HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 3 August 1993

ELECTORAL REFORM BILL

Proposed Amendments

JIM ANDERTON, in Committee, to move the following amendments:

PART IIA

ELECTORAL COMMISSION

Clause 30B (a): To insert, after the words "in relation to" (line 2 on page 35), the following subparagraphs:

(i) The registration of political parties as prescribed by Part V of this Act:

(ii) The dividing of New Zealand into electoral districts as currently carried out by the Representation Commission under the Electoral Act 1956:

(iii) The determination of eligibility for the allocation of public money appropriated by Parliament for the purpose of enabling political parties to meet all or part of the costs of broadcasting election programmes, as currently carried out by the Broadcasting Standards Authority under Part VI of the Broadcasting Act 1989:

PART IV

THE HOUSE OF REPRESENTATIVES

New clauses 59B to 59D: To insert, after clause 59A, the following new clauses:

59B. Division of New Zealand into electoral regions— (1) After the commencement of this Act and after the census taken in the year 1996 and each subsequent periodical census, it shall be the duty of the Commission to divide New Zealand into 6 electoral regions.

(2) Subject to **subsection (3)** of this section, it shall be the duty of the Commission to conduct the division on the following basis:

(a) The boundaries of each electoral region shall include such General electoral districts as the Commission shall determine, being electoral districts that will be in force for the purpose of the election of members of Parliament after the dissolution or expiration of the then existing Parliament:

(b) There shall be 2 electoral regions in the South Island and 4 electoral regions in the North Island:

(c) Each electoral region in the South Island shall comprise the same number of electoral districts as the other electoral region in the South Island except that where there is in the South Island an odd number of electoral districts each electoral region in the South Island may include one more or one less electoral district than the other electoral region in the South Island, as the case may require:

(d) Each electoral region in the North Island shall comprise the same number of electoral districts as the other electoral regions of the North Island except where there is in the North Island a number of electoral districts not divisible by the number 4 into a whole number, in which case each electoral region in the North Island may include one more or one less electoral district, as the case may require, than each of the other electoral regions in the North Island:

(e) Every part of the boundary of an electoral region shall correspond with a part of the boundary of a general electoral district included within the electoral region:

(f) In forming the 6 electoral regions, due consideration shall be given so far as is practicable, to—

(i) Community of interest; and

(ii) Facilities of communications; and

(iii) Typographical features; and

(iv) Community of interest among the Maori tribes.

(3) The Commission shall allocate each Maori electoral district to an electoral region, and the provisions of **paragraph (b)** to **(d)** of **subsection (2)** of this section shall apply accordingly, with any necessary modifications, as if each Maori electoral district were located within the boundaries of the electoral region to which it is allocated.

(4) Each Maori electoral district allocated to an electoral region shall for the purposes of this Act, except **paragraphs (a)** and **(e)** of **subsection (2)** of this section and **sections 59C** and **59D**, of this Act, be treated as if it were located within the boundaries of the electoral region to which it is allocated, and the provisions of this Part of this Act and of **Parts III** to **X** of this Act shall apply accordingly with any necessary modifications.

59C. Procedure following determination of boundaries of electoral districts—(1) The Representation Commission shall, within 2 months after the date on which it reports to the Governor-General the names and boundaries of the electoral districts fixed by it,—

(a) Report the names and boundaries of the electoral regions fixed by it to the Governor-General; and

(b) Publish in the *Gazette* a notice—

(i) Stating that the Representation Commission has fixed the names and boundaries of the electoral regions; and

(ii) Stating that the names and boundaries of the electoral regions fixed by the Representation Commission are available for public inspection; and

(iii) Stating places at which copies of the names and boundaries of the electoral regions fixed by the

Representation Commission are available for public inspection without charge (which places shall include the office of each Registrar of Electors).

(2) The boundaries of the electoral regions fixed by the Representation Commission shall be defined by the Representation Commission by the use of such words, maps, and graphic means as are sufficient to define those boundaries accurately.

(3) From the date of the gazetting of the notice required by **subsection (1) (b)** of this section, the electoral regions fixed by the report shall be the electoral regions of New Zealand for the purpose of the election of members of Parliament after the dissolution or expiration of the then existing Parliament, and shall so continue until the next report of the Representation Commission takes effect as a result of the publication in the *Gazette* of the notice required by **subsection (1) (b)** of this section in respect of that report.

59D. Report and maps to be laid before Parliament—(1) A copy of every report of the Commission together with properly authenticated maps of the electoral regions fixed by the report, shall be presented by the Governor-General to Parliament within 28 days after the date of the receipt thereof if Parliament is then in session, and, if not, then within 28 days after the date of the commencement of the next ensuing session.

