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Voting Systems: The Jenkins Report

Following its manifesto commitment to hold a referendum on an alternative to the current First Past the Post voting system, the Labour Government is now studying the recommendations of the Independent Commission on the Voting System (The Jenkins Commission). Jenkins has recommended a mixed system of Alternative Vote, combined with Top-up seats. This Paper examines the background, and looks at the arguments for and against electoral reform, as well as describing the main voting systems in use around the world. This replaces Research Paper 97/26.

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Summary of main points

The question of voting reform has been raised intermittently in the twentieth century, commonly at times of party realignment, when a two party system has been challenged by a third. Most European countries, but not the United States, adopted proportional representation in the course of the century. The matter has been under active discussion in the UK for the last twenty five years, but with the election of a Labour Government in 1997 it has moved up the agenda. The Labour party has had a commitment to hold a referendum on electoral reform since 1993, when John Smith promised one in the first term of a Labour Government. The manifesto did not give a timescale for the referendum, but the joint Labour/Liberal Democrat Joint Consultative Committee on Constitutional Reform which reported on 5 March 1997 committed both parties to a referendum in the first term of a new Parliament.

The Independent Commission on the Voting System was set up in December 1997, chaired by Lord Jenkins and with a remit to report within 12 months. Its report in October 1998 recommended a mixed system, of 80-85 per cent of the Commons to be elected by the Alternative Vote in individual constituencies, and the remaining 15-20 per cent by means of a party list- to be known as Top Up members. The top up areas would be located in cities and preserved counties in England, and in the electoral regions to be used for the elections to the Scottish Parliament and the National Assembly for Wales. The report recommended the adoption of the new system in Northern Ireland also, to preserve uniformity. The Commission accepted that it would not be possible to redraw boundaries in time for the next election, and did not recommend a specific timescale for the referendum. It considered that an independent body should oversee the referendum and that the recommendations of the Committee on Standards in Public Life on referendums should be adopted, with the proviso that the Government should be able to state its position. In a note of reservation, Lord Alexander, a Conservative, advocated First Past the Post in constituency elections, together with the Top up members.

The voting system advocated by the Jenkins Commission is a variant of the Additional Member System used in Germany, and adopted in New Zealand, following a referendum in 1993. Other electoral systems under discussion were the Single Transferable Vote, the Alternative Vote, and other party list systems. The Commission was asked to observe the requirement for broad proportionality, the extension of voter choice, need for stable government and the maintenance of a constituency link and it concluded that there was no perfect system: STV required very large constituencies; AV on its own was not proportional ; party lists could not offer the same type of constituency link, would be likely to lead to long-term coalitions and were open to manipulation by party bureaucracies.

The Liberal Democrats have welcomed the report, and have not pressed for an early referendum. Opinion in the Labour Party was more divided and there has been no clear signal about timing of the referendum or whether Cabinet collective responsibility will apply. The Conservatives have opposed the recommendations, as benefiting the other two parties and leading to government by coalition.

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I Introduction

*“No Government undertakes Reform Bills if they can possibly help it. It is the most ungrateful and difficult task with which any Government can be confronted” Walter Long*¹

This Paper looks at the various voting systems in common use around the world, and provides background to the continuing debate on electoral reform for elections to the House of Commons. The issue has come to prominence recently but arguments about the best form of electoral system first surfaced in Great Britain in the mid nineteenth century, and electoral reform bills passed the Commons (but not the Lords) in both 1918 and 1930. The Labour Government has promised a referendum on voting systems. The form of electoral system is not merely a technical issue; it goes to the heart of the country’s system of Government, particularly in the UK which does not routinely have referendums as an additional device of mass political participation. Some constitutional reformers would argue that voting reform is at the heart of a new constitutional settlement.

The proponents of electoral reform and the supporters of the current First Past the Post [FPTP] system often argue over the meaning and purpose of representation and the role of the House of Commons. The traditional purpose of the electoral system was to elect representatives of a particular locality partly to represent those interests in Parliament and partly to supply an independent judgment on the issues of the day. This theory is perhaps best articulated by Edmund Burke in his *Speech to the Electors at Bristol*. Although the rise of mass party politics in the nineteenth century has modified the Burkean championship of individual judgment, supporters of FPTP point to the enduring value of the link between MP and constituency.

A number of theorists in the nineteenth century, however, felt that the coming of mass political parties invalidated the concept of territorial representation, and began to promote the theory of functional or proportional representation. The theory was popularised by John Stuart Mill who promoted the Single Transferable Vote as a more perfect method of allowing representation of opinion, so that opinion which might be a minority within one particular constituency could nevertheless have some form of representation within the Commons.

