stands as an independent candidate under section 143(1A)]**.

(4) This section does not apply to a party that has declined the party vote under section 127C, or to a party that submits no list under section 127.

13 Section 143 amended (Nominations of candidates for electoral districts)

After section 143(1), insert:

(1A) A person who is not a candidate for a registered political party may be nominated under subsection (1) as an independent candidate without registering as a party of one. In that case,—

(a) the candidate appears only on the part of the ballot paper that relates to the electorate vote; and

(b) no party vote is cast for the candidate; and

(c) if elected, the candidate is a non-voting member.

(1B) The nomination paper must state whether the candidate stands as an independent candidate under subsection (1A) or as the candidate of a party of one under section 127B.

14 Section 150 amended (Form of ballot papers)

(1) After section 150(6)(d), insert:

(da) where the candidate's party has declined the party vote under section 127C, the words "NO PARTY VOTE" shall be shown immediately below the name of the party, in characters of the same size as the name of the party:

(2) After section 150(9), insert:

(9A) A party of one that has submitted a list under section 127B is shown on the part of the ballot paper relating to the party vote in the same way as any other political party. Its name is aligned with the name of its candidate under subsection (10)(a) **[To check: the candidate stands in one district only; in every other district the party of one is placed under subsection (10)(b)]**.

Subpart 3 — Allocation of seats and voting places

15 Section 191 amended (Election of other members)

(1) In section 191(7), replace "the highest 120 quotients or such lower number as is required by subsection (8)" with "the highest 120 quotients".

Drafting note: Section 191(7) refers to "the working sheet in form 15". Form 15 in Schedule 2 has been repealed. The working sheet is now in a form approved by the Electoral Commission (section 191(3)). This could be tidied up at the same time **[To check]**.

(2) Repeal section 191(8).

(3) After section 191(4A), insert:

> (4B) For the purposes of subsection (4)(b), a party of one is treated as a party for which a constituency candidate has been elected only if its candidate is declared elected to represent an electoral district. Subsection (4) does not otherwise waive the 5% requirement in subsection (4)(a) for a party of one.

16 Section 192 amended (Determination of party eligibility for list seats)

(1) In section 192(2)(a), after "constituency candidates for that party", insert "whose names were included in the party's list submitted under section 127".

(2) In section 192(2)(b), after "a component party of that party", insert "whose names were included in the party's list submitted under section 127" **[To check: component parties]**.

(3) In section 192(5), replace "a number of seats that is equal to or greater than" with "a number of seats held by candidates whose names were included in its list submitted under section 127 that is equal to or greater than".

(4) After section 192(5), add:

> (6) The number of seats to which a party is entitled under subsection (1) is its entitlement and is the number of its voting places (*see* sections 59C and 193B).

17 Section 193 amended (Selection of candidates)

In section 193(5)(a), after "the full names of the members elected", insert ", and the voting status of every member of Parliament as determined under section 193B".

In section 193(5)(b), after "the names of the members elected", insert ", and the voting status of every member of Parliament as determined under section 193B".

18 New section 193B inserted (Allocation of voting places)

After section 193, insert:

> **193B Allocation of voting places**
>
> (1) Before declaring the result under section 193(5), the Electoral Commission must determine, for each party, which members of Parliament hold the party's voting places.
>
> (2) The voting places of a party are held—
>
> (a) first, by each constituency candidate of the party who is declared elected to represent an electoral district and whose name is on the party's list submitted under section 127; and
>
> (b) then, if the number of members under paragraph (a) is less than the party's entitlement, by the list candidates of the party selected under section 193.
>
> (3) If the number of members under subsection (2)(a) is greater than the party's entitlement, the voting places are held by those members who stand highest in the order of preference on the party's list. The number holding voting places equals the party's entitlement. The other members under subsection (2)(a) are non-voting members.
>
> (4) The following members of Parliament are non-voting members:
>
> (a) a member under subsection (3) who does not hold a voting place:
>
> (b) a constituency candidate of a party who is declared elected but whose name is not on the party's list submitted under section 127 (*see* section 127D, which requires every constituency candidate of a party to be on its list):

(c) a constituency candidate who stood as an independent candidate under section 143(1A):

(d) a constituency candidate of a party that declined the party vote under section 127C:

(e) a constituency candidate of a party whose total is disregarded under section 191(4), or that has no entitlement:

(f) a constituency candidate of a party that did not submit a list under section 127.