(2) The Minister shall forthwith after every report of the Commission is presented to the Governor-General cause to be deposited in the Office of the Clerk of the House of Representatives properly authenticated maps of the electoral regions fixed by the report.

PART VII

ELECTIONS

Clause 135: To omit this clause, and substitute the following clause:

135. Election of list candidates—(1) At any general election any Secretary of a political party that is registered in accordance with **Part V** of this Act may forward to the Chief Electoral Officer lists of candidates for each electoral region for election to the seats reserved for those members of Parliament elected from lists submitted under this section.

(2) Every political party that forwards lists under **subsection (1)** of this section shall forward a separate list of candidates for each electoral region.

(3) A list submitted under this section shall be in **form 4** and shall list candidates in order of the party's preference commencing with the first in order of preference and ending with the last.

(4) The name of any candidate shall not be included in more than one list submitted under this section.

(5) Every list submitted under this section shall be lodged with or given to the Chief Electoral Officer not later than noon on the date specified in the writs for the election of constituency candidates as the latest date for the nomination of constituency candidates.

(6) Where a Secretary of any political party submits a list for an electoral region under this section, he or she shall at the same time forward, in respect of each person named on the list

for that region, a copy of the person's consent to the inclusion of his or her name on that list for that region.

(7) Every form of consent submitted under this section may be given in writing or by facsimile transmission.

(8) The Chief Electoral Officer shall give a receipt in writing for every list accepted by the Chief Electoral Officer.

Clause 173: To omit this clause, and substitute the following clause:

173. Method of voting—(1) The voter, having received a ballot paper printed in 2 pieces,—

(a) Shall immediately retire into one of the inner compartments provided for the purpose; and

(b) Shall there alone and secretly vote—

(i) By marking Part A of the ballot paper with a tick within the circle immediately after the name of the constituency candidate for whom the voter wishes to vote; and

(ii) By marking Part B of the ballot paper either—

(A) By entering the number 1 within the circle immediately after the name of the party for which the voter wishes to vote; or

(B) By entering the number 1 in the circle opposite the name of the candidate who is the voter's first preference and, subject to **paragraph (c)** of this subsection, by entering the numbers 2, 3, 4, 5 and so on, in order of preference opposite the name of all remaining candidates for whom the voter wishes to vote; but

(c) Shall not, in marking Part B of the ballot paper, indicate preferences for candidates of different political parties.

(2) Where a ballot paper is printed in 2 or more pieces, the voter shall, before leaving the inner compartment, fold each piece so that the contents cannot be seen, and then place each piece in the ballot box designated for that purpose.

(3) In any case where a ballot paper is not divided into 2 pieces, the provisions of **subsections (4)** and **(5)** of this section shall apply instead of **subsections (1)** and **(2)** of this section.

(4) The voter, having received a ballot paper,—

(a) Shall immediately retire into one of the inner compartments provided for the purpose; and

(b) Shall there alone and secretly vote by marking the ballot paper with the number 1 within the circle immediately after the name of the constituency candidate for whom the voter wishes to vote.

(5) Every voter shall, before leaving the inner compartment, fold the ballot paper so that the contents cannot be seen, and shall then deposit it so folded in the ballot box.

(6) Where a voter marks Part B of the ballot paper by marking the circle after the name of a party as provided in **subsection (1) (b) (ii)** of this section, that vote shall be treated as—

(a) One vote for the political party; and

(b) One vote for each of the candidates included in the list of that party for the relevant electoral region submitted pursuant to **section 135** of this Act, in the order of preference set out by the party pursuant to **section 135 (3)** of this Act, beginning with the number 1

for that candidate standing first in order of preference and concluding with the number corresponding with the total number of candidates included in the list of that party for the candidate standing lowest in order of preference.

(7) Where a voter marks Part B of the ballot paper as provided in **subsection (1) (b) (ii) (B)** of this section, that vote shall be treated as—

(a) One vote for each of the candidates for which an order of preference has been marked by the voter, in the order of preference marked by the voter; and

(b) One vote for the political party of the candidates for whom the voter has voted.

(8) Nothing in this section limits the provisions of **section 183 (5) (a) (ii)** of this Act.

Clause 178A: To insert, after clause 178, the following clause:

178A. Formality—(1) In this section "preference mark" means a tick, a cross, or the figure **1**.

(2) Where a voter enters a preference mark on any part of a ballot paper, the preference mark shall be treated as if it were the figure **1**.