Traditionally also, the Commons serves as the meeting place of the representatives from the localities of the UK, and from this coming together a government is formed which represents the majority of opinion within that chamber. Adherents of a more functional view of representation wish the Commons to represent a microcosm of the electorate so that a variety of different groups views and personnel can be represented. Adherents of FPTP counter this with a stress on the role of the Commons on providing the core for the executive - the purpose of elections is in effect to provide the country with a stable

¹ Cited in Chapter 8 of *British InterParty Conferences* (1980) by John D Fair Walter Long, as Minister for the Local Government Board was involved in the Speakers Conference of 1916/7 on Voting Reform

government rather than to represent all shades of the nation. Professor Iain McLean has noted “PR advocates concentrate on process and their opponents on outcome”²

government rather than to represent all shades of the nation. Professor Iain McLean has noted “PR advocates concentrate on process and their opponents on outcome”³

The Plant Committee⁴ looked at this in a similar way:⁵

We then attempt to establish a set of criteria against which we believe any defensible electoral system should be judged. There are many such criteria and no single system can score equally highly against them all. Hence, there cannot be an ideal system. What is necessary is to come to a view about which system or systems do best against what are taken to be the most important criteria. This has to be a political rather than a technical judgement.

The criteria considered are broadly speaking of two sorts:

1. Procedural criteria, which are essentially about fairness and which do not look to the outcomes and consequences of elections. What matters is that the system is “fair”. If it is, then outcomes must also be accepted as legitimate.
2. Outcome criteria, which look much more to the consequences of electoral systems and their impact on such things as the environment within which public policy is developed, their impact on economic management, on the possibility of political parties achieving their ideological goals and so forth.

Obviously, in the real world of politics, these rather different justifications are run together. So, for example, the Liberal Democrats argue that not only is PR procedurally fair, but it would have a beneficial political outcome, in that had there been a proportional electoral system, there would have been no poll tax and no educational reforms of the sort the Conservatives have introduced.

Similarly, supporters of the present system can argue that it is fair, in that the candidate with the most votes wins, and the outcome leads to stable majority government.

Nevertheless, these justifications are rather different and separating them does clarify things a little.

Additional criteria were also considered relevant by the Plant report, including effective voter participation, political possibility of reform and fairness to groups, such as ethnic minorities and women currently under-represented in the Commons.

Finally it is worth noting that electoral reform has become one part of a general constitutional reform package promoted in the last twenty years encompassing devolution, reformed second chamber and Bill of Rights and it is difficult to sometimes separate the arguments for or against electoral reform alone. A number of reformers have argued that the

² p.33 *Democracy and Representation* (1993)

³ p.33 *Democracy and Representation* (1993)

⁴ *Democracy Representation and Elections* Working Party on Electoral Systems Labour Party 1991

⁵ *Democracy Representation and Elections* (summary) Sept. 1991 p.7. This Committee had been set up by the Labour Party to examine voting systems. See below p.9

absence of constitutional checks makes PR all the more essential, so that omniscient governments cannot be elected with the support of a minority of votes.⁶

A. History

There were a number of major developments in British electoral law following the *Great Reform Act of 1832*⁷; the franchise was extended in 1832, 1867 and 1884, followed by further extensions in 1918 notably to women, who became eligible on the same terms as men after 1928. By the late nineteenth century corrupt practices at elections had been stamped out, and the 1918 RP Act formalised an electoral registration system. The extension of the vote to 18-20 year olds and the development of forms of absent voting indicate that the UK electoral system is subject still to change.

The advent of a mass electorate in the nineteenth century seems to have been the major motive for considering alternative forms of electoral methods, as Martin Pugh notes:⁸

In the 1880s support for this system came from several sources. The intellectual rationale was provided by John Stuart Mill and his followers, such as Leonard Courtney and Sir John Lubbock, who believed there was a real danger that the mass electorate would be used to crush dissenting opinion and eliminate minority representation. They pointed to the pressure of the local 'caucus' on the MP, and to the skill of the party machine in manipulating the voters as demonstrated in some of the three member boroughs. Thus for many years proportional representation was regarded as a means of allowing voters to use their preferences so as to secure the return of outstanding individuals who fell out with their party as a result of their independence and integrity. This would improve the quality of Parliament and strengthen its influence in government. This line of thinking was anathema to Gladstone and most party leaders who were concerned about the arts of party management. Well aware of the Liberal Party's individualism and its penchant for disintegration, Gladstone had no desire for a system which would institutionalise dissent; all his efforts were designed to achieve discipline and cohesion. His view is underlined by the strong support for PR in the 1880s among moderate Irish liberals who saw that they were being squeezed out of the Irish constituencies as opinion polarised between Unionism on the one hand and Home Rule on the other.

The Proportional Representation Society was formed in 1884 to campaign for an alternative to first past the post. This idea of PR originated in the schemes of the English lawyer Thomas Hare in 1857 based on the idea of the whole country as a single constituency. The scheme was endorsed by John Stuart Mill. By the 1880s this had been refined into schemes for multi-member constituencies of 4-6 Members.⁹ Vernon

⁶ see *Power and the People: A Guide to Constitutional Reform* 1997 by V. Bogdanor

⁷ *An Act to amend the representation of the people in England and Wales*

⁸ Martin Pugh "The Evolution of the British electoral system 1837-1987 (1989 p.23)

⁹ Single Member constituencies only became the majority after 1884

Bogdanor notes that “the nineteenth century advocates of the single transferable vote were well aware that the territorial principle supposedly embodied in the plurality system, was rapidly being overcome by the growth and development of organised political parties. The plurality system, in their view, fundamentally altered its nature when representation became that of party rather than that of territorial MPs of independent outlook would be squeezed out by the twin forces of the tyranny of the majority and the party machine”.¹⁰ The alternative of STV was seen as providing a chance for the voter to choose independent-minded candidates over those promoted by the party machine.

