



Electoral (Integrity) Amendment Act 2001

Public Act 2001 No 105
Date of assent 21 December 2001
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Electoral (Integrity) Amendment Act 2001.
- (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.

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.

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

Part 2

Members of Parliament ceasing to be parliamentary members of their political parties

5 New sections 55A to 55E inserted

The principal Act is amended by inserting, after section 55, the following sections:

“55A Member ceasing to be parliamentary member of political party

- “(1) This section applies to every member of Parliament, except a member elected as an independent.
- “(2) The seat of a member of Parliament to whom this section applies becomes vacant if the member of Parliament ceases to be a parliamentary member of the political party for which the member of Parliament was elected.
- “(3) For the purposes of subsection (2), a member of Parliament ceases to be a parliamentary member of the political party for which the member of Parliament was elected if, and only if,—
 - “(a) the member of Parliament delivers to the appropriate person a written notice that complies with section 55B; or
 - “(b) the parliamentary leader of the political party for which the member of Parliament was elected delivers to the appropriate person a written notice that complies with section 55C.

“55B Notice from member

A written notice under section 55A(3)(a) must—

- “(a) be signed by the member of Parliament by whom it is given; and
- “(b) be addressed to the appropriate person; and
- “(c) notify the appropriate person that the member of Parliament—
 - “(i) has resigned from the parliamentary membership of the political party for which the member of Parliament was elected; or
 - “(ii) wishes to be recognised for parliamentary purposes as either an independent member of Parliament or a member of another political party.

“55C Notice from parliamentary leader of party

A written notice under section 55A(3)(b) must—

- “(a) be signed by the parliamentary leader of the political party for which the member of Parliament who is the subject of the notice was elected; and
- “(b) be addressed to the appropriate person; and
- “(c) be accompanied by a statement that complies with section 55D.

“55D Form of statement to be made by parliamentary leader

The statement referred to in section 55C(c) must be in writing and signed by the parliamentary leader concerned, and must—

- “(a) state that the parliamentary leader reasonably believes that the member of Parliament concerned has acted in a way that has distorted, and is likely to continue to distort, the proportionality of political party representation in Parliament as determined at the last general election; and
- “(b) state that the parliamentary leader has delivered to the member of Parliament concerned written notice—
 - “(i) informing the member that the parliamentary leader considers that paragraph (a) applies to the member and the reasons for that opinion; and
 - “(ii) advising the member that he or she has 21 working days from the date of receiving the notice to respond to the matters raised in the notice by notice in writing addressed to the parliamentary leader; and

- “(c) state that, after consideration of the conduct of the member and his or her response (if any) by the parliamentary members of the political party for which the member was elected, the parliamentary leader of that party confirms that at least two-thirds of the parliamentary members of that party agree that written notice should be given by the parliamentary leader under section 55A(3)(b).

“55E Definitions

For the purposes of sections 55A to 55D, unless the context otherwise requires,—

“**appropriate person** means—

- “(a) the Speaker; or
“(b) if there is no Speaker, or the Speaker is absent from New Zealand, or the member of Parliament giving a notice under section 55A(3)(a) or the subject of a notice under section 55A(3)(b) is the Speaker, the Governor-General

“**parliamentary leader**, in relation to a political party, means—

- “(a) the member of Parliament recognised for the time being as the parliamentary leader of the political party by the majority of parliamentary members of that party; or
“(b) the member of Parliament for the time being acting as the parliamentary leader of that party

“**political party for which the member of Parliament was elected** means—

- “(a) the political party in whose party list the member’s name appeared at his or her election; or
“(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 By-elections for members representing electoral districts

(1) Section 129 of the principal Act is amended—

- (a) by inserting in subsection (2), after the word “resignation”, the words “or the operation of section 55A”:
(b) by inserting in subsection (3), after the word “resignation”, the words “or the operation of section 55A”.

- (2) Section 129 of the principal Act is amended by repealing subsection (4), and substituting the following subsection:
- “(4) Where a vacancy in the seat of any member of Parliament elected to represent an electoral district exists at the commencement of any session and no writ has been issued to supply the vacancy, or where a vacancy occurs during a session, the Speaker—
- “(a) must, if the vacancy arises from the operation of section 55A, forthwith—
 - “(i) advise the House of the vacancy; and
 - “(ii) direct the Clerk of the Writs, by warrant in form 6 signed by the Speaker, to proceed forthwith to issue a writ to supply the vacancy:
 - “(b) must, if the vacancy arises from any other cause, and on being ordered to do so by the House, forthwith direct the Clerk of the Writs, by warrant in form 6 signed by the Speaker, to proceed forthwith to issue a writ to supply the vacancy.”

7 No writ to issue pending election petition

Section 133 of the principal Act is amended by inserting, after the expression “section 55”, the expression “or section 55A”.

8 Speaker’s warrant for supply of vacancy

- (1) Section 134(2) of the principal Act is amended by inserting, after the word “resignation”, the words “or the operation of section 55A”.
- (2) Section 134 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:
- “(3) Where a vacancy exists at the commencement of any session and no direction to supply the vacancy has been issued, or where a vacancy occurs during a session, the Speaker—
- “(a) must, if the vacancy arises from the operation of section 55A, forthwith—
 - “(i) advise the House of the vacancy; and
 - “(ii) direct the Chief Electoral Officer, by warrant in form 7 signed by the Speaker, to proceed forthwith to supply the vacancy:
 - “(b) must, if the vacancy arises from any other cause, and on being ordered to do so by the House, forthwith direct the Chief Electoral Officer, by warrant in form 7 signed

by the Speaker, to proceed forthwith to supply the vacancy.”

Legislative history

22 December 1999	Introduction, first reading and referral to Justice and Electoral Committee (Bill 3–1)
17 April 2000	Reported from Justice and Electoral Committee
18 December 2001	Second reading, committee of the whole House, third reading
21 December 2001	Royal assent

This Act is administered in the Ministry of Justice.
