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

Changes to the Standing Orders

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.

Draft amendments B1 to B24 to the Standing Orders of the House of Representatives 2026. The House adopts them itself, by resolution. They are not part of the 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.

The draft wording

These amendments would be adopted by resolution of the House under SO 6 and take effect together with the Act, on the day after the Parliament in existence at the date of Royal assent is dissolved or expires. Numbers are 2026 numbers. Current text is quoted briefly. “Insert”, “replace” and “add” follow PCO amending style.

B1 SO 3 (Definitions)

In SO 3, insert in their appropriate alphabetical order:

> **non-voting member of Parliament** means a member of Parliament who is a non-voting member within the meaning of section 3(1) of the Electoral Act 1993
>
> **voting member** means a member of Parliament who is a voting member within the meaning of section 3(1) of the Electoral Act 1993
>
> **voting place** has the meaning given in section 3(1) of the Electoral Act 1993

Note: The Standing Orders already use “non-voting member” for a member of a select committee who has no vote on that committee (SO 187, SO 209(4)(b), SO 212(a)(ii) and SO 213(2)). These amendments therefore say “non-voting member of Parliament” (decided 18 November 2026; see open question 43).

B1A SO 4 (Suspension of Standing Orders)

In SO 4(2), replace “more than half of all members of the House” with “more than half of all voting members”.

Note: Decided on 19 November 2026. Non-voting members of Parliament do not sit in the Chamber, so they are not counted.

B2 Election of Speaker (SO 16–22)

Decided on 19 November 2026: only a voting member may be Speaker (drafting question 13, decided).

(1) In SO 17(1) (“Any member may ... nominate another member for election as Speaker”), replace “Any member may” with “Any voting member may”, and replace “another member” with “another voting member”.

(2) In SO 20(1)(b) and (c), replace “each member” and “members vote” with “each voting member” and “voting members vote”.

(3) In SO 19 and SO 20, a personal vote is held under SO 148, as amended by B13, so that only voting members vote.

B3 Presiding officers (SO 27, SO 29, SO 31)

(1) In SO 27 (“The House appoints a member to be Deputy Speaker”), replace “a member” with “a voting member”.

(2) In SO 29(1) (“The House may appoint up to three members to be Assistant Speakers”), replace “three members” with “three voting members”.

(3) After SO 31, insert:

> **31A Presiding officers to be voting members**
>
> A Deputy Speaker or Assistant Speaker who becomes a non-voting member of Parliament ceases to hold that office.

B4 SO 35 (Recognition of parties)

(1) After SO 35(1), insert:

> (1A) A non-voting member of Parliament who was elected for a recognised party, and who has not left that party under section 59F of the Electoral Act 1993, is a member of that party for parliamentary purposes.

(2) In SO 35(2)(b)(ii) (“has at least six members of Parliament”), replace with “has at least six voting members” (decided on 19 November 2026).

Note: Under SO 35(2)(b), members who have left their party could form a new recognised party. They would remain non-voting members of Parliament (new section 59F(5) and (6)). Under SO 35(4), a party recognised under SO 35(2)(b) loses recognition if its membership falls below six. SO 35(4) should count voting members in the same way **[To check]**.

B5 SO 36 (Notification of party details)

(1) In SO 36(1)(c) (“its parliamentary membership”), replace with:

> (c) its parliamentary membership, identifying which of its members are voting members and which are non-voting members of Parliament.

(2) After SO 36(1), insert:

(1A) The leader of a party, and each whip of a party, must be a voting member. A member who becomes a non-voting member of Parliament ceases to hold the office of leader or whip for parliamentary purposes.

(1B) Any member that a party notifies as its spokesperson on the business of the House (the Shadow Leader of the House) must be a voting member.

B6 SO 37 (Leader of the Opposition)

Replace SO 37 with:

37 Leader of the Opposition

(1) The leader of the largest party, in terms of its voting places, that is not in Government or in coalition with a Government party is entitled to be recognised as Leader of the Opposition.

(2) The Leader of the Opposition must be a voting member.

B7 New SO 45A (Non-voting members of Parliament and the Chamber)

After SO 45 (“Speaker controls admission”), insert:

45A Non-voting members of Parliament and the Chamber

(1) A non-voting member of Parliament is a member of the House and is not a stranger. Standing Orders 42 to 44 do not apply to a non-voting member of Parliament.

(2) A non-voting member of Parliament does not sit in the Chamber while the House is sitting.

(3) A non-voting member of Parliament may enter the Chamber while the House is sitting only—

(a) to take the oath or make the affirmation under Standing Order 14; or

(b) to make a maiden or valedictory statement, or to be heard under Standing Order 368A, at the place the Speaker designates.