(3) Where a voter has marked Part B of the ballot paper by entering a preference mark in the circle after the name of a political party and then marking the circles opposite the names of candidates or of other political parties with other numbers, that part of the ballot paper shall be treated as if the voter had entered only the figure **1**.

(4) Where a voter has marked Part B of the ballot paper by expressing preferences for candidates in more than one political party, the preferences expressed for candidates for parties other than the party of the candidate in respect of which a preference mark is entered shall be invalid and the ballot paper shall be treated as formal but shall be exhausted on reaching a preference marked for a candidate for a party other than the party of the candidate in respect of which a preference mark has been entered.

(5) Where a voter has entered a preference mark for two or more political parties in Part B of the ballot paper, the voter shall be deemed not to have completed Part B of the ballot paper in accordance with **section 173 (1) (b) (ii) (A)** of this Act.

(6) Where a voter has entered a preference mark for two or more candidates in Part B of the ballot paper, the voter shall be deemed not to have completed Part B of the ballot paper in accordance with **section 173 (1) (b) (ii) (B)** of this Act.

(7) Where a voter completes Part B of the ballot paper by marking it in the manner described in both **section 173 (1) (b) (ii) (A)** and **section 173 (1) (b) (ii) (B)** of this Act, the voter shall be deemed to have marked it in accordance with **section 173 (1) (b) (ii) (B)** of this Act.

(8) Without limiting the provisions of **section 183 (5) (a)** of this Act, Part B of the ballot paper shall be treated as informal if it has no vote on it or if it has not been completed in accordance with either **section 173 (1) (b) (ii) (A)** or **section 173 (1) (b) (ii) (B)** of this Act.

Clause 183: To omit this clause, and substitute the following clause:

183. Counting the votes—(1) On completion of the scrutiny directed by **sections 180** and **181** of this Act, the Returning Officer, with such assistants as the Returning Officer considers necessary, and in the presence of such of the scrutineers appointed under **section 180** of this Act as are present (not exceeding, unless the Returning Officer otherwise permits, one scrutineer for each constituency candidate), and also in the presence of some Justice (who shall attend at the request of the Returning Officer), but of no other person, shall select and open one of the parcels of used ballot papers or pieces referred to in **section 179 (1) (e)** or **section 179 (1) (f)** of this Act.

(2) The procedure set out in subsection (1) of this section need not be delayed until the inquiries under **section 181 (2)** of this Act, or the inquiries as to the qualifications of persons casting a special vote at the election, have been completed, and the ballot papers from any particular polling booth may be counted while any inquiries in respect of ballot papers from that booth or in respect of the qualifications of persons casting a special vote at the election are being completed but the count shall not be completed until those inquiries have been completed.

(3) No special vote shall be disallowed by reason only of some error or omission on the part of an official, if the Returning Officer is satisfied that the voter was qualified to vote at the election.

(4) Where a person who has voted in an election dies before the close of the day before polling day, the Returning Officer shall, on receiving from a Registrar of Births and Deaths notification of that person's death, disallow that person's vote.

(5) When the parcel so selected has been opened, the Returning Officer shall, in the presence of his or her assistants (if any) and the scrutineers and Justice as aforesaid, but of no other person, deal with the ballot papers or pieces thereof as follows:

(a) He or she shall reject as informal—

(i) Any ballot paper or piece of a ballot paper that does not bear the official mark if there is reasonable cause to believe that it was not issued to a voter by any Deputy Returning Officer or a poll clerk authorised by a Deputy Returning Officer to issue ordinary voting papers; and

(ii) A ballot paper or a piece of the ballot paper that does not clearly indicate the constituency candidate or the party, as the case may require, for which the voter desired to vote; and

(iii) All the used pieces of Part B of the ballot paper that are informal by virtue of the provisions of **section 178A (8)** of this Act:

Provided that no ballot paper or piece of the ballot paper shall be rejected as informal by reason only of some informality in the manner in which it or any other piece of the ballot paper has been dealt with by the voter if the ballot paper or piece of the ballot paper being considered is otherwise regular, and if, in the opinion of the Returning Officer, the intention of the voter is clearly indicated:

Provided also that no ballot paper or piece of a ballot paper shall be rejected as informal by reason

only of some error or omission on the part of an official, if the Returning Officer is satisfied that the voter was qualified to vote at the election:

(b) The Returning Officer shall then count—

(i) The number of votes received by each constituency candidate; and

(ii) The number of votes received by each political party (if applicable); and

(iii) The number of votes rejected as informal:

(c) The Returning Officer shall then compare the result of the count made under **paragraph (b)** of this subsection with the certificate of the Deputy Returning Officer in respect of the preliminary count, and shall, where necessary, amend that certificate, and every such certificate shall be initialled by the Returning Officer and the Justice attending:

(d) The Returning Officer shall then, in respect of pieces of Part B of the ballot paper containing votes for each political party,—

(i) Count the number of votes for each political party marked in accordance with **section 173 (b) (ii) (A)** of this Act and separate those votes into different bundles for each political party; and

(ii) Count the first preference votes for each candidate marked in accordance with **section 173 (b) (ii) (B)** of this Act and separate those votes into different bundles for each candidate:

(e) The Returning Officer shall then separate, where applicable, those informal votes recorded on Part A of the ballot paper from those informal votes recorded on Part B of the ballot paper:

(f) The Returning Officer shall then, in respect of the ballot papers or the pieces of the ballot paper containing votes for constituency candidates and informal pieces of Part A of the ballot paper, make up and again secure, and endorse on the parcel a memorandum specifying the number of ballot papers or pieces thereof contained in the parcel, the number of any ballot papers or pieces extracted therefrom, and the number of the booth at which the votes were recorded; and the endorsement shall be signed by the Returning Officer and the Justice attending.

(6) After the ballot papers or pieces thereof from one parcel have been dealt with in the manner aforesaid, those from the remaining parcels shall be successively dealt with in like manner.

(7) Subject to **subsection (8)** of this section, the ballot papers or pieces thereof of special voters shall be dealt with in like manner.

(8) Where any parcel or receptacle containing the ballot papers or pieces thereof of special voters includes both Part A pieces of the ballot paper and Part B pieces of the ballot paper, the Part A pieces of the voting paper shall be counted separately from the Part B pieces.

(9) When all the ballot papers and pieces thereof have been dealt with in the prescribed manner,—

(a) The bundles of pieces of Part B of the ballot papers marked in accordance with **section 173 (b) (ii) (A)** of the

Act shall be combined in separate packages, each package containing the votes recorded for one political party:

(b) The bundles of pieces of Part B of the ballot papers marked in accordance with **section 173 (b) (ii) (B)** of this Act shall be combined in separate packages, each package containing the first preference votes for one candidate:

(c) The pieces of Part B of the ballot paper that are informal shall be combined in one separate package.

(10) When all the ballot papers or pieces thereof have been dealt with in the prescribed manner, the Justice attending shall sign a certificate stating—

(a) The total number of ballot papers and pieces thereof used at the election:

(b) The number of votes received by each constituency candidate or party:

(c) The number of votes for each party recorded on pieces of Part B of the ballot papers marked in accordance with **section 173 (b) (ii) (A)** of this Act:

(d) The number of first preference votes for each candidate recorded on pieces of Part B of the ballot papers marked in accordance with **section 173 (b) (ii) (B)** of this Act:

(e) The number of informal votes, including where applicable the number of informal votes recorded on Part A and Part B of the ballot paper respectively,—

and that certificate shall be preserved by the Returning Officer for production when required.

(11) Where at any count of the ballot papers or pieces thereof under this section counting of the ballot papers or pieces thereof extends beyond one day, the Justice attending shall give his or her certificate day by day showing the progress of that counting and describing the parcels counted in his or her presence.

Clause 193 (4) (a): To omit the number "5" (line 40 on page 171), and substitute the number "4".

Clause 193 (9): To omit the number "120" (line 25 on page 172), and substitute the number "100".

Clause 193 (10): To omit the number "120" (line 33 on page 172), and substitute the number "100".

Clause 194: To omit this clause, and substitute the following clause:

194. Determination of party eligibility for list seats— (1) Having ascertained the numbers required by **section 193 (7)** of this Act, the Chief Electoral Officer shall then proceed to ascertain the number of seats in Parliament to which each continuing party listed in Part B of the ballot paper is entitled by adding the number of circles in the column of numbers under the name of that party.

(2) Subject to **section 195 (12)** of this Act, the number ascertained under **subsection (1)** of this section in respect of each party shall be the total number of seats to which that party is entitled in Parliament.

Clause 195: To omit this clause, and substitute the following clauses:

195. Determination of eligibility for allocation of seats among regions—(1) Upon completing the procedures outlined in **sections 193** and **194** of this Act, the Chief Electoral Officer shall proceed to determine, in respect of each continuing party the number of seats, if any, to which that party is entitled in each electoral region.