Interest revived again in the early part of this century. A Royal Commission of 1909-10 [Cd 5163] advocated an ‘alternative vote’ (AV) system for the House of Commons. Irish demands for Home Rule added to these discussions, as Unionists in Southern Ireland saw PR as a protection against a Catholic-Nationalist Dublin Parliament - Redmond, the Nationalist leader, indicated sympathy for this approach - and British supporters saw it as a means of reconciling the divided communities. PR was inserted into the Home Rule Bill of 1912 for the proposed Irish Upper House and for just under a fifth of the Lower House during its legislative passage.

Pugh describes Edwardian attitudes to PR:¹¹

Edwardian Conservatives approached the idea of proportional representation in three ways. The free traders who felt they were being hounded out of their seats by the protectionists, often saw PR as an important political life line. Those who, particularly after 1910, sought to restore the powers of the House of Lords were prepared to accept that it should, in part, be elected using proportional representation. Finally, some Conservatives believed that the existing electoral system was no longer working in their favour. In spite of increasing their poll to 46 per cent in 1910 they had failed by a big margin to displace the Liberals from office. This was because the co-operation between the Liberal and Labour Parties had led to the consolidation of the non-Conservative vote behind a single candidate in nearly all constituencies. If this continued the Conservatives could be kept out of office indefinitely.

For their part many Edwardian labour politicians felt the attraction of PR for the party was, by 1910, confined to the candidatures acceptable to the Liberal Party. A multi-member system, on the other hand, would have enabled Labour to field a candidate everywhere without the danger of splitting the anti-Conservative vote. This would have pleased the local activists, especially in the ILP. But Ramsay MacDonald firmly opposed this view. Rather like Gladstone he feared his party’s predilection for dispute and schism: the election of more socialists would only exacerbate the task of co-operating with the Government forces in parliament.

The Representation of the People Bill 1917-18 included proposals for STV and AV following a Speakers Conference of January 1917, (Cd 8463) which recommended STV

¹⁰ *Democracy and Elections* V Bogdanor and D Butler eds 1983 p.8

¹¹ op cit, p24

in urban constituencies returning 3-7 MPs and AV in rural single member constituencies.¹²

The Prime Minister, Lloyd George, was not convinced of the merits of proportional representation and the decision was made to allow a free vote on the issue in the *Representation of the People Bill 1917*. The transferable vote was rejected by 169 to 201 votes in the Commons¹³ All parties were split but the majority of Unionists voting were against and the majority of Liberals voting were in favour.¹⁴ A proposal to introduce the Alternative Vote for single member constituencies was accepted by 125 to 124 votes¹⁵ with once again a majority of Liberals voting in favour and a majority of those Unionists voting against. A further attempt to reintroduce STV at Report stage was defeated by 126 to 202 votes.¹⁶ and an attempt to strike out AV was defeated by 150 to 121 votes.¹⁷ As the Bill passed the Commons AV had been adopted for single member constituencies and STV for university constituencies only. In the Lords STV was reinserted in the Bill by 131 to 42.¹⁸ and a motion to take out AV was passed by 66 votes to 9.¹⁹ Lords amendments came back to the Commons on 30 January 1918 where the reintroduction of STV was rejected by 223 to 113.²⁰ The deletion of AV was rejected by 178 to 170²¹ The deadlock between the two Houses continued until the last day of the session on February 6 until both STV and AV were removed from the Bill. A contemporary commentator noted that while all parties were divided on STV, the party lines were clearer on AV, with the Unionists against and Liberal and Labour in favour²².

The AV system was supported by the Commons by the narrowest of margins -with a split in the three major parties,²³ but when the House of Lords tried to insist on STV across-the-board as a spoiling measure, the subject was dropped from the Bill.²⁴

Thereafter the idea of 'electoral reform' became more identified with the Liberal Party, who were losing their position as one of the two major parties to Labour. During the

¹² for background on the Speakers Conference see *British Interparty Conferences* Chapter 8 (1980) by John D Fair The minutes and papers of the Conference have not survived

¹³ HC Deb vol 95 c1134-40

¹⁴ *Parliamentary Franchise Reform 1885-1918* 1921 H.L.Morris

¹⁵ HC Deb vol 97 9.8.17 c645

¹⁶ HC Deb vol 99 c1469-73

¹⁷ H C Deb vol 99

¹⁸ HL Deb vol 27 c824

¹⁹ HL Deb vol 27 c 1002

²⁰ HC Deb vol 101 c 1703

²¹ HC Deb vol 101 c 1820

²² *Franchise Reform in England 1885-1918* p197. The subject is also discussed in *the Electoral System in Britain since 1918* by D Butler, *Electoral Reform in War and Peace 1906-18* by Martin Pugh and *Proportional Representation* by Jennifer Hart