(4) The Speaker must keep places for non-voting members of Parliament in a gallery of the House. A non-voting member of Parliament may be present there at all times when the House is sitting, to observe its proceedings. An order that strangers withdraw does not apply to a non-voting member of Parliament.

(5) In the proceedings and ceremonies of the House, non-voting members of Parliament rank after voting members and above Officers of Parliament.

Note: Decided on 19 November 2026: non-voting members of Parliament do not sit in the Chamber, and have permanent access to a gallery at all times. Which gallery, and how many places, is for the Speaker **[To check]**.

B7A New SO 45B (Member becoming a voting member)

After new SO 45A, insert:

45B Member becoming a voting member

(1) When a non-voting member of Parliament becomes a voting member under section 59E of the Electoral Act 1993, the Speaker must inform the House at the first opportunity.

(2) From the time the Speaker informs the House, the member is recognised as a voting member for all purposes of these Standing Orders. The member takes a seat in the Chamber, may vote, and is counted as a voting member of the member’s party, including for the purposes of Standing Orders 35

> and 36.
>
> (3) The member's party must without delay notify the Speaker of the change in its parliamentary membership under Standing Order 36.

Note: Decided on 19 November 2026: a non-voting member of Parliament who becomes a voting member during the term is recognised by the House as a voting member. Under new section 59E(6) of the Electoral Act 1993 the member becomes a voting member on the date of the Speaker's notice in the *Gazette*; whether the House's recognition or the *Gazette* notice governs the first vote needs to be settled **[To check]**. The number 45B is provisional **[To check: Standing Order number]**.

B8 SO 38 (Attendance)

After SO 38(1), insert:

> (1A) A non-voting member of Parliament is recorded as present in the House on a sitting day if, during that sitting day, the member attends a meeting of a select committee of which the member is a member, or does any of the things listed in paragraph (1) **[To check: the content of SO 38(1) was only partly read]**.

B9 SO 78 (Basis of making decisions in Business Committee)

(1) In SO 78(1), replace "having regard to the numbers in the House represented by each of the members of the committee" with "having regard to the voting places in the House represented by each of the members of the committee".

(2) In SO 78(1), replace "the overwhelming majority of members of Parliament" with "the overwhelming majority of the votes in the House".

(3) In SO 78(3), replace "having regard to the party membership in the House" with "having regard to each party's voting places in the House".

B10 SO 107 (Factors to be taken into account by Speaker in calling members)

In SO 107(b) and (c), replace "party membership in the House" and "size of party membership in the House" with "each party's voting places in the House" **[To check: consequential; non-voting members of Parliament do not take the call in debate]**.

B11 SO 140 (Question is put when debate closes) and SO 141 (Voice vote)

(1) In SO 140(2), replace "Every member is entitled to one vote or to abstain." with:

> Every voting member is entitled to one vote or to abstain. A non-voting member of Parliament may not vote or abstain.

(2) In SO 141, replace "Any member present may then call for a further vote" with "Any voting member present may then call for a further vote".

B12 Party votes (SO 143, SO 144, SO 145, SO 146)

(1) **SO 143.** In SO 143(1)(a) ("in the order of the size of their parliamentary membership"), replace with "in the order of the number of their voting places". In SO 143(1)(c), after "any Independent member and any member", insert "who is a voting member and".

(2) **SO 144.** After SO 144(3), insert:

> (3A) The total number of votes cast for a party must not exceed the number of voting places held by members of that party at the time of the vote.

In SO 144(4)(a), replace "the votes of members who" with "the votes of voting members who". In SO 144(4)(b), replace "proxy votes" with "proxy votes of voting members".

In SO 144(6)(a) ("a party that consists of five or fewer members"), replace with "a party that has five or fewer voting places".

Effect: a party with 42 members and 35 voting places casts at most 35 votes. Its votes include only voting members who are present (or regarded as present) and proxies for voting members.

(3) **SO 145.** In SO 145(4) ("If, during a party vote, a member wishes to cast a vote that differs from the votes cast by that member's party, then the member may cast their vote separately"), replace "a member" with "a voting member". After SO 145(5), add:

> (6) A non-voting member of Parliament may not cast a vote separately, record a dissenting vote, or have their name recorded as voting.

(4) **SO 146.** In SO 146(1), replace "proxy votes for members of that party" with "proxy votes for voting members of that party". In SO 146(2), replace "25 percent of that party's membership in the House" with "25 percent of that party's voting places".

B13 Personal votes (SO 148, SO 152, SO 154)

(1) **SO 148.** In SO 148(1)(d) ("all members present within the Chamber or the lobbies when the doors are locked must vote or record their abstentions"), replace "all members present" with "all voting members present". After SO 148(2), add:

> (3) Only voting members may vote or abstain in a personal vote, including a personal vote on a conscience issue. A non-voting member of Parliament may not enter the lobbies for the purpose of a vote.

