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Re-Evaluating consensus in New Zealand election reform

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ABSTRACT

It is commonly believed that a norm of consensus-based election reform exists in New Zealand. However, this belief has yet to be tested with systematic study of changes to the democratic rules of the game. This article empirically analyzes the extent to which partisan and restrictive election rules have been proposed and enacted since passage of the Electoral Act 1956. Using a novel matrix of election lawmaking, a wealth of primary textual sources, and interviews with key actors, the data show clear evidence that election reforms are routinely partisan and have occasionally curtailed democratic participation. An analysis of election lawmaking by political party reveals that Labour is responsible for most partisan election reforms, whereas National has passed most demobilising enactments. These trends extend to proposed members' bills and across multiple governments. The findings highlight the need for scholars to take seriously the importance of a broader array of election reforms beyond the electoral system, including voter and registration administration, franchise rules, ballot initiatives, electoral governance, and campaign finance. It also underscores the need for systematic study of election reforms in a wider variety of countries.

KEYWORDS

New Zealand; election laws; election reform; partisanship; electoral participation; voter demobilisation

Introduction

Amid a global pandemic, New Zealand's parliament debated legislation to enfranchise prisoners with sentences of less than three years. The bill had been promised by Justice Minister Andrew Little after a Waitangi Tribunal Report had declared blanket disenfranchisement to be in violation of the Treaty of Waitangi (Little 2019; Waitangi Tribunal 2020; see also Geddis 2019). The reading quickly became heated. Little described the bill as ensuring that 'free and fair elections [are held without] unduly and improperly suppressing the right to vote' (745 NZPD 17,126; 17 March 2020). On the opposite side, Simeon Brown told Little to '[g]et a life!' while Mark Mitchell called the debate 'a complete and total waste of this House's time' (745 NZPD 17,124–26; 17 March 2020). The proceedings concluded with a party-line division.

This episode shows that inter-party wrangling over the democratic 'rules of the game' (Massicotte, Blais, and Yoshinaka 2004) is a modern reality in New Zealand. Indeed, there was nothing unique about the contention. Earlier in March, the government enacted same-day registration on an identical party-line vote. Increased restrictions on foreign

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Supplemental data for this article can be accessed here.

political donations were introduced and passed over a 48-hour period in December 2019, a process National MP Nick Smith summed up as 'terrible lawmaking' (743 NZPD 15,509, 3 December 2019). In 2018, the government reintroduced a ban on party hopping to significant partisan acrimony.

This article examines how politicians have amended election rules in New Zealand over the past 65 years. I distinguish two types of election lawmaking. 'Partisan' reforms lack consensus, whereas 'demobilising' reforms increase barriers to voting and diminish democratic participation. Previous scholarship has found both to be harmful to democracy (Bentele and O'Brien 2013; Bowler and Donovan 2016). Research into New Zealand's politics of election lawmaking has been hindered by belief in a norm of consensus-based electoral reform. Politicians, journalists, and scholars alike have assumed that American-style election 'shenanigans' and voter suppression do not take place here, although they have not yet systematically studied these phenomena.

Using a combination of primary textual sources, interviews, and previous scholarship on the effects of election laws, my analysis demonstrates that partisan election reforms have been a routine occurrence in New Zealand since passage of the Electoral Act 1956 and that politicians have occasionally enacted restrictions on democratic participation. An examination of political party and election lawmaking reveals that Labour governments are responsible for most partisan election laws while National governments have passed most demobilising enactments. Nearly every government has pursued corrosive election reforms. These findings have important implications for the political and democratic wellbeing of a country where elections are the only real line of defence against virtually unfettered parliamentary sovereignty (Geddis 2016, 2017). They also suggest the need for a broader conceptualisation of election reform and the study of election lawmaking in additional countries.

The 'convention' of consensus-based election lawmaking in New Zealand

There is a widespread belief among New Zealand's political science community that its election reforms are largely consensual and that voter demobilisation does not occur (Arseneau and Roberts 2015; McLeay 2018; Interviews D, E, H, I, O, S). This idea is central to McLeay's (2018) book *In Search of Consensus*. McLeay argues that passage of the Electoral Act 1956 established consensus-based election lawmaking as a norm. Similar views were expressed in interviews with government officials (F, J, R, V, AD) and politicians (N, AG). This belief persists despite evidence that election laws are not always changed consensually (Christmas 2010; Edgeler 2013; Geddis 2008, 2014, 2017) and despite the understanding among academics, election officials, and campaign operatives that worries about the political effects of increased turnout colour debates on reform (Geddis 2014: 299; Interviews D, F, G, J, L, M, S, T, X, Z, AA, AB, AD, AF).

The sentiment is not new. Over the past 65 years, politicians have repeatedly expressed a consensus-based understanding of election reform during parliamentary debate. Politicians are most likely to speak about the 'good old days' of bipartisan election lawmaking during fiercely partisan debate over election reform. Such was the case when National MP John Marshall spoke in opposition to the Electoral Amendment Act 1975 (398 NZPD 2097, 12 June 1975):

> More than perhaps anything else, I regret that on several important matters there has been a division between the parties, and in that division we are departing from the bipartisan approach to electoral legislation. In the 1956 [Electoral] Act … we had a bipartisan approach to the electoral legislation, and it was passed unanimously by Parliament after a considerable period of discussion in a select committee. There was a spirit of compromise, and we were able to reach agreement on all matters. Because that was a bipartisan Bill which has been an accepted piece of legislation for the past 20 years … we have been free from party political division in our electoral legislation.

Marshall went on to warn that Labour's reforms would lead to frequent partisan changes. Contentious reforms did follow. Over the next two years, National passed a series of controversial laws repealing much of the 1975 Act. However, Marshall is incorrect with his assertion that parliament had been 'free from party political division' over the prior two decades. The Political Disabilities Removal Act 1960 (restoring the ability of unions to make levies for political purposes) was passed on a party-line vote, and both the Electoral Amendment Act 1965 (fixing the South Island quota at 25 seats) and the Electoral Amendment Act 1969 (lowering the voting age to 20) were also contentious.

In the debate over the Electoral Finance Act 2007, Leader of the Opposition John Key decried how '[y]ears and years of bipartisan support of electoral reform will be sacrificed' for Helen Clark's political benefit (644 NZPD 14,031, 18 December 2007). Key's statement belies the nearly annual passage of partisan election laws in the preceding decade. These include the Electoral (Integrity) Amendment Act 2001, the Electoral Amendment Act 2002, the Electoral (Vacancies) Amendment Act 2003, and the Appropriation (Parliamentary Expenditure Validation) Act 2006. Just a few years later, Labour MP Pete Hodgson spoke about the history of consensus during a debate over the Electoral (Administration) Act 2010 (663 NZPD 11,012, 19 May 2010):

> I do not want to talk about the issues; I want to talk about the value of consensus. I acknowledge we have never had it, but in the 1980s and in the 1990s when there was near-consensus throughout those decades—and they were turbulent enough in general but as far as electoral law was concerned they were rather quiescent—the main point of contention was when the rolls should close. Should they close 28 days prior, or should they close the evening prior? As Governments changed in that time, so did the electoral law.

Hodgson acknowledges the illusory idea of past consensus and points out a history of frequent partisan changes. Despite this recognition, Hodgson praises a supposed 'near-consensus' over electoral law that existed in the 1980s and 1990s. This is a puzzling claim considering the fierce battle over electoral system reform was waged throughout those same decades.

Parliamentary speeches extolling the country's tradition of consensus-based election reform seem more common in recent years. During debate over the Electoral Amendment Act 2014, both sides of the aisle made statements to this effect while bemoaning the partisan conditions under which the bill was progressing. Simon Bridges proclaimed that 'New Zealand is a nation where … we take a multiparty approach to electoral reform' (697 NZPD 16,720, 13 March 2014), while Phil Goff noted that '[n]ormally with electoral legislation we try to deal with it in a different way' (697 NZPD 16,745, 18 March 2014). In the debate over the Electoral (Integrity) Amendment Act 2018, Nick Smith declared that '[t]he general consensus is that we make electoral law changes only with … broad parliamentary support' (733 NZPD 7158, 27 September 2018). Chris Bishop went even

further, calling bipartisan election lawmaking a 'convention' and declaring the bill to be unconstitutional because it lacked bipartisan support (733 NZPD 7175–76, 27 September 2018).