²³ The voting was 125 for AV and 124 against [HC Deb. vol 746 9/8/17 c.652]. See *Labour's Road to Electoral Reform* (1993) by Martin Linton and Mary Georghion pp 6-7 and *The People and the Party System* (1981) by Vernon Bogdanor for a more detailed discussion

²⁴ although STV was adopted for the 2 or 3 member university seats, an arrangement which continued for 30 years

minority Labour administration of 1929-31, another Speaker's Conference was held,²⁵ which failed to agree on electoral reform. Subsequently, the Government introduced a Bill²⁶ to establish an AV system, as a means of securing Liberal support, but in the Lords, under Conservative pressure, amendments confined AV to one third of all the constituencies, that is, London and the larger boroughs. The Bill was returned to the Commons on 21 July 1931, but the Labour government resigned in August 1931 and the Bill was lost.

B. The current debate

Electoral reform began to resurface again in the 1970s and 1980s, when the two party dominance began to be challenged by a resurgent Liberal Party and nationalist parties with representation in the Commons. The revival of the troubles in Northern Ireland led to the introduction of PR (in the STV form) for Assembly and local elections in 1973 and for elections to the European Parliament in 1979. The creation of the Social Democratic Party in 1982 and the subsequent alliance with the Liberal Party focused debate on electoral reform and the rise of demands for Scottish constitutional change has led to some intense debate about appropriate forms of election. The Scottish Constitutional Convention supported by Labour and Liberal Democrats has now recommended an AMS or Mixed Member Proportional system of 129 MPs for a Scottish Parliament.²⁷

Finally, the position of the Labour Party has undergone change. Having been out of power since 1979, it has inevitably considered with a new seriousness the possibility of change in constitutional areas, including elections, and drawn conclusions from arguments about the fragmentation of the anti-Conservative vote. In 1990, following a vote at Annual Conference, the Labour Party set up the Working Party on Electoral Systems chaired by Professor Raymond Plant, a professor of politics at Southampton University. The Working Party issued an initial document "*Democracy Representation and Elections*" in 1991 which identified relevant issues, and discussed alternative voting systems without coming to specific conclusions. The working party then produced a shorter second interim report for the party conference in 1992 following the General Election, which incorporated a statement recommending AMS for the Scottish Parliament, previously agreed by the National Executive Committee before the election.²⁸ The final report was published in April 1993 and recommended by a narrow majority the Supplementary Vote²⁹ for the Commons and regional list system for a second chamber replacing the House of Lords and for the European Parliament.³⁰

²⁵ *Letter from Viscount Ullswater to the Prime Minister* 17.7.30

²⁶ *the Representation of the People (no 2) Bill* Bill 85 of 1930-31. An earlier version, Bill 82, was withdrawn after publication

²⁷ *Scotlands Parliament, Scotland's Report* November 1995. See Research Paper 95/131, *The Government of Scotland: Recent Proposals*

²⁸ *Second interim report of the Working Party on electoral systems*, July 1992

²⁹ a form of Alternative Vote

³⁰ *Report of Working Party on electoral systems* (1993)

Within the UK there are a number of groups which promote debate on electoral reform. The Labour Party has both the Labour Campaign for Electoral Reform and the First Past the Post Group. The Conservative Party has Conservative Action for Electoral Reform which favours STV and the Liberal Democrats, already committed to electoral reform, have DAGGER (Democrat Action Group for Gaining Electoral Reform) which campaigns to maintain the commitment to STV. Outside the established parties there is the Electoral Reform Society (associated with STV) and Charter 88, and since 1994 an umbrella group the Voting Reform Group has been established with the aim of securing a referendum on the future of the voting system for the Commons. In response, a Labour group called Making the Link is campaigning to retain FPTP or to accept AV only. A new cross party group has been launched named *Making Votes Count* which will campaign for the Jenkins proposals to be adopted.

Elsewhere, recent changes in electoral systems in Italy towards a Mixed Member system, and the introduction of such a system in New Zealand has increased interest. In Italy there are now 475 single member constituencies in the Chamber of Deputies elected by FPTP with the remaining 155 elected by regional list. Note that the PR element is applied to these 155 seats only, not as in the German model, to act as a corrective to the constituency results.³¹

In New Zealand a referendum was called on voting systems in September 1992 by the National (conservative) party as an opportunity to out-flank the Labour Party in the context of declining support for both major parties, following a Royal Commission in 1986 which had recommended a Mixed Member System.

Voters were asked two questions; Part A allowed them to choose either to retain first past the post or for a change to the electoral system. Part B offered voters a choice between Supplementary Member, Single Transferable Vote (STV), MMP or preferential voting, irrespective of how the vote had been allocated in Part A. It was made clear that there would be a single binding referendum in conjunction with the 1993 General Election if there was a majority for change, with a choice between First Past the Post and the preferred option from Part B. Both Labour and National allowed MPs and members a 'free vote' and there was no 'government guidance' on how the different electoral systems would be introduced. The independent Constitution Unit has commented that 'this thwarted the efforts of the voter education programme to explain to voters the implications of changing the electoral system'. An independent Electoral Referendum Panel was given the job of organising a public education campaign and started work in January 1992. It delivered pamphlets to each household, with material evaluating each electoral system. Media coverage was apparently evenly divided and the campaigns on each side were dominated by independent lobby groups, rather than politicians and there were no legal restrictions on their expenditure. 84.7 per cent supported change in Part A and 70.5 per cent voted for MMP in Part B, surprisingly large margins for a controversial issue, but with a 55% turnout against an average of 80% at general elections.

