



## Electoral (Integrity) Amendment Act 2018

Public Act      2018 No 39  
Date of assent      3 October 2018  
Commencement      see section 2

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### The Parliament of New Zealand enacts as follows:

#### 1      **Title**

This Act is the Electoral (Integrity) Amendment Act 2018.

#### 2      **Commencement**

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

#### 3      **Principal Act**

This Act amends the Electoral Act 1993 (the **principal Act**).

#### 4 Section 55 amended (How vacancies created)

After section 55(1)(f), insert:

- (fa) if, under section 55A, he or she ceases to be a parliamentary member of the political party for which he or she was elected; or

#### 5 New sections 55AAB to 55E inserted

After section 55AA, insert:

##### **55AAB Purpose of sections 55A to 55E**

The purpose of sections 55A to 55E is 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.

##### **55A Member of Parliament 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 only if—
  - (a) the member of Parliament delivers to the Speaker 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 Speaker a written notice that complies with section 55C.

##### **55B Notice from member of Parliament**

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 Speaker; and
- (c) notify the Speaker 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 political 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 Speaker; 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); and
- (d) state either—
  - (i) that all other requirements imposed by the rules of the political party for which the member of Parliament was elected relating to the giving of a notice under section 55A(3)(b) have been satisfied; or
  - (ii) that there are no other requirements imposed by the rules of the political party for which the member of Parliament was elected relating to the giving of a notice under section 55A(3)(b) to be satisfied.

**55E Definitions**

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

**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) in the case of a member elected to represent an electoral district, the political party that nominated the member as a constituency candidate; and
- (b) in the case of a member of Parliament elected from a party list submitted under section 127, or declared to be elected under section 137(4) to supply a vacancy, the political party on whose list the member's name appeared.

**6 Section 133 amended (No writ to issue pending election petition)**

In section 133, after “section 55”, insert “or 55A”.

**Legislative history**

13 December 2017	Introduction (Bill 6–1)
30 January 2018	First reading and referral to Justice Committee
30 July 2018	Discharged from Justice Committee
2 August 2018	Second reading
26 September 2018	Committee of the whole House
27 September 2018	Third reading
3 October 2018	Royal assent

This Act is administered by the Ministry of Justice.