Parties have even used the 'convention' of consensus as a reason to not pursue reform. This was the case with National's decision to not enact the recommendations of the Electoral Commission (2012) review of MMP mandated by the outcome of the 2011 referendum (Interviews G, I, S, V). Justice Minister Judith Collins wrote in response to the commission's report that '[e]nduring change to electoral law should be based as much as possible on consensus' Collins (2013). She went on to state that, because consensus could not be reached, there would be no legislative action. The primary reason for the lack of consensus was that National opposed the commission's recommendations due to fears that it would hurt their electoral prospects (Armstrong 2013; also see Edgeler 2013; Geddis 2017).[1]

Election Lawmaking: the importance of studying the New Zealand case

New Zealand shifted from a first-past-the-post (FPTP) to a mixed-member proportional (MMP) electoral system in 1996. How and why New Zealand fundamentally transformed its electoral system has been extensively covered elsewhere (Aimer 2008; Atkinson 2003: 201–33; Jackson and Alan 1998; Nagel 2004; Renwick 2010; Vowles 1995). Less attention has focused on a broader set of election reforms, including changes to voter and registration administration, franchise rules, campaign finance and electioneering, and electoral governance. Most research has focused on specific election laws or groups of enactments instead of undertaking a systematic analysis (on the Electoral Finance Act see Geddis 2008; on prisoner voting see2011; on election reforms under MMP see2017). Geddis (2014) book on New Zealand electoral law examined election statutes rather than the politics of change. Christmas (2010) thesis on electoral reform, the only systematic account, fails to analyse partisanship or participatory effects.

Election laws have been found to affect voter turnout (Neiheisel and Burden 2012; Stewart 2013), representation (Rigby and Springer 2011; Weaver 2015), electoral outcomes (Barreto et al. 2009; Manza and Uggen 2008), election integrity (Norris 2004), and public confidence in the legitimacy of the system (Elklit and Reynolds 2001). Partisan election lawmaking erodes faith in the democratic process (Bowler and Donovan 2016). The primary purpose of elections is to bestow legitimacy on the collective decision-making power of certain representatives (Katz 2005). Representative democracies function by allowing voters to choose politicians to represent them, who are then held accountable for their actions when they face re-election. If politicians game the system without repercussions, this marks a fundamental breakdown in the contract between voter and officeholder (Dahl 1961). Excessive partisan manipulation of the rules of the game can lead to the delegitimization of elections and public rejection of the democratic process (Geddis 2014). One example of this is a body of scholarship linking partisan voter identification laws passed in the United States with an erosion of Democratic voter confidence in elections (Bowler and Donovan 2016; King 2017; Hasen 2014; Stewart, Ansolabehere, and Persily 2016). Partisan election reforms are also normatively problematic, violating standards of electoral fairness and non-partisan governance (Kang 2017).[2]

Demobilising election lawmaking skews electorates, leading to unrepresentative government, unrepresentative policies, and greater inequality (Bentele and O'Brien 2013; Lijphart 1997; Mueller and Stratmann 2003). Excluding marginalised groups from participation means their needs will not be adequately considered by decision-makers. This leaves them materially worse off – and the entire society worse off as a result (Guinier and Torres 2002). Discouraging participation also violates democratic standards of equality and inclusion (Barber 1984; Lacroix 2007; Pateman 1970; Verba 1996), making demobilising election reforms normatively problematic.

New Zealand is widely considered to have one of the most stable, robust, and transparent governing systems. Freedom House (2020) ranks New Zealand as the eleventh 'most free' country. Although turnout has declined in recent decades, it remains relatively high, with 77% of the voting-eligible population casting ballots in the 2020 general election (Electoral Commission 2020). New Zealand has very strong anti-corruption, campaign finance, and transparency laws (Geddis 2014).

Core components of the country's election infrastructure have been entrenched since 1956, requiring supermajority parliamentary support or a majority referendum to alter (McLeay 2018). This mechanism provides an important protection against the concentration of executive power and parliamentary supremacy. The presence of an independent Representation Commission means that redistricting is mostly free from partisan imperatives (Geddis 2014).[3] Triennial post-election select committee review of election law has taken place since 1979, providing an important forum for the development of consensus-based reforms (Geddis 2014). Additionally, New Zealand's election management body became fully independent in 2012. These provisions provide robust protections to the country's democracy that limit the potential for corrosive partisanship.

Systematic study of election reform has been undertaken in only five countries, making it impossible to determine the degree to which deleterious forms of election lawmaking take place in most nations around the world.[4] Considering New Zealand's reputation for consensual election rulemaking and its strong democratic protections, uncovering problematic instances of reform could indicate the ubiquitous nature of such lawmaking.

Exacerbating factors

Despite New Zealand's strong democratic safeguards, two factors make the presence of partisan and demobilising election lawmaking more likely. These are the concentration of executive power and the presence of large marginalised populations.

New Zealand is an outlier for its unusual concentration of executive power (Geddis 2016; Lijphart 2012; Palmer and Butler 2016). The absence of a written constitution and (since 1951) a second chamber, the unitary nature of government, the lack of binding judicial review of legislation, and extreme party cohesion (Duncan and Gillon 2015) mean that the executive dominates. It also makes elections for representatives especially important, as this is when virtually all decision-making power is conferred on a select group of politicians for the next three years. The retention of parliamentary sovereignty renders politicians' decision-making power practically limitless, further enhancing the significance of elections.

In this environment, the legislative and judicial branches are unlikely to provide stringent checks on the goals of the executive, opening the door to frequent partisan

and demobilising election changes. The all-important nature of elections further increases the dangers of political manipulation, as it can easily translate into unrepresentative decision-making and tarnished democratic legitimacy. In Geddis' words, 'given the role that elections play as the key – perhaps even the only – legitimating feature in New Zealand's constitutional arrangements, how changes to its election laws occur matters a great deal' Geddis (2017, 229).

New Zealand is also distinct for its multiculturalism. People with Māori ethnicity comprise 16.5% of the total population, while those with Asian and Pasifika ethnicity make up 15.1 and 8.1%, respectively (Stats 2018).[5] Non-Pākehā New Zealanders face a range of economic, social, and political barriers to full inclusion in society (Marriott and Sim 2015; Walters 2018). These include income and wealth inequality (Easton 2010; Stats 2016); inferior health, housing, professional, and educational outcomes (Pearson 2018); elevated incarceration rates (NZ Department of Corrections 2019); and political underrepresentation (Fitzgerald, Stevenson, and Tapiata 2007; Vowles, Coffé, and Curtin 2017). In short, these communities are marginalised. Previous scholarship has suggested that the presence of marginalised groups is an important incentive for restrictive election reforms (Minnite 2010; Piven, Minnite, and Groarke 2009).

Methodology and data

This study examines the extent to which partisan and demobilising election reforms have occurred in New Zealand between 1957 and 2020. Both successful and failed attempts at reform are analysed. Enactments alter the legal-institutional rules of the game, while unsuccessful bills serve as indicators of latent partisanship. The analysis consists of all pieces of parliamentary legislation that affect general elections or the ballot initiative process. I categorise election laws into a nine-part typology derived in part from James (2012) classification: electoral system, registration administration, voting administration, franchise, electoral boundaries, finance and electioneering, electoral governance, member qualifications, and ballot initiatives. Table 1 provides examples of each category.[6]

The unit of analysis is each piece of election legislation. In total, 82 enactments and 34 proposed bills are analysed. A micro analysis of each piece of legislation is conducted to determine its degree of partisanship and participatory effect. The results of all enactments and proposed bills are then pooled and analysed as groups. Chi-squared and t-tests are conducted to investigate the link between political party and election lawmaking.