(2) **SO 152.** In SO 152(1), replace "any member may cast a proxy vote on behalf of another member" with "any voting member may cast a proxy vote on behalf of another voting member".

(3) **SO 154.** Replace "If fewer than 20 members are present in person" with "If fewer than 20 voting members are present in person".

B14 SO 156 (Ties)

No amendment. *Note:* the New Zealand House has no casting vote. A tied question is lost. The Speaker, as a voting member, continues to have their vote cast with their party (decided on 19 November 2026).

B15 Select committee membership (SO 186, new SO 186A, SO 187, SO 188)

(1) **SO 186.** In SO 186(1), replace "proportional to party membership in the House" with "proportional to each party's voting places in the House, not counting places held under Standing Order 186A".

(2) After SO 186, insert:

> **186A Guaranteed committee place for non-voting members of Parliament**
>
> (1) Each non-voting member of Parliament is entitled to be a member of at least one select committee, as provided in section 59J of the Electoral Act 1993.

(2) The Business Committee must appoint each non-voting member of Parliament to the select committee that the member chooses, at the same time as it appoints the other members of select committees at the start of a Parliament, and otherwise within **[10 working days]** after the member becomes a non-voting member of Parliament or chooses another committee.

(2A) At the start of each Parliament the Business Committee must set the greatest number of non-voting members of Parliament who may hold places under this Standing Order on any one select committee. The number must leave every non-voting member of Parliament a place. Where more members choose a committee than that number allows, the places go, within a party, in the order of the party's list, and each other member is appointed to the committee of the member's next choice **[To check: how places are shared between parties]**.

(3) If the Business Committee has not done so within that time, the Speaker must make the appointment.

(4) A member appointed under this Standing Order has all the rights of a committee member, including the right to speak, to question witnesses, to lodge notices and move motions, and to record a differing view in a report, except that the member may not—

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

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

(c) be counted in the quorum.

(5) An appointment under this Standing Order may not be ended by the Business Committee except at the member's request, or on the member's appointment to another committee under this Standing Order.

(6) A non-voting member of Parliament may not be the chairperson or deputy chairperson of a select committee.

Note: The proposal says that committee chairpersons must be voting members. Paragraph (6) also covers deputy chairpersons (decided on 19 November 2026).

(3) **SO 187.** After SO 187(3), add:

(4) This Standing Order does not apply to an appointment under Standing Order 186A.

(4) **SO 188.** After SO 188(4), add:

(5) A member appointed under Standing Order 186A may not be replaced temporarily or permanently under this Standing Order without the member's consent.

B16 SO 204 (Chairperson and deputy chairperson)

After SO 204(1), insert:

(1A) Only a voting member may be elected chairperson or deputy chairperson of a select committee. A chairperson or deputy chairperson who becomes a non-voting member of Parliament ceases to hold office.

Note: SO 204(3) to (5) make the Speaker, the Deputy Speaker and an Assistant Speaker the chairpersons of the Agencies and Officers of Parliament Committee, the Legislative Scrutiny Committee and the Petitions Committee. These office-holders are voting members under B3 and B2.

B17 SO 213 (Quorum) and SO 214 (Presence and participation of members other than committee members)

(1) In SO 213(2), after "No member who is a non-voting member", insert ", a member appointed under Standing Order 186A,".

(2) No amendment to SO 214. Non-voting members of Parliament may attend and participate in committees they do not belong to on the same terms as other members.

Note: SO 279B(3) and (5) already allow any member to attend and take part in the Legislative Scrutiny Committee without a vote. This applies to non-voting members of Parliament without amendment.

B18 SO 270 (Proposals for entrenchment)

In SO 270(3), replace "a majority of more than 50 percent plus one of all the members of the House" with "a majority of more than 50 percent plus one of the 120 voting places". After SO 270(3), add:

> (3A) For the purposes of paragraph (3), a majority of 75 percent of all the members of the House means at least 90 votes of voting members.

B19 Members' bills (SO 286, SO 288)

(1) No amendment to SO 286. A non-voting member of Parliament may propose a member's bill jointly with a voting member of the same party (decided on 19 November 2026).

(1A) After SO 286, insert:

> **286A Member's bill of non-voting member of Parliament**
>
> (1) A non-voting member of Parliament may propose a member's bill only jointly with a voting member of the same party, under Standing Order 277.
>
> (2) A bill proposed under this Standing Order counts, for the purposes of Standing Order 286(3), as the proposed bill of the voting member and not as a further proposed bill of the non-voting member of Parliament.
>
> (3) Either member may be the member in charge. The voting member moves the bill's readings and acts for the member in charge in the House.