³¹ The Italian General Election of 1994 in *Electoral Studies* March 1995. See also *Electoral Studies* December 1996 "The Italian General Election of 1996"

Victory for MMP in the 1993 referendum was not a foregone conclusion, however since opinion polls 3 weeks before the vote gave First Past the Post a small lead, thus demonstrating voter volatility and use of referendums to mark discontent with the Government. It may also indicate the effect of the new anti-reform lobby group CBG, which launched its operation in April 1993 and which outspent its opponents by a factor of 10 to 1. The Electoral Referendum Panel subsequently called for spending limits on referendums initiated by Acts of Parliament.³² In the event, MMP received 53.9 per cent against 46.1 per cent for FPTP. The turnout was 82.6 per cent.³³ There are 120 seats, and 60 of seats are for FPTP and 60 for PR by party lists. Five of these seats are allocated to Maoris. S71 of the 1993 *Electoral Act* required every registered party to allow participation by its members in the selection of candidates.³⁴ Under the Act, registration of political parties was introduced, with a new Electoral Commission overseeing the electoral process.

The results of the first New Zealand election held in October 1996 under MMP gave the new New Zealand First Party led by Winston Peters, a key role in deciding the next Government, since a clear winner did not emerge.³⁵ It took some weeks to form a Government following the elections. The New Zealand Parliament reconvened in December with a National/New Zealand First coalition, with a published agreement between the two parties. There was some controversy in the press about the significance of the results, with anti PR commentators highlighting the delay in forming a government and the creation of a coalition and pro PR commentators arguing that a FPTP vote would still have resulted in a National Party victory. Initially, after the election a Labour/New Zealand First Coalition had been expected.³⁶ The results were as follows:³⁷

1996 election

<u>Party</u>	<u>Elect.votes</u>	<u>%</u>	<u>Party votes</u>	<u>%</u>	<u>Seats</u>
National Party	699,047	34.91	701,176	33.83	44
Labour Party	640,917	31.09	584,159	28.19	37
New Zealand First Party	278,041	13.49	276,591	13.35	17
Alliance Party	231,931	11.25	209,347	10.1	13
ACT New Zealand Party	77,342	3.75	126,442	6.1	8
United New Zealand Party	42,666	2.07	18,245	0.88	1

³² see *Electoral Reform in New Zealand: Lessons for the UK* Constitution Unit 1998

³³ *Electoral Studies* June 1993 "The New Zealand Electoral Referendum of 1992" by Stephen Levine and Nigel S Roberts and *Electoral Studies* September 1994 "The New Zealand Electoral Referendum and General Election of 1993" by Stephen Levine and Nigel S Roberts provide further background

³⁴ *New Zealand Adopts Proportional Representation* Keith Jackson and Alan McRobie 1998 p 280 The authors note that this requirement was not onerous. The Labour party used a national moderating committee of 32 which used the exhaustive ballot to decide the order of the first 30 candidates on the list.

³⁵ *Financial Times* 14/10/96 "NZ parties begin hunt for partners"

³⁶ *Guardian*, 12.12.96, 'PR turns politics upside down down-under'

³⁷ Sources: Inter Parliamentary Union Parline database at <http://www.ipu.org/> and New Zealand Electoral Commission at <http://www.govt.nz/elections/>

Others	91,802	4.45	156,339	7.54	-
					<u>120</u>

1993 election

<u>Party</u>	<u>Elect. votes</u>	<u>%</u>	<u>Seats</u>	<u>%</u>
National	673,892	35.05	50	50.51
Labour	666,759	34.68	45	45.45
Alliance	350,064	18.21	2	2.02
NZ First	161,481	8.40	2	2.02
Christian Hert.	38,749	2.02	0	-
Other	31,851	1.66	0	-

Comparisons with results at the last general election in 1993 held under FPTP are inevitably difficult since the seats have changed boundaries, and the number of seats has increased. The behaviour of voters may also have changed with the introduction of a new voting system: there is some evidence of differential voting between the electorate seats and the party seats in the 1996 New Zealand election.