Several primary data sources are integrated, including legislative texts, debate transcripts, select committee and Electoral Commission reports, and newspaper articles. Interviews were conducted with key actors involved with election reforms, including politicians, Justice Department officials, and members of the Electoral Commission.[7]

I construct two original measures of partisanship for election enactments, a binary and an ordinal metric. The binary measure is based on the third reading division. Bills that receive only government support are coded as partisan, while those that receive support from non-coalition parties or do not receive a division are coded as non-partisan.[8] The ordinal metric is a composite of three elements of partisanship: as characterising the legislative process, as reflected in the outcome of recorded votes, and as demonstrated by the legislation's intended electoral effects. Parliamentary debate transcripts are used to construct a four-point ordinal scale for the degree of partisanship in the legislative

Table 1. Categories of election reform.

Category	Scope	Example Law	Example Provision
Electoral system (major)	The mechanism by which votes are translated into seats (i.e., FPTP or MMP).	Electoral Act 1993	Replaced the FPTP voting system with MMP.
Electoral system (minor)	The mechanics of the translation of votes into seats, such as the number of seats, the number of Māori electorates, the electoral quota, and term length.	Electoral Amendment Act 1975	Allowed for fluctuations in the number of Māori electorates based on the size of the Māori electoral population.
Registration administration	The rules governing the registration of electors.	Electoral Amendment Act 2014	Implemented online registration.
Voting administration	The rules governing the administration of voting.	Electoral (Finance Reform and Advance Voting) Act 2010	Implemented no-excuse absentee voting.
Franchise	The criteria for determining eligibility to vote.	Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010	Extended the disenfranchisement of prisoners from those with sentences of three years or more to all sentenced prisoners.
Electoral Boundaries	The drawing and redistricting of electoral seats.	Electoral Amendment Act 1981	Required the Representation Commission to consider feedback from minor parties.
Finance and electioneering	The rules governing campaign finance, broadcasting, and promotion of political parties and candidates.	Electoral Finance Act 2007	Placed extensive limits on political party electioneering and third-party advertising.
Electoral governance	The regulation of institutions and persons that oversee and adjudicate elections.	Electoral (Administration) Amendment Act 2010	Amalgamated the Electoral Commission with the Chief Electoral Office.
Member qualifications	The circumstances under which representatives lose their office outside of elections.	Electoral (Integrity) Amendment Act 2018	Allowed the party leader to force out MPs who leave their political party while in office.
Ballot initiatives	The rules governing direct democracy, such as the holding of initiatives and referendums.	Citizens Initiated Referenda Act 1993	Instituted procedures for the holding of non-binding citizens initiatives.

process, ranging from none to high. Partisanship in the recorded vote is measured by a three-point ordinal scale of the third vote reading, ranging from no division to government only support. The intended electoral effects are measured as a yes/no binary using a combination of debate transcripts, contemporaneous newspaper articles, interviews, and prior scholarship. These three component scores are summed into a seven point scale, with 0 indicating no partisanship, 1–2 indicating a low level of partisanship, 3–4 indicating a moderate level of partisanship, and 5–6 indicating a high level of partisanship.[9] Because the binary partisanship metric only captures vote outcome, it is the more conservative measure. The degree of legislative advancement is used to measure partisanship for unsuccessful legislation. Bills that fail their first reading division are considered highly partisan, while those that pass are considered less partisan.[10]

The participatory effect of legislation is ascertained by identifying each provision that affects democratic participation, determining whether it is likely to increase or decrease participation, estimating the magnitude of the change, and summing the effects. This determination is made through a combination of prior scholarship (especially James (2012) classification of election administration), debate transcripts, Electoral Commission and Justice reports, and news articles. A three-part categorical division is used: demobilises (likely to decrease participation), neutral (likely to have no effect on participation), and mobilises (likely to increase participation).

The sponsoring government and party for each election enactment is recorded. Coalition governments are coded as the major party heading each coalition, allowing for a direct comparison between National and Labour. For proposed members' bills, the party of the sponsoring member is recorded.

A six-part matrix of election lawmaking is developed to classify election reforms by partisanship and participatory effect Table 2. This schema achieves three goals. It permits the unique negative effects of partisan election reform and demobilising election reform to be examined. It facilitates the analysis of partisan election laws that mobilise voters, identifying the problematic effects of partisanship along with the desirable effects of increased participation. And it allows for more precise normative claims to be made. The categorisation of all election enactments and bills is in Appendix B and C.

On the participatory effect axis, demobilising laws are considered problematic (as per the earlier analysis), mobilising laws are considered desirable because they expand democratic participation (see Pateman 1970; Schattschneider 1960) and no normative

Table 2. Matrix of election lawmaking.

	Participatory Effect		
Partisanship	Demobilising	Neutral	Mobilising
Partisan	A	B	C
Non-partisan	D	E	F

Key:

Partisan election lawmaking: A, B, C

Demobilising election lawmaking: A, D

Problematic election lawmaking: A, B, D

Normatively mixed election lawmaking: C

Normatively neutral election lawmaking: E

Desirable election lawmaking: F

judgement is made for participatorily neutral laws. On the partisanship axis, partisan laws are considered problematic (as per the earlier analysis) and no normative judgement is made for non-partisan laws. In other words, non-partisanship is a necessary but not sufficient condition for election laws to be normatively desirable. This decision means that participatory effect is given greater weight when rendering normative judgements for non-partisan laws but is weighted equally with partisanship when judging partisan laws.[11] With these preliminary decisions, the normative classifications follow. Partisan demobilising, partisan neutral, and non-partisan demobilising laws are all classified as normatively problematic. Non-partisan neutral laws are classified as normatively neutral. Non-partisan mobilising laws are considered normatively desirable. Partisan mobilising laws are classified as normatively 'mixed' for combining the desirable elements of increased participation with the problematic elements of partisanship.

Is New Zealand election reform consensus-based and free of demobilisation?

This section explores election reform in three parts: first, using the binary measure of partisanship and the matrix of election lawmaking detailed above; second, with the ordinal measure of partisanship; and finally, examining proposed election bills.

New Zealand's record of election reform reveals partisan changes to be common. As detailed in Table 3, 22 of the 82 election enactments passed since 1957 were partisan. This means that over one quarter of all election reforms have passed with only government support. Considering that the binary measure of partisanship is conservative, these figures are a clear sign that partisan election lawmaking is a routine occurrence in New Zealand.

Politicians occasionally enact laws that prevent or discourage electoral participation. Twelve demobilising election reforms have passed, compared with 28 mobilising enactments. Although this balance is a positive one, the record shows that politicians have at times altered the rules of the game to restrict participation. On six occasions, MPs prevented a democratic by-election from taking place altogether, either by retroactively shielding their own from the consequences of disqualifying actions or by agreeing to not fill a vacancy near a general election.[12] Other demobilising enactments include the Electoral Amendment Act 1977, which increased the residency length requirement and disqualified all sentenced prisoners from voting, the Electoral Amendment Act 1993, which moved the closing of registration from the day before polling day to Writ Day, and the Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010, which again disqualified all sentenced prisoners from voting.

The overall normative balance of election lawmaking is far from ideal. Following the matrix of election lawmaking shown in Table 2, there have been slightly more problematic election reforms than desirable cases – 23 versus 21. There have also been 7 normatively

Table 3. Enacted election reforms in New Zealand 1957–2020.

