

ELECTORAL (INTEGRITY) AMENDMENT BILL

Government Bill

EXPLANATORY NOTE

General Policy Statement

This Bill amends the Electoral Act 1993 (“the principal Act”) in order to enhance public confidence in the integrity of the electoral system. It is also designed to enhance the maintenance of the proportionality of political party representation in Parliament as determined by electors.

Clause by Clause Analysis

Clause 1 relates to the Title of the Bill.

PART 1

PRELIMINARY PROVISIONS

Clause 2 relates to the commencement of the Bill. The Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 relates to the expiry of the Bill once enacted. The new Act expires with the close of polling day for the second general election held after the date on which this Act comes into force.

Clause 4 relates to the purposes of the Bill. One purpose of the Bill is to amend the principal Act in order to enhance public confidence in the integrity of the electoral system. Another purpose is to enhance the maintenance of the proportionality of political party representation in Parliament as determined by electors.

PART 2

RESIGNATIONS OF MEMBERS OF PARLIAMENT FROM POLITICAL PARTIES

Clause 5 of the Bill inserts new *section 55A* into the principal Act.

New *section 55A* applies to all members of Parliament other than members who were elected as independent members. It provides that the seat of a member of Parliament to whom the section applies becomes vacant if the member notifies the Speaker, or in certain circumstances the Governor-General, of any of the following:

- the member has resigned from the membership of the political party for which he or she was elected
- the member has resigned from membership of the political party for which he or she was elected and wishes to be recognised for parliamentary purposes either as an independent member of Parliament or as a member of another political party.

Clause 6 consequentially amends section 133 of the principal Act by including a reference to a seat that becomes vacant on the grounds mentioned in new *section 55A*. (Section 133 currently prohibits the issue of a writ if a seat becomes vacant on any of the grounds mentioned in section 55 after an electoral petition is presented against the return of the member.)

Hon Margaret Wilson

ELECTORAL (INTEGRITY) AMENDMENT

Government Bill

ANALYSIS

1. Title

PART 1

PRELIMINARY PROVISIONS

2. Commencement
3. Expiry
4. Purpose

PART 2

RESIGNATIONS OF MEMBERS OF PARLIAMENT FROM POLITICAL PARTIES

5. Member resigning from political party
6. No writ to issue pending election petition

The Parliament of New Zealand enacts as follows:

1. Title—(1) This Act is the Electoral (Integrity) Amendment Act 1999.

5 (2) In this Act, the Electoral Act 1993* is called “the principal Act”.

PART 1

PRELIMINARY PROVISIONS

2. Commencement—This Act comes into force on the day after the date on which it receives the Royal assent.

10 **3. Expiry**—This Act, and the amendments made to the principal Act by this Act, expire with the close of polling day for the second general election held after the date on which this Act comes into force.

15 **4. Purpose**—The purpose of this Act is to amend the principal Act in order to—

- (a) Enhance public confidence in the integrity of the electoral system; and

*R.S. Vol. 35, p. 39
Amendments: 1996, Nos. 8, 54, 154

- (b) Enhance the maintenance of the proportionality of political party representation in Parliament as determined by electors.

PART 2

RESIGNATIONS OF MEMBERS OF PARLIAMENT FROM POLITICAL PARTIES 5

5. Member resigning from political party—The principal Act is amended by inserting, after section 55, the following section:

- “55A. (1) This section applies to— 10
- “(a) A member of Parliament who was a constituency candidate for a political party and whose name was endorsed on a writ under section 185; and
- “(b) A member of Parliament who was elected as a consequence of the inclusion of the member’s name on a list under section 127 (‘party list’). 15
- “(2) The seat of a member of Parliament to whom this section applies becomes vacant if the member ceases to be a member of the political party for which he or she was elected.
- “(3) For the purposes of **subsection (2)**, a member of Parliament ceases to be a member of the political party for which he or she was elected if, and only if, the member, by written notice signed by the member and addressed and delivered to the appropriate person, notifies the appropriate person that the member— 20
- “(a) Has resigned from membership of that political party; or
- “(b) Has resigned from membership of that political party and wishes to be recognised for parliamentary purposes as either— 25
- “(i) An independent member of Parliament; or 30
- “(ii) A member of another political party.
- “(4) For the purposes of **subsection (3)**, the appropriate person is—
- “(a) The Speaker; or
- “(b) If there is no Speaker, or the Speaker is absent from New Zealand, or the member of Parliament giving the notice is the Speaker, the Governor-General. 35
- “(5) For the purposes of **subsections (2) and (3)**, the political party for which a member was elected is—
- “(a) The political party in whose party list the member’s name appeared at his or her election; or 40
- “(b) The political party identified as the political party for which the member is a candidate, in the nomination

paper nominating the member as a constituency candidate, at his or her election.”

6. No writ to issue pending election petition—Section 133 of the principal Act is amended by inserting, after the
5 expression “section 55”, the expression “or section 55A”.