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

The changes in law

The complete draft: the Electoral (Proportional Voting Strength) Amendment Bill and the changes to the Standing Orders

> 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.

The draft Electoral (Proportional Voting Strength) Amendment Bill changes the Electoral Act 1993, the Constitution Act 1986, the Parliament Act 2025 and one section of the Broadcasting Act 1989. The changes to the Standing Orders are adopted by the House itself and 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.

Explanatory note: general policy statement

This Bill gives effect to a proposal for “A Proportional 120-Member Parliament with Electorate Representation”.

Under the Electoral Act 1993, each party’s share of the 120 seats is set by its party vote under section 191 (the Sainte-Laguë method). If a party wins more electorates than that share, it keeps the extra electorate seats (section 192(5)), and the House grows beyond 120 members. These extra seats (the “overhang”) carry full votes. As a result, the voting strength of parties in the House no longer matches the party vote. Section 191(8) also deducts independent members, and members of unlisted parties who win electorates, from the 120 seats before the party-vote allocation.

The Bill keeps every electorate winner in the House and keeps the voting strength of the House exactly proportional. It rests on one principle. Representation can be gained through the electorate vote: an electorate gives its member a seat. The right to vote in the House derives from the party vote alone: the party vote gives a party its votes. The Bill therefore separates the **seat** from the **vote**:

- **Every electorate winner takes a seat** and is a member of Parliament for all purposes.
- **Each party has as many voting places as its entitlement under section 191**, and no more. The House therefore always has 120 votes, however many members it has. The one exception is a voting place that cannot be filled because a party’s list is exhausted: it stays empty until the next general election, as an unfilled list seat does now.

- Members elected beyond a party's entitlement, and members elected without a party vote, sit as **non-voting members**.

The main features are as follows.

Voting places in list order. A party's voting places are held by its members in the order of the party list lodged before the election. Where a party wins more electorates than its entitlement, the electorate winners who stand highest on its list hold the voting places. A candidate must be on the party list to hold a voting place, and a party must put every one of its electorate candidates on its list. Each member's status is fixed when the result is declared. It changes only when a voting place falls vacant. The place then passes to the party's next member in list order who sits without a vote, or, if there is none, it is filled from the list under section 137. A party cannot reassign voting places after the election.

An electorate seat belongs to the member, a list seat to the party vote that filled it, and the vote always to the party. An electorate member who leaves their party keeps their seat but gives up their vote. The voting place stays with the party. For this reason the Bill **repeals sections 55A to 55E** of the Electoral Act 1993 (the "waka-jumping" or party-hopping provisions). Those sections protect proportionality by vacating the seat of a member who leaves their party. Under this Bill a member who leaves their party gives up the vote, and the vote stays with the party, so proportionality is protected without unseating an electorate member. A member **expelled** by their party is treated in the same way, but only if at least two-thirds of all the party's members of Parliament, voting and non-voting alike, agree to the notice. A **list member** who leaves their party, or is expelled from it, leaves Parliament: the seat becomes vacant and is filled from the party's list. For list members the effect of the party-hopping provisions is therefore kept.

Voting places are fixed for the term. By-elections and changes of party do not change any party's number of voting places during the term. A party's candidate who wins a by-election without having been on its list joins the list at the foot.

Independents as a "party of one". An electorate candidate who does not stand for a registered party may choose between two options:

- **Nationwide**: register as a party of one and appear on every party-vote ballot. The party of one gains voting strength only if its party vote earns a place under section 191. Under Sainte-Laguë with 120 places this takes about 0.42% of the party vote, which is half of the 0.83% quota. The quota is not changed. The 5% threshold is waived for a party of one **only** through the existing one-electorate rule, that is, only if the candidate wins the electorate.
- **Local only**: stand on nomination alone, appear only on the electorate ballot, and receive no party vote. If elected, the candidate sits as a non-voting member.

Any party, including a party of one, may decline the party vote before nominations close. The opt-out is shown on the ballot paper and is fixed for the term. Section 191(8) is repealed, so all 120 voting places are allocated by party vote.