	Participatory Effect							
	Demobilising		Neutral		Mobilising		Total	
Partisanship	n	%	n	%	n	%	n	%
Partisan	4	4.9%	11	13.4%	7	8.5%	22	26.8%
Non-partisan	8	9.8%	31	37.8%	21	25.6%	60	73.2%
Total	12	14.6%	42	51.2%	28	34.1%	82	100.0%

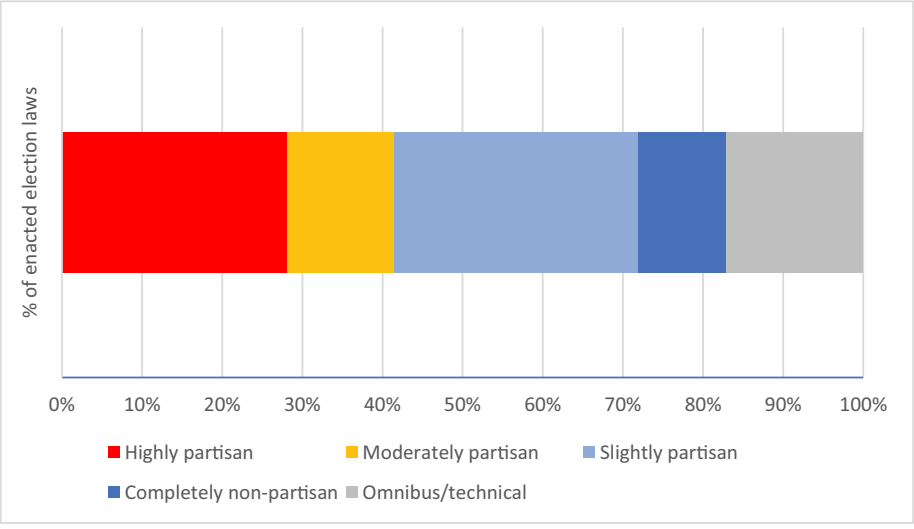

Figure 1. Partisanship of election reforms in New Zealand 1957–2020 using ordinal measure.

mixed enactments (those that mobilise but were passed in a partisan fashion) and 31 non-partisan acts that did not affect participation. These cannot easily be judged with the criteria used.

Figure 1 displays data from the ordinal classification of partisanship. Of the 82 passed election enactments, 23 were highly partisan affairs, 11 were moderately partisan, and 29 involved some partisanship. Only 19 election acts were free of partisan intrigue, 10 of which consisted of extremely technical or omnibus bills.[13] This means that half of all substantive election reforms were passed with a considerable amount of partisanship.

An examination of proposed election bills reveals even more disagreement under the surface. Each unsuccessful bill is a moment of partisan disagreement over the democratic rules of the game. Since 1957, 34 bills concerning election law have received first readings and ultimately failed. Five are government bills.[14] The remaining 29 are member's bills, the focus of the following analysis.[15] Table 4 shows descriptive values for the participatory effect and partisanship of these bills.

The fact that 29 members' bills have concerned election law is itself noteworthy. The parliamentary time devoted to consideration of members' bills is extremely limited and each member is only allowed to submit one bill at a time (McGee et al. 2017). Thus, a notable number of introduced bills on the subject indicates that MPs care deeply about electoral law, disagree with the current statutes in the books, and are substantially

Table 4. Proposed members' election bills in New Zealand 1957–2020.

	Participatory Effect							
	Demobilising		Neutral		Mobilising		Total	
Partisanship	n	%	n	%	n	%	n	%
Highly Partisan	2	6.9%	6	20.7%	7	24.1%	15	51.7%
Less Partisan	0	0.0%	10	34.5%	4	13.8%	14	48.3%
Total	2	6.9%	16	55.2%	11	37.9%	29	100.0%

motivated by partisan considerations (Interview AD). Over half of proposed members' election bills were defeated in their first reading rather than allowed the courtesy of additional scrutiny. These figures show that a significant amount of latent partisanship exists in electoral matters. Only a fraction of this surfaces in the form of government-sponsored legislation.

Two member's bills would have likely diminished democratic participation if enacted, totalling 7% of all proposed members' election bills.[16] The Electoral (Racially-Based Representation) Referendum Bill 2002 proposed a referendum on eliminating the Māori electorates, while the Electoral Options Referenda Bill 2002 proposed a two-step referendum process on changing the electoral system to a less proportional one. In contrast, eleven members' bills would have likely increased participation if enacted, indicating they are a frequent vehicle for mobilising ideas.

In summary, it appears that politicians in New Zealand do not adhere to a consensual norm when engaging in changes to the democratic rules of the game, nor have they completely avoided reforms that diminish electoral participation.

Political party and election lawmaking

How do National and Labour's election rulemaking compare? This section first examines each party's record of enacted reforms, then analyzes sponsorship of proposed election bills.

Breaking down the partisanship of election reforms by governing party reveals a divergence. Using the binary measure of partisanship, Labour governments have passed 18 partisan election reforms and 19 non-partisan reforms, while National governments have passed four partisan reforms and 41 non-partisan changes. Nearly half of Labour's election reforms have been partisan, compared with only 9% of National's. A chi-squared test shows the relationship between party and partisanship to be statistically significant, X^2 (1, N = 82) = 16.4, p = .00005. Using the seven-point ordinal measure of partisanship reveals similar trends. Labour has passed 18 election reforms with high levels of partisanship, one with moderate levels, 12 with low levels, and six without any partisanship. In comparison, National has passed five highly partisan, 10 moderately partisan, 17 slightly partisan, and 13 completely non-partisan election changes. The average partisanship score for Labour's election enactments is 3.30 (SD = 2.49) compared with 1.96 (SD = 1.88) for National's. A t-test reveals this to be a statistically significant difference, t (66) = 2.70, p = .009.

Several factors help explain this divergence.[17] Five of Labour's highly partisan election reforms all concern one political episode, the 2005 election funding controversy (Geddis 2008). Additionally, several of National's most controversial election reforms did not receive third reading divisions because Labour accepted National's authority to fulfill manifesto pledges to repeal previous legislation. Such was the case with both the Electoral Amendment Act 1976 (returning the number of Māori electorates to four) and the Electoral Amendment Act 2009 (repealing parts of Labour's 2007 finance reform), helping to explain some of the divergence in moderately partisan laws. Two explanations are more systemic. One is that the National party in opposition has been less willing to go along with Labour's desired election reforms than Labour has when the tables are turned. This argument places the blame on National for stonewalling Labour's agenda. Another

explanation lies in the inherent dynamics of left- and right-wing parties as agents of change and stability. As a left-wing party, Labour tends to want to change the established rules of the game to broaden participation, especially as the rules were written at an earlier age with a less inclusive democracy in mind (Atkinson 2003). Conversely, National generally adheres to conservative values of stability and tradition. This might translate into a desire to maintain the election system rather than seek controversial changes. Even so, ultimately Labour's record of frequent partisan election lawmaking reflects poorly on them.[18]

National is responsible for eight of the 12 demobilising enactments – a record that reflects poorly on them.[19] This makes sense when considering the implications of New Zealand's left-right socioeconomic status (SES) cleavage structure (Miller 2005). Low-SES voters disproportionately support left-wing parties and vote at lower rates (Vowles, Coffé, and Curtin 2017). Because lower participation rates tend to benefit National, the party should have a greater interest in passing demobilising election laws than Labour. Surprisingly, National is also responsible for more mobilising election laws – 17 versus Labour's 11. The normative popularity of increasing participation is likely a factor. National could offset the electoral effects of increased participation by gaining support through the passage of popular laws that reduce barriers to the ballot box. This so-called 'act-contingent' strategy (Reed and Thies 2001), where politicians pursue legislation for the sake of benefiting from the act of passage itself, was certainly at play when National passed the 1993 Electoral Referendum and Electoral Acts and was likely a factor when it passed the Electoral (Finance Reform and Advance Voting) Amendment Act 2010. Both parties have also passed many election reforms without participatory effects – 22 for Labour, 20 for National.

Sponsors of members' election bills provide another approach to examine each party's record of election reform. The relationship between party and partisanship, shown in Table 5, is similar to that found with election enactments. Labour members have pursued election changes far more frequently than National members have – a ratio of over three to one. Seven of Labour members' proposed reforms were defeated in their first reading, compared with three of National members'. The left-leaning Alliance party's commitment to good democratic practices shines through, with both of its members' bills passing their first reading. Every other minor party had at least one highly partisan members' bill.