(2) The Chief Electoral Officer shall first ascertain, by adding the numbers supplied in the certificates forwarded to the Chief Electoral Officer under **section 184 (4)** of this Act, the total number of votes recorded in Part B of the ballot paper for each continuing party, in each electoral region.

(3) The Chief Electoral Officer shall then prepare a working sheet in **form 14A** for each continuing party and enter the respective totals of votes for that party recorded in Part B of the ballot paper in those electoral districts comprising an electoral region, in separate columns under the name of each electoral region.

(4) The Chief Electoral Officer shall then proceed, in respect of each party, to divide each of the totals successively by a series of numbers beginning with 1, 3, 5, 7, 9, 11, 13 and thereafter by every odd number as may be necessary to ensure that the numbers of seats to which each party is entitled under **section 194 (2)** of this Act are allocated to the appropriate electoral regions.

(5) The quotients of each successive division shall be recorded on each working sheet.

(6) Once the quotients of each successive division are entered on the working sheet for a continuing party, the Chief Electoral Officer shall then proceed to ascertain in respect of that party the highest quotients corresponding in number to the number of seats to which that party is entitled under **section 194 (2)** of this Act.

(7) In any case where the lowest of the numbers required to be ascertained under **subsection (6)** of this section constitutes 2 or more numbers in different columns which are of exactly the same value, the Chief Electoral Officer shall determine by lot which of those numbers is to be selected for the purpose of **subsection (6)** of this section.

(8) The Chief Electoral Officer, having ascertained the numbers required by **subsection (6)** of this section, shall draw a circle on the working sheet around each of those numbers.

(9) Having ascertained the numbers required by **subsection (8)** of this section, the Chief Electoral Officer shall then proceed, in respect of each continuing party, to ascertain the number of seats in Parliament to which the party is entitled to have allocated in each electoral region by adding the number of circles in the column of numbers for each region.

(10) The Chief Electoral Officer shall then proceed, in respect of each continuing party listed in Part B of the ballot paper, to deduct from the number of seats to which the party is entitled in each electoral region, the number of persons who stood as constituency candidates for that party and whose names were endorsed on a writ pursuant to **section 187** of this Act as having been elected as a member of Parliament for an electoral district within that electoral region.

(11) Subject to **subsection (12)** of this section, after the process of deductions described in **subsection (10)** of this section has been completed, the respective remainders derived therefrom shall

be the number of seats to be allocated to each party in each electoral region from the list of candidates for that electoral region submitted by the party pursuant to **section 135** of this Act.

(12) If any continuing party has, through the election of its constituency candidates in electoral districts within an electoral region, obtained, in respect of that electoral region, a number of seats that is equal to or greater than the total number of seats in Parliament for that region to which it is entitled under **subsection (9)** of this section, that party shall not be allocated any list seats in that electoral region; but the seats of each constituency candidate of that party who has been elected as a member of Parliament for an electoral district within that region, shall not be affected.

(13) Notwithstanding any other provision of this section or any provision of **sections 193** and **194** of this Act, the Chief Electoral Officer may proceed to select the numbers of those candidates entitled to be elected in each electoral region from lists submitted under **section 135** of this Act, by such method and procedure as he or she thinks fit, including the use of computer technology:

Provided that, before issuing any certificate under **section 195A** of this Act, he or she shall complete the procedures required by **sections 193** and **194** of this Act and this section to ensure that the results produced by use of the 2 procedures coincide.

(14) In this section and **sections 193** and **194** of this Act "continuing party" means a party to which seats in Parliament remain to be allocated under these sections.

195A. Issue of certificate to Regional Returning Officers—Upon completing the procedures outlined in **section 195** of this Act, the Chief Electoral Officer shall forward to the Regional Returning Officer for each electoral region, a certificate setting out the number of seats, if any, to be allocated to each political party named in Part B of the ballot paper from their list of candidates for that electoral region.

195B. Election of list candidates—(1) Upon receipt of the certificate referred to in **section 195A** of this Act and the ballot papers and certificates referred to in **sections 183 (9) (b)** and **183 (10)** of this Act, the Regional Returning Officer for each electoral region shall proceed to determine which of the candidates whose names have been included in party lists for the particular electoral region, submitted pursuant to **section 135** of this Act, have been elected.

(2) For the purposes of this section and **sections 195C** and **195D** of this Act, every vote marked in accordance with **section 173 (1) (b) (ii) (A)** of this Act and recorded in a certificate issued under **section 183 (10) (c)** of this Act shall be treated in accordance with the provisions of **section 173 (6) (b)** of this Act as if the voter has completed Part B of the ballot paper by marking it in the order of preference described in that section.