Rights of non-voting members. Non-voting members are members of Parliament for all purposes except voting in the House. This includes the oath, salary, privileges, an electorate office and constituency services. They have the following rights as of right:

- to take part and vote in the decisions of their party's members of Parliament (the caucus) on the same terms as its voting members, including on discipline;
- to lodge written questions to Ministers, as any member may, and to propose a member's bill jointly with a voting member of their party;
- to present written statements and reports on electorate matters directly to the House, which are published and referred to a select committee, which must report on them;

- a guaranteed place, without a vote, on a select committee of the member's choosing, with the right to speak and move motions;
- to make a maiden statement and a valedictory statement in the House; and
- to be heard orally by the House on a specified matter at least once in each calendar year, with questions from voting members.

The House may order that a non-voting member be heard on further occasions. Non-voting members are members, not strangers. They do not sit in the debating chamber. They enter it to be sworn in, to make their maiden and valedictory statements, and to be heard. They have a permanent place in a gallery of the House, at all times, to observe its proceedings. In the House's proceedings and ceremonies they rank after voting members and above Officers of Parliament.

Offices that require a vote. Ministers, the Speaker, the Deputy Speaker, Assistant Speakers, the Leader of the Opposition, party leaders recognised in the House, whips, select committee chairpersons and deputy chairpersons, and Parliamentary Under-Secretaries must be voting members.

Counting. Majorities and other counts in the House are counted in the votes of voting members.

Resources follow entitlement. Funding and staff for parties' parliamentary operations follow each party's voting places, not its headcount. Electorate office funding continues for every electorate member. Salaries remain a matter for the Remuneration Authority.

Entrenchment. Part 2A adds the structure of MMP, with the new rules as part of it, to the reserved provisions in section 268: the House's members, the two votes, a party's right to be registered, party lists, the allocation of seats by party vote (including the existence of a threshold, but not its level), voting strength equal to entitlement and the allocation of voting places, every electorate 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. How votes are collected and counted stays with ordinary law. Part 2A is voted on separately: if it does not reach 75% of all members, it falls away and the rest of the Bill is unaffected. The Bill states that it does not make these rights enforceable in a court beyond what parliamentary privilege allows.

Out of scope. The Bill does not deal with campaign finance, with law changes made in 2026, with voter suppression, or with the level of the party-vote threshold. The 5% threshold in section 191(4)(a) is left as it is. Changing the threshold is an option for separate consideration.

Standing Orders. Many of the mechanics belong in the Standing Orders of the House. A separate part of this draft sets out amendments to the Standing Orders 2026. The Bill requires the Standing Orders to provide for the statutory rights.

Explanatory note: clause by clause analysis

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.

Part 3 makes consequential amendments to other Acts:

- **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.
- **Clauses 29 to 31** amend the Parliament Act 2025 so that resources for parties follow voting places and electorate funding continues for every electorate member. Where funding or a service depends on the size of a party, that size is its number of voting places (new section 85(1AB)). They also deal with salaries and with membership of the Parliamentary Service Commission, which is counted in voting places.
- **Clause 32** amends section 78(2)(c) of the Broadcasting Act 1989, so that the allocation of election broadcasting money has regard to a party's voting members.

The Bill

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.

Part 3 — Consequential amendments to other Acts

Subpart 1 — Amendments to Constitution Act 1986

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)).

Subpart 2 — Amendments to Parliament Act 2025

29 Section 85 amended (Speaker to determine authorised funding and services)

After section 85(1), insert:

> (1A) In determining the allocation of authorised funding and services under subsection (1)(d) and (e) for the parliamentary operations of parties (including funding for party leaders' offices, research, and staff), the Speaker must allocate that funding and those services in proportion to each party's voting places, and not in proportion to the number of its members.
>
> (1AB) Where a determination under this section makes any funding or service depend on the size of a party, that size is the number of the party's voting places, and not the number of its members.
>
> (1B) In determining authorised funding and services for members under subsection (1), the Speaker must provide to every member elected to represent an electoral district, whether a voting member or a non-voting member, the same funding and services for an electorate office and for constituency services.
>
> (1C) In this section, **voting place**, **voting member**, and **non-voting member** have the meanings given in section 3(1) of the Electoral Act 1993.