Subsequently two members of New Zealand First left their party but continued to sit in parliament, although they had been elected on the party list. The New Zealand First Party suffered further disintegration and the National Party is no longer in formal coalition with it. Jenny Shipley now advocates a new referendum to re-examine MMP and to reduce the number of MPs. The Jenkins Report noted that the fact that reform was associated with an increase in the number of MPs was probably a mistake, and that there had been disappointment amongst the electorate that PR had not brought more consensual politics. However the Commission argued that the electorate seemed to appreciate the greater degree of voting choice offered by the new system, since 37 per cent had chose to split the party affiliation of their two votes 'thereby liberating their choice of local members from their view of what party or combination should form the government of that country' (para 73)

During the 1992 General Election Labour policy was neutral on PR³⁸, and Neil Kinnock, then Party Leader, refused to indicate his view since he did not want to compromise the outcome of the Plant inquiry.³⁹ Immediately after the NEC had considered the final Plant Report,⁴⁰ John Smith, the new party leader made a public statement⁴¹ committing the Labour Party to a referendum on the future of the electoral system in the first Parliament of a Labour Government. The policy was endorsed at the 1993 annual conference, by a narrow margin and reaffirmed by Tony Blair the present leader in 1994 and subsequently

³⁸ on which see *The British General Election of 1992*, ed. D Butler and D Kavanagh, pp.128-30

³⁹ In December 1992 he confirmed that he supported PR but was not specific as to the form [Television interview David Dimbleby]

⁴⁰ which it welcomed as a contribution to the debate

⁴¹ Press Release 'Statement by Rt Hon John Smith QC MP Leader of the Labour Party, in response to the Plant Committee Inquiry into Electoral Systems

in policy documents.⁴² Tony Blair told *The Economist*⁴³ that he personally remained “unpersuaded that proportional representation would be beneficial for the Commons”.

Current proposals for electoral reform for Westminster and other assemblies/Parliaments can be summarised as follows:-

AMS is to be introduced for the Scottish Parliament and the National Assembly for Wales. It is also proposed for the new Assembly for London. SV is proposed for election of the Mayor for London, with the possibility of its use for elected mayors in other local authority areas. STV has been introduced for elections to the Northern Ireland Assembly.

The report of the Labour/Liberal Democrat Joint Consultative on Constitutional Reform⁴⁴ committed both parties to a referendum on the electoral system for Westminster in the first term of a new Parliament, preceded by an electoral commission which would recommend the appropriate proportional alternative to First Past the Post.⁴⁵

Electoral Systems

54. There has, throughout this century, been debate about the use of the first past the post electoral system for elections. Liberal Democrats have a long standing policy in favour of proportional representation. The Labour Party's Plant commission considered the electoral systems for elections to the House of Commons, devolved assemblies and the European Parliament.

55. Both parties are committed to the use of proportional electoral systems for the Scottish Parliament and the Welsh Assembly.

56. Both parties believe that a referendum on the system for elections to the House of Commons should be held within the first term of a new Parliament.

⁴² *New Labour New Life for Britain* (p.29) Manifesto July 1996, *New Politics New Britain* September 1996. *New Labour: Leading Britain into the future*, January 1997. The timing for the referendums is not given. See also Tony Blair's John Smith Memorial Lecture 7/2/96 p.13. See also Research Paper 97/10, *Referendum: Recent Proposals*

⁴³ *The Economist* 14/9/96 'Democracy's Second Age' p.35

⁴⁴ 5.3.97

⁴⁵ This electoral commission was designed to deal only with a proposed PR system and should not be confused with proposals for an electoral commission to take over the administration of elections from the Home Office and Scottish Office. See the independent Constitution Unit briefing no 11 *Establishing an electoral commission* 1997. The second part of the Plant Commission's final report in 1993 looked at electoral processes and recommended the establishment of an electoral commission to administer elections: this work was endorsed by the Conference in 1993. The Labour Party policy document *A New Agenda for Democracy* 1993 included a commitment to establish an electoral commission to review and update electoral procedures, such as a rolling register of electors. This type of commission was not however mentioned in the 1997 Labour party manifesto. A Home Office working party under the junior minister George Howarth is currently looking at improvements to electoral administration and the Home Affairs Select Committee has carried out an enquiry into electoral administration which has recommended an electoral commission.(HC 768 1997-8). The Neill Committee has recommended an electoral commission to have broad oversight of the conduct of elections, regulate party funding and the registration of parties and this has also been recommended by the Jenkins Commission

57. Both parties are also agreed that the referendum should be a single question offering a straight choice between first past the post and one specific proportional alternative.

58. A commission on voting systems for the Westminster Parliament should be appointed early in the next parliament to recommend the appropriate proportional alternative to the first past the post system. Among the factors to be considered by the commission would be the likelihood that the system proposed would command broad consensus among proponents of proportional representation. The commission would be asked to report within twelve months of its establishment.

59. Legislation to hold the referendum would then be proposed and the choice placed before the people. This proposal would allow the crucial question of how our government is elected to be decided by the people themselves.

The independent Constitution Unit commented in its briefing *Changing the Electoral System*⁴⁶ that “no one should underestimate the difficulty of identifying a single reform option. This is a highly political exercise; and some of those involved in the electoral reform movement are most unlikely to sink their differences. The Government will risk being denounced for having predetermined the outcome, through the terms of reference given to the commission, and by the people chosen to serve on it. The definition of the commission’s task, its status and its membership, will be crucially important to the credibility of the exercise.”