(5) **[To check: component parties]** A constituency candidate of a component party is treated, for the purposes of this section, as a constituency candidate of the party of which it is a component party, if the component party is not listed on the part of the ballot paper that relates to the party vote. Such a candidate holds a voting place only if their name is on that party's list.

(6) The Electoral Commission must include in the declaration under section 193(5) a statement of—

(a) the entitlement of each party; and

(b) the names of the members of Parliament who hold each party's voting places; and

(c) the names of the non-voting members.

(7) The determination under this section is final for the term of the Parliament, subject only to sections 59E and 59F and to the result of any election petition under Part 8 **[To check]**.

(8) Section 193(6) and (7) apply to the procedures under this section.

Subpart 4 — Vacancies

19 Section 129 amended (By-elections for members representing electoral districts)

After section 129(4), add:

(5) A by-election under this section does not affect any voting place. Section 59G applies to the status of the person elected.

20 Section 134 amended (Supply of vacancy of seat of member elected from party list)

After section 134(3), add:

(4) A vacancy in the seat of a list member is supplied under this section and section 137 only if—

(a) the member held a voting place when the seat became vacant; and

(b) no non-voting member of the same party is eligible to hold that voting place under section 59E(3).

(5) Subsection (4) does not prevent the supply under section 137 of a vacancy in a voting place under section 59E(4).

[To check: consequence of the list-order rule: a list seat is filled only when a voting place needs to be filled. Where a non-voting member takes up the voting place, the vacated list seat is not filled, and the House shrinks by one member while keeping 120 votes]

21 Section 137 amended (Method of supplying vacancy)

After section 137(1), insert:

(1A) This section also applies to a vacancy in a voting place to which section 59E(4) applies. Every reference to the member whose seat has been declared vacant is to be read as a reference to the member who held the voting place.

(1B) A person declared elected under this section holds the voting place concerned.

Subpart 5 — Special majorities

Drafting note: Clause 22 of the first draft (amendment of section 268) is now clause 25A in Part 2A.

23 Sections 131 and 136 amended

(1) In section 131, after paragraph (b), add:

> For the purposes of this section, a majority of 75% of all the members of the House of Representatives means at least 90 votes of voting members.

(2) In section 136, after paragraph (b), add:

> For the purposes of this section, a majority of 75% of all the members of the House of Representatives means at least 90 votes of voting members.

Drafting note: If new section 59M(5) is adopted, clauses 25A(2) and 23 are not needed but may be kept for clarity.

Subpart 6 — Transitional provisions and forms

24 Schedule 1AA amended

In Schedule 1AA, after Part 4, insert the Part 5 set out in Schedule 1 of this Act.

25 Schedule 2 amended

In Schedule 2, amend form 11 as set out in Schedule 2 of this Act.

Part 2A — Reserved provisions (entrenchment)

Drafting note: Decided on 19 November 2026. This Part stands apart from the rest of the Bill and is to be voted on separately. Under Standing Order 270 it must be carried in the committee of the whole House by 75% of all members, after a select committee has called for public submissions, and not under urgency. If it is not so carried, this Part is omitted and the rest of the Bill is unaffected. The Part and clause numbers are provisional **[To check: numbering in sequence in a final Bill]**.

25A Section 268 amended (Restriction on amendment or repeal of certain provisions)

(1) After section 268(1)(f), insert:

> (g) section 27, relating to the House of Representatives having as its members the persons elected in accordance with this Act **[To check: the number 120 is not in section 27; it rests on section 59C(2) and section 191]**:
>
> (h) section 45(1), relating to the division of New Zealand into Maori electoral districts for the representation of the Maori people in the House of Representatives **[To check: protects the existence of the Māori electorates only; their number, boundaries, and future are not affected]**:
>
> (i) section 59B, relating to the right of every elected candidate to take a seat:
>
> (j) section 59C and section 193B, relating to the voting strength of parties being equal to their entitlement, to the allocation of voting places, and to the total of 120 voting places:
>
> (k) sections 59E and 59G, relating to voting places staying with the party to which they were allocated, whatever vacancy, by-election, or change of party occurs:

(l) sections 59H to 59L, relating to the status and rights of non-voting members:

(m) section 59M(1) and (4), relating to voting and counting in the House:

(n) sections 127 and 127B to 127D, relating to party lists and to a party declining the party vote:

(na) the definition of eligible political party in section 3(1), and sections 62(1), 63B, 66(1)(b) and (2), and 70(2), relating to the eligibility of political parties to be registered, including the requirement of 500 current financial members:

(o) section 150(3), relating to each ballot paper comprising 2 votes, a party vote and an electorate vote:

(p) sections 191 to 193, relating to the allocation of seats in proportion to the party vote, including the existence of a threshold and of the one-electorate rule in section 191(4), but not the percentage stated in section 191(4)(a), which may be reduced by ordinary majority **[To check: how to reserve a provision while leaving one figure open to reduction; and whether an increase should need 75%]**.

