

# DRAFT FOR CONSULTATION

## **New Zealand Bill of Rights (Right to Equal Suffrage in Local Elections) Amendment Bill**

Member's Bill

### **Explanatory note**

#### **General policy statement**

The principle of equal voting rights, that all New Zealanders should have an equal say in electing the people who govern them and who are responsible for many major decisions affecting their lives, had not been questioned for many decades in New Zealand. The 53rd Parliament saw two Local Bills supported by government parties that moved away from that principle in the Local Government context: the Canterbury Regional Council (Ngāi Tahu Representation) Act and the Rotorua District Council (Representation Arrangements) Bill. In the Rotorua District Council (Representation Arrangements) Bill, the votes of Māori electors would have carried more weight than those not on the Māori roll. In the Canterbury Regional Council (Ngāi Tahu Representation) Act, Ngāi Tahu have the right to appoint councillors, in addition to their members living in Canterbury having an equal vote in the election of the other councillors.

Both pieces of legislation were assessed against the New Zealand Bill of Rights Act 1990 with respect to 'Freedom from discrimination', with different outcomes. Electoral rights under the Bill of Rights didn't come into play because the current Bill of Rights section deals only with elections to the House of Representatives. This Bill extends the right to vote in "genuine periodic elections by equal suffrage and secret ballot for members of local authorities".

Every New Zealander over the age of 18 should have an equal say in New Zealand elections.

#### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause and provides for this Bill to come into force on the day after Royal assent.

*Clause 3* identifies the New Zealand Bill of Rights Act 1990 as the Act being amended by the Bill.

*Clause 4* amends section 12 (Electoral Rights) of the New Zealand Bill of Rights Act 1990 to provide New Zealand citizens, of or over the age of 18 years, with the right to vote in genuine periodic elections of members of local authorities in elections conducted with equal suffrage and by secret ballot.

*Sam Uffindell*

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

**1 Title**

This Act is the New Zealand Bill of Rights (Right to Equal Suffrage in Local Elections) Amendment Act **2022**.

**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 New Zealand Bill of Rights Act 1990.

**4 Section 12 replaced (Electoral Rights)**

Replace section 12 with:

**12 Electoral Rights**

- (1) Every New Zealand citizen who is of or over the age of 18 years has the right to vote in genuine periodic elections by equal suffrage and secret ballot of—
  - (a) members of the House of Representatives; and
  - (b) members of local authorities.
- (2) Every New Zealand citizen who is of or over the age of 18 years is qualified for membership of the House of Representatives or a local authority.