(3) The Regional Returning Officer shall repeat the procedures described in **section 195C** of this Act in respect of each political party to which seats have been allocated in the electoral region.

195c. Method of counting votes—(1) In this section, unless the context otherwise requires,—

"First choice recorded for a candidate" means a piece of Part B of the ballot paper on which the number 1 is placed in the circle to the right of the surname:

"Quota" means the number of votes sufficient to elect a candidate:

"Second choice" recorded for a candidate means a piece of Part B of the ballot paper on which the number 2 is placed in the circle to the right of the surname:

"Surplus" means the number of votes that a candidate has obtained, at any stage of the scrutiny, over and above the quota:

"Transfer value" means that portion of a vote that is unused by—

(a) A candidate who has obtained a surplus:

(b) A candidate who is excluded on account of his or her being lowest on the poll and whose portion of the vote is therefore transferred to the candidate next in order of the voter's preference (being a portion with a value of either 1 or some fraction of 1).

(2) The number of first choices recorded for each candidate for the party shall be counted.

(3) The aggregate number of such first choices shall be divided by one more than the number of candidates for the party required to be elected, and the quotient increased by one, disregarding any remainder, shall be the quota, and (except as hereinafter provided in **subsection (18)** of this section, no candidate shall be eligible to be elected until he or she obtains a number of votes equal to or greater than the quota).

(4) Any candidate who has, upon the first choices being counted, a number of votes equal to or greater than the quota shall be eligible to be elected.

(5) Where the number of votes obtained by any candidate is equal to the quota, the whole of the ballot papers on which a first choice is recorded for that elected candidate shall be set aside as finally dealt with.

(6) Where the number of such votes obtained by any candidate is in excess of the quota, the proportion of votes in excess of the quota shall be transferred to the other candidates not yet eligible to be elected, next in the order of the voters' respective preferences, in the following manner:

(a) All the ballot papers on which a first choice is recorded for the elected candidate shall be re-examined, and the number of second choices, or (in the case provided in **subsection (20)** of this section) third or next consecutive choices, recorded for each unelected candidate thereon shall be counted:

(b) The surplus of the candidate eligible to be elected shall be divided by the total number of votes obtained by him or her on the counting of the first choices, and the resulting fraction shall be the transfer value:

(c) The number of second or other choices, ascertained in **paragraph (a)** of this subsection to be recorded for each unelected candidate, shall be multiplied by the transfer value:

(d) The resulting number, disregarding any fractional remainder, shall be credited to each unelected

candidate, and added to the number of votes obtained by him or her on the counting of the first choices.

(7) Where, on the counting of the first choices or on any transfer, more than one candidate has a surplus, the largest surplus shall be first dealt with and if, following that procedure, more than one candidate has a surplus, the then largest surplus shall be dealt with, and so on:

Provided that if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former shall be first dealt with.

(8) Where 2 or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be first dealt with; and, if they have had an equal number of votes at all preceding counts or transfers, the Regional Returning Officer shall decide which candidate's surplus shall be first dealt with.

(9) Where the number of votes obtained by a candidate is raised up to or above the quota by a transfer as aforesaid, that candidate shall thereupon be eligible to be elected; and, in such case, notwithstanding the fact that that candidate may have reached the quota, such transfer shall be completed and all the votes to which that candidate is entitled therefrom shall be transferred to that candidate; but no votes of any other candidate shall be transferred to him or her.

(10) Where the number of votes obtained by a candidate is raised up to, but not above, the quota by a transfer as aforesaid, all of the pieces of the ballot paper on which such votes are recorded shall be set aside as finally dealt with.

(11) Where the number of votes obtained by a candidate is raised above the quota by a transfer as aforesaid, that candidate's surplus shall be transferred to the candidates next in the order of the voters' respective preferences, in the following manner:

(a) The pieces of the ballot paper on which are recorded the votes obtained by the candidate who has become eligible for election in the last transfer shall be re-examined, and the number of third, or (in the case provided for in **subsection (20)** of this section) next consecutive choices recorded for each unelected candidate thereon counted:

(b) The surplus of the elected candidate shall be divided by the total number of ballot papers mentioned in **paragraph (a)** of this subsection and the resulting fraction shall be the transfer value:

(c) The number of third (or other) choices, ascertained in **paragraph (a)** of this subsection to be recorded for each unelected candidate, shall be multiplied by the last-mentioned transfer value:

(d) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes previously obtained by him or her.