Drafting note: The allocation of party funding is not fixed in the Act itself. It is left to the Speaker's determination under section 85(1)(e). Section 69 sets the principles. The Speaker's Directions 2023, read on 19 November 2026, allocate party funding by headcount: leadership funding of $125,900 for each party plus $70,500 for each non-executive member in caucus, and party and group funding of $24,200 for each member plus $6,200 for each non-executive member (year 1, excluding GST). Those directions end at the 2026 election (Parliament Act 2025, Schedule 1, clause 14); the determination for the present term was not seen **[To check]**. The rule that resources follow voting places may also need a reference in section 69(2) **[To check]**.

30 Section 71 amended (Remuneration Authority to determine salaries and allowances)

After section 71(2), insert:

> (2A) The Remuneration Authority must not treat the fact that a member is a non-voting member (within the meaning of section 3(1) of the Electoral Act 1993) as a consideration under subsection (2)(c).

Drafting note: This keeps salaries unchanged, as the proposal requires. Without it, section 71(2)(c) ("any other considerations that the Remuneration Authority may determine") would allow differentiation.

31 Section 155 amended (Membership of Parliamentary Service Commission)

In section 155(1)(c), replace "represented in the House of Representatives by 30 or more members" with "that has 30 or more voting places (within the meaning of section 3(1) of the Electoral Act 1993)".

Subpart 3 — Other enactments

Drafting note: The statute book was searched by phrase on 19 November 2026 (see question 33). No other Act in force refers to sections 55A to 55E of the Electoral Act 1993. The phrase "75% of all the members" in the Citizens Initiated Referenda Act 1993 and the Referenda (Postal Voting) Act 2000 is covered by new section 59M(5) as widened. Salaries that depend on party size are set by the Remuneration Authority; the decision of 19 November 2026 is that party size should mean voting places there too, and that the Authority is asked to follow this; the draft does not bind it (section 71(2)(c) of the Parliament Act 2025 leaves such considerations to the Authority). A drafter should repeat the search **[To check]**.

32 Broadcasting Act 1989 amended

In section 78(2)(c) of the Broadcasting Act 1989 (Criteria for allocating money to party), replace "the number of members of Parliament who were members of that party" with "the number of voting members (within the meaning of section 3(1) of the Electoral Act 1993) who were members of that party".

Drafting note: Decided on 19 November 2026: an overhang brings a party no resource advantage. Section 78(2)(c) was read on legislation.govt.nz on 19 November 2026.

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]**.

Draft amendments to the Standing Orders of the House of Representatives 2026

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).

Where each rule is in the draft

cl = clause of the Bill. s = section of the Electoral Act 1993, unless another Act is named. SO = Standing Order. B1 to B24 = the numbered changes to the Standing Orders (with B1A and B7A). Sch = Schedule.

