

11 September 2023

By email to: [REDACTED]

Dear [REDACTED]

OFFICIAL INFORMATION ACT REQUEST 2023/44

On Friday 1 September 2023 you made a request under the Official Information Act 1982 (the OIA) for the following information:

I therefore request, under the Official Information Act 1982, your reasoning as to why the threshold is not, nor ever has been 2.08% or just 2%, (as 50 seats is closer to 48 (the number of seats allocated) than 20 (5%) or 28.57 (3.5%).

New Zealanders voted to adopt the Mixed Member Proportional (MMP) voting system in 1993 per the Electoral Referendum Act 1993. The adoption of the MMP system is declared in [section 2](#) of the Electoral Act 1993.

Under the MMP system, a party may be eligible for a share of the list seats if it gains 5% or more of the nationwide party vote or wins one or more electorate seats. This process under MMP for determining the number of seats a party gets if they reach the 5% threshold can be found in [section 191](#) of the Electoral Act 1993. We have also attached further information as explained in the [E9](#) for the 2020 General Election and referendums.

In the interests of transparency, we release responses to Official Information Act requests every 3 months. We will publish this response with your personal details redacted.

You have the right under section 28(3) of the Act to make a complaint to the Ombudsman if you are not satisfied with the response to your request. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Yours sincerely



Kristina Temel
Electoral Commission