

---

## Report

**To** **Hon. Bill English**  
Deputy Prime Minister

**From** **Professor John Burrows**  
Chair, New Zealand Flag Consideration Panel

**Subject** **Report on 1st Flag Referendum Process**

---

**Action sought** **Note** that the Electoral Commission will publish the preliminary result and the official result of the 1st flag referendum on 11 and 15 December respectively

**Note** the suggested messages aligned to the preliminary result and official result announcements

**Agree** to forward Appendix 1 to all Ministers for their information

**Date** 9 December 2015

**Deadline** 11 December 2015

---

### Introduction

- 1 At approximately 8.30pm on 11 December 2015, the Electoral Commission will publish the preliminary result of the 1st New Zealand Flag Referendum on their website.
- 2 The official result of the 1st referendum will be published at approximately 5.00pm on 15 December 2015.
- 3 Because the 1st referendum has been conducted on a preferential voting basis, there is a higher chance, compared to a 'first past the post' system, that the result could change between the preliminary result and the official result.
- 4 This briefing provides an appendix to be sent to Ministers for their information which includes:
  - key information about the voting process
  - recommended messages to be used after the preliminary result and the official result
  - the information to be provided by the Electoral Commission
  - next steps.
- 5 I recommend that you:
  - **Note** that the Electoral Commission will publish the preliminary result and the official result of the 1st flag referendum on 11 and 15 December respectively

#### **NOTE**

- **Note** the information provided in Appendix 1

#### **NOTE**

- **Agree** to forward Appendix 1 to all Ministers for their information

**AGREE / DISAGREE / DISCUSS**



---

Professor John Burrows  
Chair, New Zealand Flag Consideration Panel

Date: 9 / 12 / 2015

---

Hon. Bill English  
Deputy Prime Minister

Date: / / 2015

**Distribution:**

---

Wayne Eagleson – Chief of Staff  
Julie Ash – Senior Ministerial Press Secretary  
Amohaere Houkamau – Senior Ministerial Advisor  
Josh Cameron – Senior Ministerial Advisor  
Michael Webster – DPMC  
Rachel Hayward – DPMC

---

**Appendix 1: Information sheet for Ministers – 1st Flag Referendum**

## Information Sheet for Ministers – 1st Flag Referendum

- 1 At approximately 8.30pm on 11 December, the Electoral Commission will publish the preliminary result of the 1st New Zealand Flag Referendum on their website.
- 2 The official result of the 1st referendum will be published on the Electoral Commission's website at approximately 5.00pm on 15 December.
- 3 Because the 1st referendum has been conducted on a preferential voting basis, there is a higher chance, compared to a 'first past the post' system, that the result could change between the preliminary result and the official result.

### Information to be provided by the Electoral Commission

- 4 The Electoral Commission will publish the following information for both the preliminary and official results. (Note that information will be provided for each of the 'counts' as required, for example if one alternative flag design does not get a majority of peoples' first votes, a second count will be required and so on until absolute majority is reached):
  - Total votes cast
  - Total votes in each count
  - Transferable votes
  - Non-transferable votes (the number of votes that are no longer able to be transferred as all of the preferences given on the voting paper have been exhausted)
  - Absolute majority required per count (50% of valid votes. This number is determined at every count)
  - Informal votes (where the voter has not clearly indicated their first preference – excluded from the count).
  - Invalid votes (for example voting papers that cannot be processed because the voter has made the QR code unreadable, or voting papers cancelled as a result of replacement voting papers being issued – excluded from the count)

### Suggested messages to be used after the preliminary result (after approx. 8.30pm, 11 Dec)

- This is a preliminary result which may change when the final voting papers are counted. (*All voting papers postmarked or date stamped on or before Friday 11 December will be counted as long as they are received by noon on Tuesday 15 December*).
- The **official result is binding** and eligible voters will choose between the alternative flag selected and the current flag in the final referendum next March (3-24 March 2016). (*Turnout is not a factor – regardless of participation level, the flag that receives the most votes will be known as the preferred 'alternative flag' and move to the next stage.*)
- Some people may choose not to take part in this 1st referendum and take part in the second – that's their choice.
- This referendum uses a system called **Preferential Voting** (PV) which some will be familiar with as it has been used to elect some Mayors in New Zealand, including Wellington and Dunedin.
- **Voter turnout varies** between electoral events and this is the first time a two stage voting system, including preferential voting, has been used. While the structures are different, voter turnout for the 2013 Local Elections averaged 42% for Councils, and the referendum regarding state assets achieved 45.1%.