What the rule does	In the Bill	In the Standing Orders
Definitions	cl 5 (s 3(1)); cl 6 (s 27(2))	B1 (SO 3)
The principle: representation through the electorate vote; the right to vote from the party vote alone	cl 3(b); cl 10 (s 59A(b), s 59C(1A))	—
Every electorate winner takes a seat	cl 10 (s 59B)	—
Voting strength = entitlement; House has 120 votes	cl 10 (s 59C); cl 16 (s 192(6)); cl 18 (s 193B)	B11 (SO 140(2))
Voting places filled in party-list order	cl 10 (s 59D); cl 18 (s 193B(2))	—
Over-entitled party: highest-listed electorate winners vote	cl 18 (s 193B(3))	—
Must be on party list to hold a voting place	cl 10 (s 59D(2)); cl 16 (s 192(2)); cl 18 (s 193B(4)(b))	—
Every electorate candidate of a party must be on its list	cl 12 (s 127D)	—
Status fixed at declaration	cl 10 (s 59D(3)–(4)); cl 17 (s 193(5)); cl 18 (s 193B(6)–(7))	B5 (SO 36(1)(c))
Vacant voting place: next non-voting member in list order, else s 137	cl 10 (s 59E); cl 20 (s 134(4)); cl 21 (s 137(1A)–(1B))	—
No reassignment by party	cl 10 (s 59D(5))	—
One-electorate rule kept; threshold unchanged	cl 15 (s 191(4) unchanged; s 191(4B))	—
Electorate seat belongs to member, vote to party: electorate member who leaves keeps the seat and loses the vote	cl 10 (s 59F(2), (4))	B4 (SO 35(1A))
Non-voting member who leaves stays without a vote	cl 10 (s 59F(5))	—
Repeal of ss 55A–55E	cl 7 (s 55(1)(fa)); cl 8; cl 9 (s 133)	—
Expulsion treated as leaving, on a notice agreed by two-thirds of all the party's members, voting and non-voting	cl 10 (s 59F(3), (3A))	—
List member who leaves the party, or is expelled, leaves Parliament; the seat is filled from the list	cl 7 (s 55(1)(fb)); cl 10 (s 59F(7))	—
Voting places fixed for the term	cl 10 (s 59C(4), s 59G(1))	—
By-election winner from full party sits without a vote; vacated place stays with party	cl 10 (s 59G(2)–(4)); cl 19 (s 129(5))	—
By-election winner not on the party's list joins the foot of the list; no other name is added during the term	cl 10 (s 59G(2A)–(2B))	—

What the rule does	In the Bill	In the Standing Orders
Independent, or candidate of a party with no voting places, who wins a by-election sits without a vote	cl 10 (s 59G(5))	—
Party of one: registration, with 500 members as for any party	cl 11 (s 63B)	—
Nationwide option: on every party-vote ballot	cl 12 (s 127B); cl 14 (s 150(9A)); Sch 2	—
Voting strength only if party vote earns a place; quota unchanged; 5% waived only via electorate win	cl 12 (s 127B(5)); cl 15 (s 191(4B))	—
Local-only option: electorate ballot only, sits without a vote	cl 13 (s 143(1A)–(1B)); cl 18 (s 193B(4)(c))	—
Declared opt-out from party vote, on ballot, fixed for term	cl 12 (s 127C); cl 14 (s 150(6)(da)); Sch 2	—
Repeal of s 191(8)	cl 15 (s 191(7)–(8))	—
Members for all purposes except voting	cl 10 (s 59H); cl 30 (Parliament Act s 71(2A))	B7 (SO 45A(1))
Written statements and reports, published and referred; no limit on their number; the committee must report	cl 10 (s 59I, including (6)–(7))	B22 (new SO 381A, including (6))
Guaranteed select committee place of the member's choosing, speak and move motions, no vote; places additional and capped per committee	cl 10 (s 59J, including (3) and (4A))	B15 (SO 186, new SO 186A including (2) and (2A), SO 187(4), SO 188(5)); B17 (SO 213(2))
Oral address as of right: maiden and valedictory statements, and a hearing at least once a year	cl 10 (s 59K(1)–(2))	B20 (SO 368); B21 (new SO 368A(1))
Hearings: yearly as of right, further ones by order of the House; questions from voting members; minimum times; the Speaker decides for independents	cl 10 (s 59K(2)–(6))	B21 (new SO 368A, including (3A), (5) and (6A))
Written questions as any member; a member's bill jointly with a voting member, counting as that member's entry	—	B23 (SO 392); B19 (new SO 286A)
A non-voting member who becomes a voting member is recognised by the House	cl 10 (s 59E(6))	B7A (new SO 45B)
Standing: not strangers; not seated in the Chamber; a permanent place in a gallery; rank after voting members and above Officers of Parliament	cl 10 (s 59L)	B7 (new SO 45A); B8 (SO 38(1A))
MMP as a whole and the core rules entrenched in s 268, in a separate Part; a party's right to be registered included; the existence of a threshold, not its level	cl 25A (s 268(1)(g)–(p), including (na))	B18 (SO 270)
Not enforceable in court beyond privilege **[Open: legal advice]**	cl 10 (s 59Q)	—