(2) After section 268(2), insert:

(2A) For the purposes of subsection (2)(a), a majority of 75% of all the members of the House of Representatives means at least 90 votes of voting members (being 75% of the 120 voting places).

Drafting notes:

- **What is protected.** The structure of MMP as a whole, with the new rules as part of it (decided on 16 November 2026): the House's members, the two votes, a party's right to be registered with 500 members (paragraph (na)), party lists, the allocation of seats by party vote (with the existence of a threshold, but not its level), voting strength equal to entitlement and the allocation of voting places (new section 193B in full), every winner's seat, the rights of non-voting members, voting and counting in the House, the rule that vacancies do not change voting strength, and the existence of the Māori electorates.
- **The threshold.** Decided on 19 November 2026: the reserved provisions protect the rule, not the number. That a threshold and the one-electorate rule exist is protected; the percentage is left to ordinary law so that it can be lowered later, a question the committee has not yet decided. As drafted only a reduction is open; whether an increase should need 75% is marked for the drafter and is a suggestion of this draft, not a decision.
- **What is not protected.** How votes are collected and counted and how special votes are cast (Parts 6 and 7 generally), enrolment, and campaign finance stay with ordinary law. Section 168 (method of voting) is already a reserved provision and is left as it is.
- **Single entrenchment.** Section 268 does not list itself, so on its text it can be amended by an ordinary majority. Double entrenchment (adding section 268 itself to the list) has not been done in New Zealand and is not proposed (decided on 19 November 2026).
- **Section numbers.** Sections 3, 27, 45, 62, 66, 70, 127, 150, 168, 191 to 193 and 268 were checked against the Act as in force on 1 January 2026 (legislation.govt.nz, read 19 November 2026). Paragraph (na) protects the right of an eligible party to be registered and the 500-member requirement (decided on 19 November 2026); the procedure of registration, fees, names and logos stay with ordinary law. The current Act already has a section 193A (Electoral Commission may correct list of members elected), so the new section on the allocation of voting places in clause 18 of this Bill is numbered 193B (renumbered on 19 November 2026) **[To check: section number: final numbering is for the drafter]**.
- **Drafting the reserved provisions.** Section 268(1)(e) was read narrowly in the prisoner-voting litigation (not verified **[To check]**). The reserved provisions are therefore identified by section number and subject, as above.

Schedule 1 — New Part 5 inserted into Schedule 1AA of Electoral Act 1993

s 24

Part 5 — Provisions relating to Electoral (Proportional Voting Strength) Amendment Act [year]

13 Interpretation

In this Part, **amendment Act** means the Electoral (Proportional Voting Strength) Amendment Act **[year]**.

14 Application to general elections

(1) The amendments made by Part 2 of the amendment Act apply to the first general election held after the commencement of section 2(2) of the amendment Act, and to every later election.

(2) Until that general election, the members of Parliament in office, and any by-election or vacancy, are governed by this Act as in force immediately before the commencement of section 2(2) of the amendment Act.

Drafting note: Because the rest of the amendment Act commences on the day after dissolution or expiry (section 2(2)), no vacancy can arise during the current Parliament under the new rules, and no saving provision for the current Parliament is needed.

15 Registration of parties of one before first general election

An application under section 63B may be made, and dealt with, from the day after the date of Royal assent to the amendment Act, subject to section 64.

Drafting note: Clause numbers 13 to 15 assume that Parts 1 to 4 of Schedule 1AA end at clause 12 **[To check: section number]**.

Schedule 2 — Amendments to form 11 of Schedule 2 of Electoral Act 1993

s 25

Form 11 (Ballot paper for general election): amend the notes to the form as follows:

3. As to a party of one on the party vote part of the ballot paper, see s 150(9A) of the Act.

4. As to the insertion of the words “NO PARTY VOTE”, see ss 127C and 150(6)(da) of the Act.

Drafting note: The layout of form 11 was not reproduced in the text consulted. The Electoral Commission should advise on the layout for a party of one and for an opt-out. A short explanatory line for voters may also be needed, for example: “A candidate marked NO PARTY VOTE will not add votes to any party in Parliament” **[Open: wording]**.

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.

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