The data in Table 6 show that party-based participatory trends observed with enacted reforms continue with members' bills. Each of Labour members' seven election bills with

Table 5. Partisanship of proposed members' election bills in New Zealand by introducer's party 1957–2020.

	Partisanship	
Party	Lower	Higher
ACT	0	1
Alliance	2	0
Democrats	0	1
Labour	7	7
National	1	3
NewLabour	0	1
New Zealand First	2	1
Social Credit	2	1

Table 6. Participatory effect of proposed members' election bills in New Zealand by introducer's party 1957–2020.

	Participatory Effect		
Party	Demobilises	Neutral	Mobilises
ACT	1	0	0
Alliance	0	1	1
Democrats	0	1	0
Labour	0	7	7
National	1	3	0
NewLabour	0	0	1
New Zealand First	0	3	0
Social Credit	0	1	2

a participatory effect would have mobilised participation, while National's only members' bill with a participatory effect would have demobilised participation. Small parties have also pursued reforms in line with left-right expectations. The left-leaning Alliance, NewLabour, and Social Credit parties only proposed mobilising and neutral election bills, whereas the right-wing ACT party's lone members' bill would have demobilised participation.

Election lawmaking by government

This section examines whether the relationship between party and electoral reform is specific to certain governments or holds across all governments. Figure 2 classifies election lawmaking by government using the binary measure of partisanship. It appears Labour's propensity for partisan reform holds across almost every Labour government studied. One of two election enactments in the Third Labour government, four of 11 in the

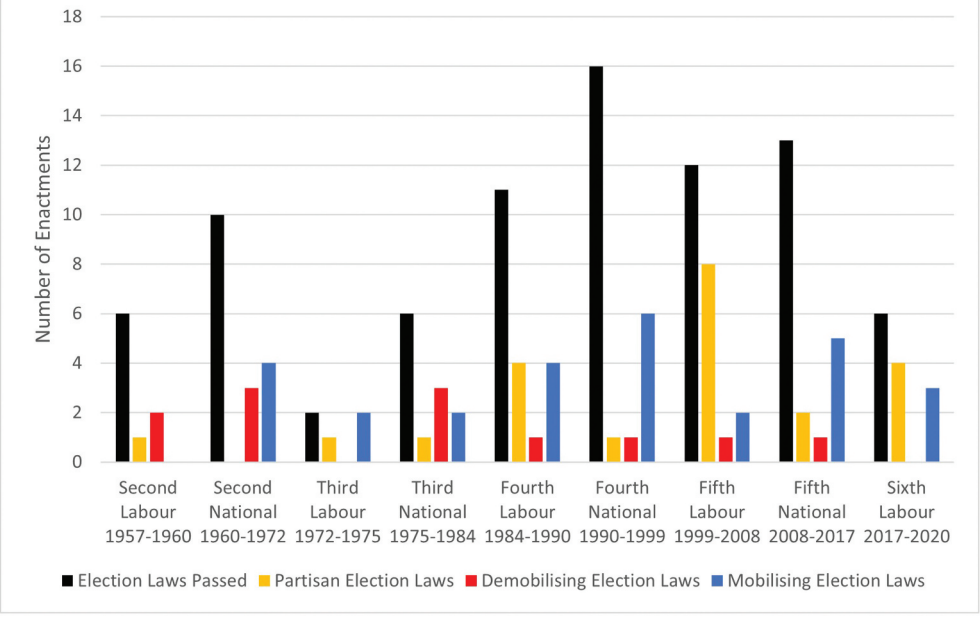

Figure 2. Election reforms enacted by each government in New Zealand 1957–2020.

Fourth Labour government, and eight of 12 in the Fifth Labour government were partisan. The current Labour government has continued this trend, with four of six election reforms enacted on a party-line basis. By contrast, no National government has passed more than two partisan election laws. The relationship between National and demobilising reforms also applies across governments, though concentrates in the Second and Third National government. Each enacted three election laws that demobilised voter participation. The Fourth and Fifth National governments also each passed a demobilising law. In comparison, only one Labour government has passed more than a single demobilising law. All but one government has passed multiple mobilising reforms.[20]

Two additional trends are apparent. The number of demobilising election reforms has diminished throughout the period of analysis, while the number of partisan election reforms has increased. The demobilising trend could be the result of changing normative attitudes around democratic participation, as well as the increased difficulty of passing restrictive laws in an MMP environment. The partisan trend could be a 'wearing off' of the supposed consensual norm established in 1956, or other secular political developments. Curiously, MMP does not seem to have diminished partisan election lawmaking, though further study of the matter is warranted.[21]

Can overall value judgements be made from this analysis? As shown in Figure 3, most governments have passed a mix of both problematic and desirable election reforms. The designation of 'problematic' and 'desirable' is necessarily imprecise and subjective. Normatively mixed enactments present an additional quandary. Because the passage of these laws is concentrated in the Third Labour and Sixth Labour governments, a change in their designation would substantively alter the normative interpretation. With these

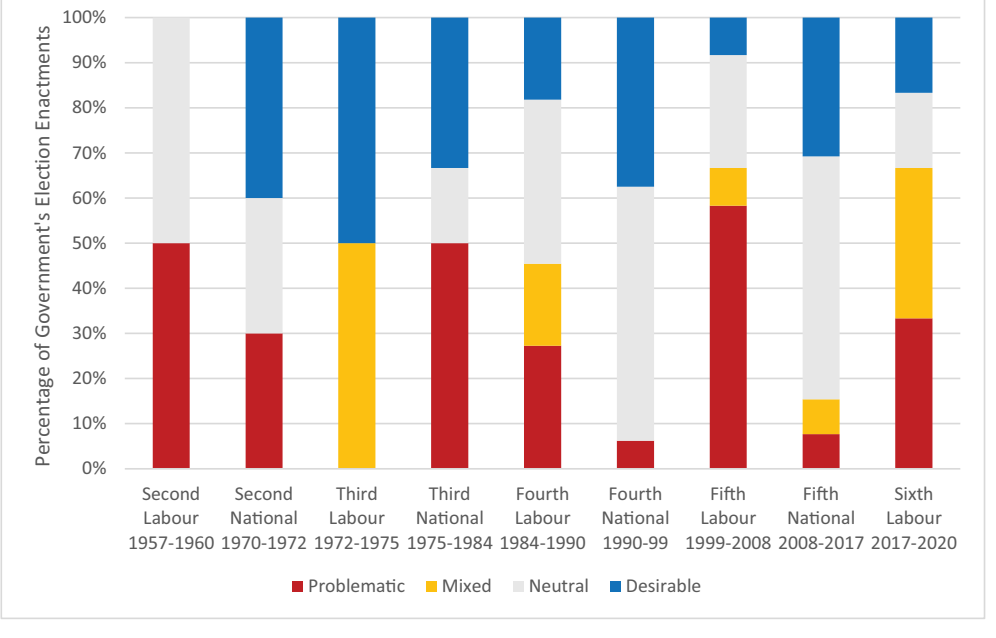

Figure 3. Normative composition of election reforms enacted by each government in New Zealand 1957–2020.

caveats in mind, I believe more specific claims can be made. The Second Labour, Third National, and Fifth Labour governments have all passed substantially more problematic election reforms than desirable ones. On the other hand, the Third Labour, Fourth National, and Fifth National governments have all enacted substantially more desirable election reforms than problematic ones.

Why does the belief in consensus-based election lawmaking persist?

The preceding analysis makes clear that election lawmaking in New Zealand is not consensual. Why, then, has a belief in consensus-based election reform persisted? When presented with examples of partisan reforms, several interviewees put New Zealand's case in relative terms, saying it is much better than the situation in the United States (Interviews D, E, G, S). Using one of the most egregious cases of rampant partisan election lawmaking (Ferrer 2018; Hasen 2014; Valelly 2016) as a point of comparison inevitably yields a favourable result. Just because New Zealand lacks the levels of partisan election lawmaking found across U.S. states does not mean that the country is free of worrisome election reforms.