What the rule does	In the Bill	In the Standing Orders
A non-voting member takes part and votes in the party's caucus on equal terms; no other statutory caucus rule; whips cast votes for voting strength	cl 10 (s 59H(2A), s 59F(3A), s 59M(3), s 59P)	B12 (SO 143, SO 144(3A))
Conscience (personal) votes: voting members only	cl 10 (s 59M(1)–(2))	B13 (SO 148, 152, 154)
No dissent (separate vote) for non-voting member	cl 10 (s 59M(2)(b))	B12 (SO 145(4), (6))
Ministers must be voting members	cl 10 (s 59N(1)(a)); cl 26 (Constitution Act s 6)	—
Speaker must be a voting member; the Speaker's vote is cast with the party, as now	cl 10 (s 59N(2)); cl 28 (Constitution Act s 12)	B2 (SO 17, 20); B14 (SO 156)
Deputy Speaker must be a voting member	cl 10 (s 59N(1)(b))	B3 (SO 27, new SO 31A)
Assistant Speakers must be voting members	cl 10 (s 59N(1)(c))	B3 (SO 29, new SO 31A)
Leader of the House (Minister by convention; mentioned in SO 284, not created by SOs)	cl 10 (s 59N(1)(a)); cl 26	— (covered as a Minister)
Shadow Leader of the House (colloquial title; not in SOs): the member a party names to speak on the business of the House must be a voting member	—	B5 (SO 36(1B))
Leader of the Opposition must be a voting member	cl 10 (s 59N(1)(d))	B6 (SO 37)
Party leaders recognised in the House must be voting members	cl 10 (s 59N(1)(e))	B5 (SO 36(1A))
Whips must be voting members	cl 10 (s 59N(1)(f))	B5 (SO 36(1A))
Select committee chairpersons and deputy chairpersons must be voting members	cl 10 (s 59N(1)(g))	B16 (SO 204(1A)); B15 (SO 186A(6))
Parliamentary Under-Secretaries must be voting members	cl 10 (s 59N(1)(h)); cl 27 (Constitution Act s 8)	—
Party funding and staff by voting places	cl 29 (Parliament Act s 85(1A))	—
Party size, where funding or a service depends on it, means voting places	cl 29 (Parliament Act s 85(1AB))	—
Parliamentary Service Commission: a party with 30 or more voting places	cl 31 (Parliament Act s 155(1)(c))	—
Election broadcasting money has regard to a party's voting members	cl 32 (Broadcasting Act 1989 s 78(2)(c))	—
Electorate office funding for every electorate	cl 29 (Parliament Act s 85(1B)); cl 10 (s 59H(2)(c))	—
Salaries unchanged (Remuneration Authority)	cl 30 (Parliament Act s 71(2A))	—
Majorities and counts in votes of voting members	cl 10 (s 59M(4))	B9 (SO 78); B11 (SO 140, 141); B13 (SO 154); B18 (SO 270(3))
"75% of all the members" = 90 of 120	cl 10 (s 59M(5)); cl 25A (s 268(2A)); cl 23 (ss 131, 136)	B18 (SO 270(3A))

What the rule does	In the Bill	In the Standing Orders
Counted in voting members or voting places: six for a new party; 61 for a member's bill without the ballot; the share of oral questions; the number present to suspend Standing Orders	—	B4 (SO 35(2)(b)(ii)); B19 (SO 288(3)–(4)); B23 (SO 391(2)); B1A (SO 4(2))
Commencement and transition	cl 2; cl 24; Sch 1	(adoption under SO 6)

Open questions

The points the draft leaves open, or marks for a lawyer to check. In brackets: the clause, section or Standing Order concerned.

3. Component parties (ss 192(2)(b), 193B(5))
20. Enforceability and exclusive cognisance (s 59Q)
29. Funding determination (Parliament Act s 85(1A)–(1C))
31. Timing of the repeal of ss 55A–55E
32. New Zealand Bill of Rights Act 1990
33. Other enactments
35. Standing Orders 2026 edition and numbering
43. The term "non-voting member" and the Standing Orders (s 3(1); SO 187; SO 213(2))

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.

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