Note: Decided on 19 November 2026, in place of an earlier draft of the same day that gave each non-voting member of Parliament a separate entry in the ballot: a party then has no more entries in the ballot than it has voting members, so an overhang brings it no advantage. The number 286A is provisional **[To check: Standing Order number]**. A non-voting member of Parliament who belongs to no party has no voting member to sponsor the bill jointly **[To check]**.

(2) In SO 288(3) and (4) ("if 61 or more members indicate support"), replace "61 or more members" with "61 or more voting members", and "below 61" with "below 61 voting members".

B20 SO 368 (Maiden and valedictory statements)

Replace SO 368 with:

> **368 Maiden and valedictory statements**
>
> (1) A member who has not made a maiden speech during an Address in Reply debate or has not already made a maiden statement may make a maiden statement.
>
> (2) A member who is about to retire or resign from the House, **or a non-voting member of Parliament whose term is ending**, may make a valedictory statement.

(3) A non-voting member of Parliament may, as of right, make one maiden statement and one valedictory statement (section 59K of the Electoral Act 1993). The member makes the statement from a place that the Speaker designates.

(4) A maiden or valedictory statement may interrupt a debate, and is made at such time as the Speaker or the Business Committee determines.

B21 New SO 368A (Hearing of non-voting member of Parliament)

After SO 368, insert:

368A Hearing of non-voting member of Parliament

(1) Each non-voting member of Parliament 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 member be heard on further occasions.

(2) A request may be made to the Business Committee by the member or by the member's party.

(3) The Business Committee must grant a request to which the member is entitled under paragraph (1), and may grant any other request. It determines the time of the hearing.

(3A) A member heard under this Standing Order may speak for at least **[10 minutes]**, and at least **[10 minutes]** is then available for questions under paragraph (6A). The Business Committee, or the Speaker under paragraph (5), may allow more.

(4) If the Business Committee does not grant the request, any voting member may move without notice that the non-voting member of Parliament be heard on the specified matter. The motion is put without debate or amendment.

(5) A non-voting member of Parliament who is not a member of a recognised party may apply to the Speaker. The Speaker decides the application, must grant a request to which the member is entitled under paragraph (1), and determines the time of the hearing.

(6) A member heard under this Standing Order addresses the Speaker from a place that the Speaker designates. The member may not move any motion or amendment and may not vote.

(6A) After the member has spoken, voting members may put questions to the member on the specified matter, and the member may answer them. The time for questions is as provided in paragraph (3A).

(7) Hearings under this Standing Order are part of the ordinary business of the House.

Note: Decided on 19 November 2026: voting members may question the member heard (paragraph (6A)). Also decided that day: each non-voting member is entitled to at least one hearing a year; minimum times for speaking and for questions are set in paragraph (3A), the figures being for the House; and the Speaker decides an independent member's request.

B22 New SO 381A (Written statements and reports by non-voting members of Parliament)

After SO 381, insert:

381A Written statements and reports by non-voting members of Parliament

(1) A non-voting member of Parliament may present to the House a written statement or report on any matter relating to the electoral district that the member represents, by delivering it to the Clerk on any working day but not later than 1 pm on a sitting day.

(2) The Clerk must accept a statement or report that—

(a) is signed by the member; and

(b) relates to the member's electoral district; and

(c) does not exceed **[number]** words, excluding any attachments **[To check: a reasonable limit on length is for the House; there is no limit on how many statements a member may present]**; and

(d) complies with the rules of the House on unparliamentary language and matters awaiting judicial decision **[To check]**.

(3) A statement or report accepted under paragraph (2) is presented to the House on delivery. The Clerk announces its presentation at the time appointed for the presentation of parliamentary papers under Standing Order 66.

(4) The statement or report is published under the authority of the House as a parliamentary paper.

(5) The statement or report stands referred to the select committee whose subject area it primarily concerns, as determined by the Speaker.

(6) The committee to which it is referred must consider it and report on it to the House within **[60 working days]**.

(7) Any question whether a statement or report relates to the member's electoral district is decided by the Speaker.

B23 Questions (SO 388–392)

(1) **SO 391.** In SO 391(2), replace "proportional to party membership in the House" with "proportional to each party's voting places in the House".

(2) No other amendment. A non-voting member of Parliament may lodge written questions (SO 392), as any member may. Oral questions are asked in the House, where non-voting members of Parliament do not sit.

Note: Decided on 19 November 2026: the share of oral questions follows voting places, as speaking time (SO 107) and committee seats (SO 186) do.

B24 Committee of the whole House

No amendment. Committee of the whole House proceedings take place on the floor of the House. Non-voting members of Parliament do not take part in them, except where SO 279B allows participation at the Legislative Scrutiny Committee (consideration in detail).

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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