McLeay argues that the norm is one of process rather than outcome. It is the expectation that parties will seek consensus on election matters, even if they do not attain consensus in the end (Interview H). Parties who have infringed upon this norm have faced repercussions, in her estimation. The triennial select committee review of election law provides an ideal venue for multiparty consideration of reforms, and all election legislation is normally subject to select committee consideration.[22] But there are numerous cases of parties rushing passage of election reforms without attempting to gain consensus, and not always clear signs that such actions have damaged the offending party.[23] Even if parties follow a consensus-based process, it matters little if the government ignores the concerns of minority parties and decides to pass partisan legislation anyway. This has been the case with two of the past three post-election reviews.

Perhaps New Zealand academics have simply followed an international trend privileging wholesale election reforms over 'minor' cases (Leyenaar and Hazan 2011).[24] If one only considers the two biggest post-WWII election reforms – the Electoral Acts of 1956 and 1993 – it seems easy to declare New Zealand election lawmaking to be consensus-based. However, this ignores numerous election reforms that have been enacted in the interim, many of which passed in highly contentious circumstances. Scholars also point to the use of entrenchment as a sign that politicians have forced themselves to seek consensus on major changes to election rules (McLeay 2018). While certainly a valuable mechanism for discouraging partisan reforms, this argument belies several important facts. The provisions covered by entrenchment are sporadic.[25] Important election rules such as the mixed compensatory nature of MMP, the size of parliament, the number of list MPs, and the provision for Māori electorates are not entrenched. Entrenched statutes have also occasionally been the source of highly contentious changes. This was the case with ballot paper reform in the Electoral Amendment Act (No 2) 1995.[26] Finally, many partisan election enactments have altered non-entrenched provisions.

Terminological confusion may also play a role. The assumed consensus on 'electoral reform' could be taken to mean consensus on electoral *system* reform, or changes to rules determining the translation of votes into seats. It is true that over the past

65 years, major electoral system reforms have all passed without a third reading division. Nevertheless, there are four problems with assuming the country's alleged consensus over 'electoral reform' refers exclusively to major electoral system reform: (1) there actually has been some amount of partisan disagreement over major electoral system changes, (2) there has been even more partisanship in the passing of minor electoral system reforms, (3) the narrow definition ignores significant disagreements over electoral system rules that have been expressed in members' bills, and (4) it also minimises the importance of other types of election laws. Each of these points is explored in detail.

First, the provisions of the Electoral Act 1993, carried over from the Electoral Act 1956, require changes to the method of voting to receive three-fourths support in parliament or a majority referendum. This means that major electoral system reforms cannot be passed without the agreement of both major parties. However, they can still be the source of partisan parliamentary debates and partisan electoral effects. Such was the case with two of the four major electoral system reforms passed since 1957, the Electoral Referendum Act 1991 and the Electoral Act 1993, revealing a notable amount of partisan disagreement over major electoral system reform.

Second, focusing on wholesale electoral system reform minimises changes to other elements of the system. Even small electoral system reforms can significantly impact democratic participation, election integrity, and electoral outcomes (Jacobs and Leyenaar 2011; Leyenaar and Hazan 2011). There have been 11 minor electoral system reforms enacted over the period of analysis. Four were passed in highly partisan fashion while three more passed with moderate levels of partisanship. Only one passed free of partisan discord.[27] Notably, three involved contentious changes to the Māori electorates.

Third, the current understanding of electoral reform belies the fact that there has been a significant amount of disagreement over the electoral system expressed through members' bills introduced on the subject. Electoral system reform is one of the most frequent targets of members' election proposals. Of the 29 proposed members' bills analysed, nine involved electoral system reform – five with wholesale change and four with minor elements. More than half of these electoral system bills were highly partisan affairs. Although none resulted in successful change, they demonstrate that politicians from a wide range of parties have attempted to alter the electoral system without consensus.[28]

Finally, a narrow definition of electoral reform diminishes the prominence of many other types of election laws that are important, including voting and registration administration, franchise rules, electoral governance, and campaign finance. Once a more inclusive definition of election rulemaking is adopted, it becomes clear that a norm of consensus does not exist. Of the 67 election reforms that did not contain electoral system provisions, 19 were highly partisan and an additional six passed with moderate levels of partisanship. Among the important changes these controversial laws made were disqualifying prisoners from voting, increasing the amount of time voters must reside in an electorate to be eligible to vote, altering the rules for determining residence, curtailing the length of the registration period, creating a constitutional right to vote, banning party hopping, counting the party vote of electors who vote in the wrong district, implementing continuous enrolment, and instituting a new regime of campaign finance law.

Conclusion

Through a systematic analysis of election reforms proposed and enacted since 1957, I have found that partisan election lawmaking is commonplace in New Zealand and that demobilising reforms have occasionally been enacted. An analysis of party and election reform revealed that National has had a propensity to pass demobilising election laws, while Labour has had an even stronger tendency to pursue partisan election reforms. These trends hold across governments. My findings are a signal for both scholars and politicians to take the perils of problematic forms of election lawmaking seriously. They also indicate that partisan and demobilising election lawmaking might be a more frequent occurrence worldwide than is currently assumed.

Several aspects of New Zealand election law continue to be unsettled. The electoral threshold and one-seat coattails provision, prisoner voting, party hopping, campaign finance rules, the registration period, and the provision for Māori electorates continue to be flashpoints and will likely be reviewed by the new parliament (Sachdeva 2020). Many components of New Zealand's election system continue to present barriers to full participation. The onus for voter registration still lies with electors rather than the government (Interview T), the country lacks a meaningful public referendum mechanism (Geddis 2014), and there is no enforceable right to vote (Palmer and Butler 2018). These barriers contribute to an environment where routinely 20 to 30% of eligible voters do not participate in elections (Electoral Commission 2018, 2020; Vowles 2015). Unfortunately, the goals of consensus and mobilisation are oftentimes at cross-purposes. The source of partisan disagreement is frequently the fact that reforms might increase participation. Such is the case with Labour's recently passed election legislation, the Electoral (Registration of Sentenced Prisoners) Amendment Act 2020. One solution is the use of citizens' assemblies for election reform, which would take some decision-making power out of the hands of self-interested politicians while creating a powerful form of direct democracy (Bennett 2013; Hayward 2014).

An adjacent area of scholarship involves voter turnout strategies employed in New Zealand. How have campaigns responded to frequent changes to the rules of the game? There is little existing scholarship in New Zealand on the turnout effects of passed election reforms (Galicki 2017, 2018; Garnett 2018). Campaign strategy is an important piece of the puzzle that has been completely neglected thus far.

This analysis has uncovered several instances where governments have truncated the debate process, skipped select committee consideration, passed urgency measures, and utilised other means to prevent election bills from receiving full and open legislative deliberation. It is especially worrisome when undemocratic procedures collide with partisanship and demobilisation. This mandates additional research into whether strong democratic procedures have been followed to change the democratic rules of the game in New Zealand.

Notes

1. Nigel Roberts opined that parties have used the supposed need for unanimity or near unanimity as 'a huge cover' for self-interested inaction (Interview G). Therese Arseneau and Peter Aimer expressed similar sentiments (Interviews S, Z).
2. There is nothing inherently wrong with partisan *lawmaking*. Parties are a central ingredient in responsive, accountable governments. They provide voters with clear choices at the ballot

box and carry out coordinated legislative programmes (Schattschneider 1942). Partisan lawmaking can simply be a sign of difficult decision-making, for instance in allocating scarce resources or pursuing ideological goals. This is not the case for election reforms. For the reasons outlined above, partisan election lawmaking presents objective and normative problems that make it inherently suspect.