- **Informal and invalid votes** are included in the turnout figures and excluded from the count. *(While informal and invalid votes are always counted, the Act specifies that the preferred 'alternative flag' will move to the second referendum).*

### **Suggested messages to be used after the official result (after approx. 5.00pm, 15 Dec)**

- The **official result is binding** and eligible voters will choose between the alternative flag selected and the current flag in the final referendum next March (3-24 March 2016). *(Turnout is not a factor – regardless of participation level, the flag that receives the most votes will be known as the preferred 'alternative flag' and move to the next stage.)*
- Some people may choose not to take part in this 1st referendum and take part in the second – that's their choice.
- This referendum uses a system called **Preferential Voting** (PV) which some will be familiar with as it has been used to elect some Mayors in New Zealand, including Wellington and Dunedin.
- **Voter turnout varies** between electoral events and this is the first time a two stage voting system, including preferential voting, has been used. While the structures are different, voter turnout for the 2013 Local Elections averaged 42% for Councils, and the referendum regarding state assets achieved 45.1%.
- **Informal and invalid votes** are included in the turnout figures and excluded from the count. *(While informal and invalid votes are always counted, the Act specifies that the preferred 'alternative flag' will move to the second referendum).*
- Questions in relation to the referendum process or count should be directed to the Electoral Commission [www.elections.org.nz](http://www.elections.org.nz) Voting statistics can be viewed at <http://www.elections.org.nz/events/referendums-new-zealand-flag-0/voting-first-referendum/voting-statistics>

### **Next steps (after 1st referendum official result)**

- 5 The Flag Consideration Panel will continue its communications role, providing information to the public on the flags to be voted on in the second referendum (3-24 March 2016). The Panel is currently finalising these communications activities, however they are likely to include:
  - Flying both flags in communities across New Zealand
  - Television advertisements
  - High-profile billboards
  - Information brochures
  - Video content to be promoted through [www.flag.govt.nz](http://www.flag.govt.nz) and through digital channels including the Panel's Facebook page
  - Flying large flags in high-density areas.
- 6 Note that the Panel will take a prudent approach to its activities, noting key national events such as Waitangi Day.
- 7 The Electoral Commission will continue its role encouraging people to enrol and to vote in the second referendum. Note that people do not need to have voted in the 1st referendum to be eligible to vote in the second referendum.

## How preferential voting works (from the Electoral Commission’s website)

- 1 Voters rank the different flag options – 1, 2, 3, 4, 5 – in the order they prefer. Voters can rank as many or as few flag options as they wish, but shouldn’t skip a number or use the same number more than once.



- 2 If one flag option gets 50% or more of all the first preference votes (that is votes marked "1"), it will be selected on the first count.
- 3 If no flag option gets 50% or more of the first preference votes, the flag with the fewest number "1" votes is dropped and its votes go to the flag each voter ranked next.
- 4 This continues until one flag gets 50% or more of the valid votes cast in the 1st flag referendum.
- 5 The flag option with the most votes marked "1" may be overtaken by another flag in the second, third or fourth counts.
- 6 If a voter’s first choice is eliminated they can still have a say through their second, third or fourth preferences.

### Example

- 7 In this sample there are 100 valid votes, therefore a flag option needs fifty percent or more of the votes to be selected.

Flag option	1 <sup>st</sup> count	2 <sup>nd</sup> count	3 <sup>rd</sup> count	4 <sup>th</sup> count
<b>Aubergine</b>	40	40+2=42	42+2=44	44+4=48
<b>Corn</b>	38	38+1=39	39+4=43	43+9=52 <b>Selected</b>
<b>Carrot</b>	10	10+1=11	11+2=13	Eliminated
<b>Tomato</b>	5	Eliminated		
<b>Broccoli</b>	7	7+1=8	Eliminated	
<b>Total</b>	100 votes	100 votes	100 votes	100 votes

- 8 The Aubergine flag (with 40 votes marked "1") leads after the first vote count but does not have fifty percent or more of the 1st preference votes. So the flag with the fewest votes marked "1" – the Tomato flag – is dropped and its five votes go to the flag options marked "2" by these voters. Aubergine gets two of Tomato’s 2nd preference votes for a total of 42 votes, Corn gets one for a total of 39 votes, Carrot gets one for a total of eleven votes, and Broccoli also get one for a total of eight votes.

- 9 There is still no flag option with fifty percent or more of the votes. So the flag with the fewest votes – Broccoli – is dropped and its eight votes go to the flag options each voter ranked next. Aubergine receives two of Broccoli's next preference votes for a total of 44, Corn gets four of these votes for a total of 43 votes and Carrot gets two for a total of 13 votes.
- 10 There is still no flag option with fifty percent or more of the votes. So the flag with the fewest votes – Carrot – is dropped and its 13 votes go to the flag options each voter ranked next. The Corn flag receives nine of these votes, enough to overtake Aubergine and be selected with 52 votes.