The Labour manifesto for the general election⁴⁷ stated “We are committed to a referendum on the voting system for the House of Commons. An independent commission on voting systems will be appointed early to recommend a proportional alternative to the first-past-the-post system” (p33)

On 22 July 1997 a new Cabinet consultative committee was announced, with membership to include leading Liberal Democrats.⁴⁸ One of the first topics under discussion was expected to be the electoral commission.. There were press reports that the Labour Government would favour the Alternative Vote as the option for the electorate in the referendum . Peter Hain, a junior Welsh Office Minister, favoured the Alternative Vote in an article for the *Times* in October 1997.⁴⁹ Robert Maclellan, a key member of the pre-election Joint Consultative Committee, argued that AV was not a proportional system and noted that Labour’s manifesto had committed itself to a commission to choose a proportional alternative to the first-past-the-post system.⁵⁰ A study by Democratic Audit⁵¹

⁴⁶ Briefing no 10.1997

⁴⁷ *New Labour because Britain deserves better* April 1997

⁴⁸ *Times* 23.7.97 "Ashdown welcomes Lib Dem role on Cabinet committee".

⁴⁹ *Times* 23.10.97 "We vote for the sensible alternative" *Independent* 2.12.97 "Beginning of the end for first past the post"

⁵⁰ *Times* 20.10.97 "Spelling out the voting alternative"

⁵¹ *Making votes count: how Britain would have voted in the 1990s under alternative electoral systems* by Patrick Dunleavy et al October 1997

has found that using AV or the Supplementary Vote would have given Labour an even larger majority in the 1997 general election. STV would still have given Labour a 44 seat majority and only AMS would have denied them a straightforward majority.

On 1 December details of the Independent Commission on the Voting System were announced in a Written Answer:⁵²

Gillian Merron: To ask the Secretary of State for the Home Department if he will make a statement on the Independent Commission on Voting Systems.

Mr. Straw: My right hon. Friend the Prime Minister has today appointed Lord Jenkins of Hillhead to be the Chairman of the Independent Commission on the Voting System. The other members will be Lord Alexander of Weedon, Lady Gould of Potternewton, Sir John Chilcot and Mr. David Lipsey.

The Commission's terms of reference will be:

"The Commission shall be free to consider and recommend any appropriate system or combination of systems in recommending an alternative to the present system for Parliamentary elections to be put before the people in the Government's referendum.

The Commission shall observe the requirement for broad proportionality, the need for stable government, an extension of voter choice and the maintenance of a link between hon. Members and geographical constituencies. The Commission will begin its work early in the new year and has been asked to report within twelve months.

Press reports indicated that the terms of reference were considered by Labour to include AV⁵³, and floated the idea of a system mixing AV and AMS as a possible preferred option for the Committee. Robert Maclennan had suggested that such a mixed system might be the preferred solution. This is generally known as AV plus. AV would be used for constituencies and a party list system for Top-up seats. More recently, there were suggestions that the Commission would favour an AV plus system where the Top-up s would be drawn from local county areas, rather than regions. 500 MPs would be elected by AV and the rest would be elected from Top-up s based on the overall share of party vote in a small cluster of seats like the 6 or 7 in each county.⁵⁴ This bears some resemblance to the scheme proposed by the Hansard Society in 1976,

The Jenkins Commission called for reasoned submissions from as wide a range of people as possible, by the end of February 1998.⁵⁵ It conducted a series of public meetings to hear representations.⁵⁶ These meetings did not produce large audiences, and have ranged from 10 in Belfast to 300 in London.⁵⁷

⁵² HC Deb vol 302 1.12.97 c 57-8W

⁵³ *Guardian* 1.12.97 "Blair sets PR ball rolling"

⁵⁴ *Observer* 20.9.98 'Arcane issue of votes reform is Labour's hottest potato'

⁵⁵ Home Office Press Notice 19.1.98 "Your say in choosing a method of voting"

⁵⁶ *Financial Times* 11.3.98 "Mission to move minds in the vote reform debate"

⁵⁷ HL Deb 7.7.98 c124w

The Labour Party and the Liberal Democrats issued a new constitutional declaration on 11 June 1998, drawn up by the joint Cabinet Committee, confirming plans for a referendum on voting systems. It stated ‘ we see the work being done by the Jenkins Commission in proposing a voting system which observes the requirement for broad proportionality, the need for stable government, voter choice and the maintenance of links between MPs and constituents, as helping to give the British people the opportunity to decide in a referendum how they want the House of Commons to be elected’.⁵⁸ No timescale was mentioned for the referendum. The Liberal Democrats have called for the implementation of voting reform before the next election and for the size of the Commons to be reduced to 500 MPs in a new policy paper on the Constitution.⁵⁹ A new campaign *Make Votes Count* was launched on 2 June to campaign for a yes vote.