3. Government and opposition representatives still have voting member status on the commission, although they are outvoted by statutorily independent members and have little leeway to gerrymander considering a low tolerance for variation between electorate populations (Interviews H, J, AE, AG).
4. The study of Ireland, the United States, and the United Kingdom was limited to election administration (James 2011, 2012). The study of the Netherlands focused its analysis on a singular reform episode (Jacobs and Leyenaar 2011). The study of New Zealand, an unpublished master's thesis, did not measure partisanship or participatory effect (Christmas 2010).
5. People of Māori descent – the determinant for registration on the Māori roll – make up 18.5% of the ordinarily resident population (Stats 2018).
6. Supplementary information (SI) section 1 provides an explanation of the criteria used for including legislation. SI2 details the nine-part election law typology.
7. SI3 provides more information on data sources used. Ethics approval from the University of Otago was obtained for the interviews. A list of interviewees and corresponding interview reference letters can be found in Appendix A.
8. For vote-based measures of partisanship, 'government' includes all parties that hold confidence-and-supply agreements. This is a more inclusive definition than simply counting parties with cabinet or ministerial positions.
9. A detailed description of the construction of the ordinal partisanship measure is found in SI4. Comparing binary and ordinal partisanship scores reveals almost perfect overlap, indicating robustness (Figure SI5.1). Equally weighting the components of the ordinal partisanship measure produces similar findings (SI6).
10. Prior to 1997, the first reading was labelled as the introduction debate and bills voted down at that stage were 'refused introduction'. These 'introduction' debates are coded as the first reading. Between 1997 and 1999, no debate occurred at the first reading. For the three bills introduced over that period, their second reading is coded as the first reading.
11. It could be argued that demobilisation is the 'greater evil' over partisanship and that partisan mobilising laws should be considered desirable, given that they create a more inclusive franchise. This would change the categorisation of Type C reforms from normatively 'mixed' to 'desirable'. It could also be argued that non-partisanship should be considered equally desirable to mobilising participation. This would change the classification of Type D reforms from 'problematic' to 'mixed' and Type E reforms from 'neutral' to 'desirable'. Recognising that normative distinctions are inherently subjective, I have created a classification scheme that gives some additional weight to participatory effect but also takes partisanship seriously. My goal is to emphasise the importance of considering partisanship in addition to participatory effect when evaluating election reforms.
12. Parliament has shielded a member from disqualification on an ad hoc basis four times: through the Electoral Amendment Act 1959, the Finance Act 1960, the Finance Act 1961, and the Electoral (Vacancies) Amendment Act 2003. The first three involved disqualifying public contracts, while the last case involved acquiring foreign citizenship. The Finance Act 1958 also saved a member from disqualification due to monetary gain for a public contract, though is not counted because the statute causing disqualification was itself applied retroactively. Parliament has, on an ad hoc basis, prevented a by-election triggered by a vacancy twice: through the By-Elections Postponement Act 1969 and the Electoral Amendment Act (No 2) 1987.
13. Of these 'omnibus/technical' bills, six derived from statute amendment bills, three derived from law reform (miscellaneous provisions) bills, and one corrected a printing error in a previous enactment. Four additional omnibus bills involved low levels of partisanship and are included in the omnibus/technical classification in Figure 1.

14. The Political Disabilities Removal Bill 1959 was withdrawn due to lack of remaining parliamentary time and was passed in the following session. The Electoral Amendment Bill 1966 failed because it involved an entrenched provision and did not receive the requisite 75% support. The Electoral Amendment Bill 1998 (which was eventually inserted into the Electoral Amendment Act 2002) and the Broadcasting (Election Broadcasting) Amendment Bill 1999 failed despite being supported by the opposition because the National–New Zealand First coalition fell apart during their consideration. The Electoral (Integrity) Amendment Bill 2005 was introduced as part of a coalition agreement between Labour and New Zealand First, though its passage was not a condition of the agreement. Because the circumstances surrounding these bills are distinct from members' bills, they are excluded from the main analysis. In Appendix C, their partisanship classification is the binary partisanship metric for enactments (third reading division) applied to the last recorded reading vote.
15. Two members' bills were enacted – the Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010 and the Election Access Fund Act 2020. These are included in the analysis of enactments.
16. One of the two enacted members' bills, the Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010, also curtailed participation.
17. One potential factor – National's passage of non-partisan reforms consequential to the Electoral Act 1993 – does not hold much explanatory power. Only six election reforms were directly consequential to the Electoral Act 1993, comprising less than 15% of National's 41 non-partisan election reforms. Additionally, three of these six enactments received ordinal partisanship scores of 4 or higher.
18. This record is only partially mitigated when considering participatory effect. Six of Labour's partisan election reforms mobilised participation. Eleven likely had no effect on participation, while one demobilised participation.
19. It is not a statistically significant difference, X^2 (2, $N = 82$) = 1.95, p =.42, likely due to the small number of cases involved.
20. The relationship between government and partisan election lawmaking is statistically significant (X^2 (8, $N = 82$) = 24.2, p =.003), while the relationship between government and participatory effect is not (X^2 (16, $N = 82$) = 22.5, p =.12).
21. An explanation of potential endogenous changes to partisan election lawmaking under MMP is provided in SI7. In short, there is little reason to believe that coalition politics systematically bias the results of this study.
22. This is not unique to election law. Automatic referral of bills to select committees began in 1979 (Malone 2008).
23. The committee stages of the Electoral (Vacancies) Amendment Act 2003, the Appropriation (Parliamentary Expenditure Validation) Act 2006, and the Electoral (Registration of Sentenced Prisoners) Amendment Act (No 2) 2020 were controversially skipped. The Electoral Amendment Act 1976, the Broadcasting Act 1989, and the Electoral Amendment Act 1989 are a few of the many cases where the legislative process was controversially abbreviated in other ways. Data for this observation is derived in part from Claudia Geiringer, Polly Higbee, and Elizabeth McLeay's database of New Zealand urgency motions, which they graciously shared with the author (see Geiringer, Claudia, Polly Higbee, Elizabeth McLeay, and New Zealand Law Foundation 2011).
24. Former Prime Minister Sir Geoffrey Palmer explicitly made such a distinction, noting that the consensual norm exists for the essentials of the electoral system but not the 'peripherals' (Interview M). Sir Kenneth Keith made a similar distinction (Interview AF).
25. The provisions entrenched were those that were on the political agenda in the 1950s and for which cross-party agreement could be attained (McLeay 2018). The election rules that are divisive have certainly changed over the past 65 years, leaving entrenchment's coverage patchy (Interview AG). Nick Smith has advocated for entrenching all provisions of the Electoral Act to remedy this situation (Sivignon 2019).
26. See SI5 for an explanation of the partisanship coding for this enactment.

27. The four minor electoral system reforms passed with high levels of partisanship were the Electoral Amendment Act 1975 (allowing the number of Māori electorates to fluctuate based on the size of the Māori electoral population), the Electoral Amendment Act 1993 (requiring registered parties to follow democratic procedures in candidate selection), the Electoral Amendment Act (No 2) 1995 (altering the ballot paper to align party and constituent boxes) and the Electoral Amendment Act 2014 (clarifying the requirement of the reallocation of list seats in the event of a successful election petition) – although only in the first and third cases was the provision itself the focus of partisan disagreement. All three moderately partisan acts contained minor electoral system changes that were the source of party-line contention. The Electoral Amendment Act 1965 fixed the number of South Island electorates and 25 and allowed the total number of MPs to fluctuate. The Electoral Amendment Act 1976 again fixed the number of Māori electorates at four, whereas the Electoral Amendment Act 1990 altered the calculation used to determine the size of the Māori electoral population.
28. ACT, Alliance, Labour, National, NewLabour, and New Zealand First each had at least one introduced members' bill involving electoral system reform.