(12) Where, after the first choices have been counted and all surpluses (if any) have been transferred as previously provided, no candidate, or less than the number of candidates required to

be elected, has or have obtained the quota, the candidate who is lowest on the poll shall be excluded, and all the votes obtained by him or her shall be transferred to the candidates next in the order of the voters' respective preferences, in the same manner as is directed in **subsection (6)** of this section.

(13) Where a candidate is excluded under **subsection (12)** of this section,—

(a) The votes obtained by that candidate as first choices shall first be transferred and the transfer value of each vote so transferred shall be 1; and

(b) The other votes obtained by that candidate shall then be dealt with in the order of the transfers in which, and at the transfer value at which, he or she obtained them; and

(c) Each of the transfers that takes place under **paragraphs (a)** and **(b)** of this subsection shall be deemed for all purposes to be a separate transfer.

(14) Where the number of votes obtained by a candidate is raised up to or above the quota by any such transfer as aforesaid, that candidate shall thereupon be declared eligible to be elected and, in such case, notwithstanding the fact that that candidate may have reached the quota, such transfer shall be completed, and all the votes to which that candidate is entitled therefrom shall be transferred to that candidate; but no other votes shall be transferred to that candidate.

(15) Where the number of votes obtained by a candidate is raised up to, but not above, the quota by any such transfer as aforesaid, all of the pieces of the ballot papers on which such votes are recorded shall be set aside as finally dealt with.

(16) Where the number of votes obtained by a candidate is raised above the quota by any such transfer as aforesaid, that candidate's surplus shall be transferred to the candidates next in the order of the voters' respective preferences in the same manner as is directed in **subsection (11)** of this section:

Provided that such surplus shall not be dealt with until all the votes of the excluded candidates have been transferred.

(17) Where a surplus of the kind described in **subsection (16)** of this section exists, that surplus shall be dealt with before any other candidate is excluded.

(18) The same process of excluding the candidate lowest on the poll and transferring to other candidates his or her votes shall be repeated until all the candidates, except the number required to be elected, have been excluded, and the unexcluded candidates, who have not already been so declared, shall then be declared eligible for election.

(19) Where at any time it becomes necessary to exclude a candidate, and 2 or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be excluded and if such candidates have had an equal number of votes at all preceding counts or transfers the Regional Returning Officer shall decide which candidate shall be first excluded.

(20) In determining which candidate is next in the order of the voters' preference, any candidates who have been declared eligible for election under this section or who have been excluded shall not be considered, and the order of the voters'

preference shall be determined as if the names of such candidates had not been on the voting paper.

(21) Where, on any transfer, it is found that on any ballot paper there is no candidate opposite whose name a number is placed, other than those who have been already either declared eligible for election under this section or excluded, or there are 2 or more candidates for the same party against whose name the same number is placed, such voting paper shall be set aside as exhausted.

195D. Order of preference for election of candidates— (1) Having completed the process described in **section 195C** of this Act, the Regional Returning Officer shall in respect of each party draw up a list containing an order of preference for the election of candidates.

(2) That order shall begin with the candidate first declared to be eligible for election, continue with the candidate next declared to be eligible for election and conclude with the candidate first excluded from the count.

(3) The Regional Returning Officer shall determine which candidates are entitled to be elected by selecting those candidates on the list prepared under **subsection (1)** of this section to each party, beginning with the first candidate on the list and ending with the lowest ranking candidate, that are equal in number to the number of seats to which that party is entitled to have allocated from its list for that electoral region pursuant to **section 135** of this Act.

(4) In performing the duties required by **subsection (3)** of this section, the Regional Returning Officer shall disregard the name of any candidate whose name has been endorsed on a writ pursuant to **section 187** of this Act, and the name of that candidate shall be deemed to have been deleted from the list prepared pursuant to **subsection (1)** of this section.

(5) Where all the candidates appearing on a list prepared under **subsection (1)** of this section are entitled to be selected, no further candidates for that party may be selected, notwithstanding that the party may be entitled to a greater number of seats than the number of candidates appearing on that list and those seats shall not be filled.

(6) The Regional Returning Officer shall, as soon as is practicable after selecting the names of those candidates entitled to be elected from lists submitted in respect of the relevant electoral region, declare those candidates to be elected and forward to the Clerk of the House of Representatives a return listing the names of the members elected.

SCHEDULES

Second Schedule

Forms 4 and 4A: To omit these forms (which appear on pages 249 and 250), and substitute the following forms:

Form 4 **Section 135 (3)**

FORM OF LIST TO BE SUBMITTED BY POLITICAL PARTIES

To the Chief Electoral Officer

I, the undersigned Secretary of the [*Specify*] political party, which is a registered political party under **Part V** of the Electoral Act **1993**, hereby submit in order of preference the list of candidates specified in the Annex to this form as the party's candidates for election pursuant to **sections 193 to 195D** of the Electoral Act **1993** in the [*Insert name*] electoral region at the next general election.