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Appendix A. List of Interviews

Reference Letter	Date	Location	Name	Affiliation
A	12 April 2019	Phone	James Christmas	
B	19 April 2019	Phone	Lorraine Minnite	Rutgers University-Camden
C	29 April 2019	Wellington	Matthew Gibbons	Victoria University of Wellington
D	29 April 2019	Wellington	Jack Vowles	Victoria University of Wellington
E	30 April 2019	Wellington	Neill Atkinson	Chief Historian/Manager, Heritage Content at the Ministry for Culture and Heritage
F	1 May 2019	Wellington	Anonymous	Senior Member, Electoral Commission
G	2 May 2019	Wellington	Nigel Roberts	Victoria University of Wellington
H	2 May 2019	Wellington	Elizabeth McLeay	Victoria University of Wellington
I	2 May 2019	Wellington	Ryan Malone	
J	19 June 2019	Wellington	Robert Peden	Former Chief Electoral Officer
K	19 June 2019	Wellington	Rob Marsh and Allison McPherson	Electoral Commission
L	19 June 2019	Wellington	Rob Salmond	Director, Labour Leader's Office
M	19 June 2019	Wellington	Sir Geoffrey Palmer	Former Prime Minister; Victoria University of Wellington
N	19 June 2019	Wellington	Anonymous	Former Minister of Justice
O	20 June 2019	Wellington	Bryce Edwards	Victoria University of Wellington
P	20 June 2019	Wellington	Anonymous	Senior Member, Electoral Commission; Former Secretary, Representation Commission
Q	20 June 2019	Wellington	Robert Peden	Former Chief Electoral Officer
R	7 July 2019	Phone	Anonymous	Ministry of Justice
S	29 July 2019	Christchurch	Therese Arseneau	University of Canterbury
T	12 August 2019	Auckland	Lara Greaves	University of Auckland
U	12 August 2019	Auckland	Lewis Holden	Research Officer, Royal Commission on the Electoral System
V	12 August 2019	Auckland	Sir Hugh Williams	Former Chairperson, Electoral Commission
W	12 August 2019	Auckland	Anonymous	Formerly Ministry of Justice
X	12 August 2019	Auckland	Michael Bassett	Former Minister, Labour MP
Y	13 August 2019	Auckland	Barry Gustafson	University of Auckland
Z	13 August 2019	Auckland	Peter Aimer	University of Auckland
AA	13 August 2019	Auckland	Celestyna Galikci	Public Policy Institute – University of Auckland
AB	20 August 2019	Phone	Jeanette Fitzsimons	Former Green Party co-leader, MP
AC	8 September 2019	Wellington	Robert Peden	Former Chief Electoral Officer
AD	9 September 2019	Wellington	David McGee	Former Clerk of the House
AE	10 September 2019	Wellington	Craig Thompson	Chair, Representation Commission; Counsel, Royal Commission on the Electoral System
AF	10 September 2019	Wellington	Sir Kenneth Keith	Victoria University of Wellington; Member, Royal Commission on the Electoral System
AG	10 September 2019	Wellington	Nick Smith	National MP, Spokesperson for Electoral Reform

Appendix B. Classification of Election Enactments

	Participatory Effect		
Partisanship	Demobilises	Neutral	Mobilises
Partisan	Electoral Amendment Act 1977 Electoral Amendment Act 1993 Electoral (Vacancies) Amendment Act 2003 Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010	Political Disabilities Removal Act 1960 Broadcasting Amendment Act (No 2) 1990New Zealand Bill of Rights Act 1990Electoral (Integrity) Amendment Act 2001Appropriation (Parliamentary Expenditure Validation) Act 2006Appropriation (Continuation of Interim Meaning of Funding for Parliamentary Purposes) Act 2007Electoral Amendment Act 2007Electoral Finance Act 2007Broadcasting Amendment Act (No 2) 2007Electoral (Integrity) Amendment Act 2018 Electoral (Registration of Sentenced Prisoners) Amendment Act (No 2) 2020	Electoral Amendment Act 1975Electoral Amendment Act (No 2) 1985Electoral Amendment Act 1989Electoral Amendment Act 2002Electoral Amendment Act 2014 Electoral Amendment Act 2020 Electoral (Registration of Sentenced Prisoners) Amendment Act 2020
Non-partisan	Electoral Amendment Act 1959 Finance Act 1960 Finance Act 1961 Electoral Amendment Act 1963 By-Elections Postponement Act 1969 Electoral Amendment Act 1976 Electoral Amendment Act 1980 Electoral Amendment Act (No 2) 1987	Electoral Amendment Act 1958 Electoral Amendment Act 2009 Finance Act 1958 Electoral (Administration) Amendment Act 2010 Electoral Amendment Act 1960 Electoral Referendum Act 2010 Electoral Amendment Act 1965 Parliamentary Service Act 2010 Electoral Poll Act 1967 Electoral Amendment Act 2013 Electoral Amendment Act 1972 Broadcasting (Election Programmes and ElectionElectoral Amendment Act 1979 Advertising) Amendment Act 2017Electoral Amendment Act 1986 Electoral Amendment Act 2019 Broadcasting Act 1989 Broadcasting Amendment Act 1990 Term Poll Act 1990 Electoral Amendment Act 1991 Electoral Referendum Act 1991 Electoral Amendment Act 1992 Broadcasting Amendment Act 1993 Citizens Initiated Referenda Amendment Act 1994 Electoral Amendment Act 1995 Broadcasting Amendment Act 1996 Electoral Amendment Act 1996 Electoral Amendment Act (No 2) 1996Broadcasting Amendment Act 2004Electoral Amendment Act 2004Electoral Amendment Act 2005Parliamentary Service (Continuation of Interim Meaning of Funding for Parliamentary Purposes) Act 2009	Electoral Amendment Act 1967 Electoral Amendment Act 1969 Electoral Amendment Act (No 2) 1969 Electoral Amendment Act 1971 Electoral Amendment Act 1974 Electoral Amendment Act 1981 Electoral Amendment Act 1983 Electoral Amendment Act 1985 Electoral Amendment Act 1990 Citizens Initiated Referenda Act 1993 Electoral Act 1993 Electoral Referendum Act 1993 Citizens Initiated Referenda Amendment Act 1995 Electoral Amendment Act (No 2) 1995 Electoral Amendment Act (No 3) 1996 Referenda (Postal Voting) Act 2000 Electoral (Finance Reform and Advance Voting) Amendment Act 2010 Electoral Amendment Act 2010 Electoral (Administration) Amendment Act 2011 Electoral Amendment Act 2017 Election Access Fund Act 2020

Appendix C. Classification of Proposed Election Bills

	Participatory Effect		
Partisanship	Demobilises	Neutral	Mobilises
Highly Partisan	Electoral (Racially-Based Representation) Referendum Bill 2002 Electoral Options Referenda Bill 2002	Second Ballot Bill 1980 Electoral (Representation Commission) Amendment Bill 1986 Political Advertising Bill 1986 Public Finance (Restraint of Political Advertising) Bill 1988 Electoral (Public Opinion Polls) Amendment Bill 2000 Electoral (Integrity) Amendment Bill 2005a Electoral (Adjustment of Threshold) Amendment Bill 2013	Electoral Amendment Bill 1966a Elections and Polls Bill 1978 Voting Rights Protection Bill 1978 Electoral Amendment Bill 1980 Popular Initiatives Bill 1983 Mixed Member Proportional Representation Poll Bill 1990 Elector Registration Extension Bill 1995Electoral (Registration by Special Vote) Amendment Bill 2017
Less Partisan	Electoral Amendment Bill 1998a	Political Disabilities Removal Bill 1959a Electoral Amendment Bill (No 2) 1965 Electoral Amendment Bill 1978 Electoral Expenses Bill 1989Proportional Representation Indicative Referendum Bill 1990 Electoral Reform (Representation Commission) Bill 1994 Disclosure of Political Donations and Gifts Bill 1995 Electoral (Party Registration) Bill 1997 Broadcasting (Election Broadcasting) Amendment Bill 1999a Electoral (Reduction in Number of Members of Parliament) Amendment Bill 2006 Electoral (Entrenchment of Māori Seats) Amendment Bill 2018 Electoral (Integrity Repeal) Amendment Bill 2020	Electoral Amendment Bill 1972 Electoral Amendment Bill (No 2) 1978 Popular Initiatives Bill 1984 Mixed Member Proportional Referendum Bill 1992

[a]Indicates a government bill. All other bills are members' bills.