I declare that each of the persons named in the list is qualified to be a candidate and to be elected a member of Parliament both in terms of the Electoral Act **1993** and any other enactment.

I enclose with this list copies of the consents of all candidates to the inclusion of their names in this list.

Dated at this day of 19 .

.....

[*Signature of the Secretary of the Political Party*]

ANNEX

LIST OF NAMES OF CANDIDATES

[*Insert name*] Electoral Region

Here list names and addresses and telephone numbers of candidates in order of preference.

Order of Preference	Name	Address	Telephone Number
1			
2			
3			
4			
5 etc:			

Form 4A **Section 135 (6)**

FORM OF CONSENT TO INCLUSION OF NAME ON PARTY LIST

I, [*Name*], being qualified to be a candidate and to be elected a member of Parliament in terms both of **section 61** of the Electoral Act **1993** and of any other enactment, hereby consent to the inclusion of my name as a candidate for the [*Name of Party*] in the list submitted by that party, pursuant to **section 135** of this Act, for the [*Name*] electoral region.

My surname is .....

Dated at this day of 19 .

.....

[*Signature, residence, and occupation, and telephone number of person nominated.*]

Form 10, Part B: To omit Part B of this form, and substitute the following Part:

Form 10—*continued*

PART B

[*Insert name*] REGION

OFFICIAL MARK

OFFICIAL MARK

.....

[*Consecutive Number*]

Directions

(Read carefully before voting)

1. In this Part vote for **ONE** Party List **OR** for as many candidates as you like in **ONE** Party List.
2. Do not vote for more than one party list **OR** for candidates in different party lists.
3. Vote for a party list by placing the number 1 in the circle immediately after the name of the party list you choose.
4. Vote for a candidate or candidates in a party list by—
   (a) Placing the number 1 in the circle opposite the name of the candidate who is your first preference; and
   (b) The numbers 2,3,4, and so on, in order of preference, opposite the name of each of the remaining candidates for whom you wish to vote.

Vote for only **ONE** party list or for a candidate or candidates in only **ONE** party list.

Highbury Party ◯	**Kelburn Party** ◯	**Northland Party** ◯	**Seatoun Party** ◯
OR	**OR**	**OR**	**OR**
Wereta ◯	Smith ◯	Nixon ◯	Askew ◯
Ngata ◯	Brown ◯	Girvan ◯	Dykes ◯
Dewes ◯	Jones ◯	Lynch ◯	Davis ◯
	Katene ◯	Nind ◯	McKenzie ◯
	Gobbi ◯	Riley ◯	Lane ◯
	Hoffmann ◯	Mutimer ◯	
	Wereta ◯	Carrad ◯	
	Giovanni ◯	Lewin ◯	
	Papadopoulis ◯	Simpson ◯	
	Naidu ◯	McPherson ◯	
	Andrew ◯	Lowe ◯	

Form 14: To omit this form (which appears on page 265), and substitute the following form:

Form 14 **Section 193 (3)**

WORKING SHEET IN RELATION TO ALLOCATION OF SEATS TO POLITICAL PARTIES

Name of Party	*Party A*	*Party B*	*Party C*	*Party D*	*Party E*
Total Votes received under Part B					

Enter totals under relevant heading

QUOTIENTS OF DIVISIONS

Name of Party	*Party A*	*Party B*	*Party C*	*Party D*	*Party E*
Total Votes Divided by					
3					
4					
5					
7					
9					
11					
13					
15					
17					
”					
”					

Enter quotients of divisions here under the columns for each party

New form 14A: To insert, after form 14, the following form:

Section 195 (3) Form 14A

WORKING SHEET IN RELATION TO ALLOCATION OF SEATS OF A POLITICAL PARTY TO DIFFERENT ELECTORAL REGIONS

Name of Party	*Region A*	*Region B*	*Region C*	*Region D*	*Region E*	*Region F*
Total Votes received under Part B						

Enter totals under relevant heading

QUOTIENTS OF DIVISIONS

Name of Party	*Region A*	*Region B*	*Region C*	*Region D*	*Region E*	*Region F*
Total Votes Divided by						
1						
3						
5						
7						
9						
11	*Enter quotients of divisions here under the columns for each region*					
13						
15						
17						
”						
”						

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