The Labour party, Liberal Democrats and Conservatives submitted evidence to the Commission, along with other political parties and pressure groups on both sides of the debate. The Liberal Democrats maintained their preference for STV. The Labour evidence did not commit itself to one particular system, but noted the advantages of factors generally thought to favour FPTP or AV such as the constituency link and the danger of giving too much power to smaller parties. The Conservatives complained that the Commission ought to have wider terms of reference to enable it consider FPTP as well as PR systems and used the argument that any referendum ought to be held after detailed legislation on a new voting system. These arguments were repeated in an Opposition day debate on 2 June 1998.⁶⁰

Legislation to hold a referendum is necessary now that the Commission has reported, and it is unclear when the referendum will take place. Jack Straw indicated in an interview in the *Times* that the referendum was likely to take place before the next election. He also described himself as perfectly “relaxed” about the prospect of the Alternative Vote. In the Opposition Day debate Mr Straw said ‘ the plan is that the referendum should take place well before the next election...if there were a vote for change in the referendum further primary legislation would be required to introduce the new electoral system. Depending on the nature of the new system extensive redrawing of electoral boundaries might also be required. These factors will determine whether any new system could be in place for the next general election.’ More recently, there have been suggestions that the referendum could well be postponed until after the next election and/or combined with a question about House of Lords reform.

In October 1998 the Neill Committee (on Standards In Public Life) published its report into party funding and electoral finance⁶¹. It recommended that both sides should be given equal access to core funding and that the government should ‘remain neutral and should not distribute, at public expense literature, even purportedly ‘factual’ literature, setting out or otherwise promoting its case’ (Recommendation 89). This recommendation

⁵⁸ *Liberal Democrat News* 19.6.98 'Four principles for UK reforms'

⁵⁹ *Policy Review Commission Report Constitutional Affairs* July 1998

⁶⁰ HC Deb vol 313 2.6.98 c171-267

⁶¹ *Fifth Report of the Committee on Standards in Public Life The Funding of Political Parties in the United Kingdom* Cm 4057 October 1998

has been subject to some criticism, on the basis that referendum campaigns cannot be directly compared to election campaigns. There have been press suggestions that Lord Neill will clarify this recommendation to make clear that the Government could campaign, provided that they did not use the civil service or the government machine to do so.⁶²

There has been little discussion as yet as to whether collective responsibility will apply for the Cabinet and junior ministers or whether individual members of the government will be able to campaign on different sides, as in the 1975 referendum on membership of the EEC.⁶³

II The Jenkins Report

A. Summary

The report was published on 29 October 1998.⁶⁴ It recommended a mixed system which it described as either limited AMS or AV Top Up. 80-85 per cent of the House of Commons would continue to be made up of constituency members, but elected by AV. (Lord Alexander, a Conservative, dissented from this aspect and preferred FPTP for the constituency elections). To the Commission, AV alone was unacceptable, because of the danger of disproportionality, as at the 1997 election, and so another 15-20 per cent of MPs would be elected through lists using small top up areas, based on city or county boundaries. The list would be open, in a variant of the Belgium system⁶⁵, and the lists would be small, with only a couple of names submitted by each party. Voters would have two votes, for the constituency and one for the Top-up, therefore allowing for split ticket voting. A review of boundaries would need to be undertaken by the Parliamentary Boundary Commissions, along with changes to the existing Redistribution Rules, to allow for a single UK electoral quota. This would have the effect of reducing the number of seats awarded to Scotland and Wales.⁶⁶

Finally, the Commission recommended a neutral, publicly funded education programme before any referendum on electoral change, on the lines recommended by the Neill Committee⁶⁷ into party funding and election expenditure. It also called for an independent electoral commission to have oversight of electoral administration. The recommendations and conclusions were set out as follows:

⁶² *Times* 26.10.98 'Neill to clarify 'gag' on ballots'

⁶³ see Research Paper 96/55 *The Collective Responsibility of Ministers: an outline of the issues* section V

⁶⁴ *The Report of the Independent Commission on the Voting System* Cm 4090

⁶⁵ see Research Paper 98/102 *The European Parliamentary Elections Bill* for details

⁶⁶ see Research Paper 95/74 *The Parliamentary Boundary Review for England* for background

1. The Commission's central recommendation is that the best alternative for Britain to the existing First Past The Post system is a two-vote mixed system which can be described as either limited AMS or AV Top-up . The majority of MPs (80 to 85%) would continue to be elected on an individual constituency basis, with the remainder elected on a corrective Top-up basis which would significantly reduce the disproportionality and the geographical divisiveness which are inherent in FPTP.
2. Within this mixed system the constituency members should be elected by the Alternative Vote. On its own AV would be unacceptable because of the danger that in anything like present circumstances it might increase rather than reduce disproportionality and might do so in a way which is unfair to the Conservative party. With the corrective mechanism in operation, however, its advantages of increasing voter choice and of ensuring that in practice all constituency members (as opposed to little more than half in recent elections) have majority support in their own constituencies become persuasive. Lord Alexander would, however, prefer to retain FPTP for constituency elections for the reasons outlined in the attached note.
3. The Commission recommends that this system should be implemented throughout the United Kingdom.
4. The Commission recommends that the second vote determining the allocation of Top-up members should allow the voter the choice of either a vote for a party or for an individual candidate from the lists put forward by parties. They should therefore be what are commonly called open rather than closed lists.
5. The Commission recommends that, in the interests of local accountability and providing additional members with a broad constituency link, additional members should be elected using small Top-up areas. The Commission recommends the areas most appropriate for this purpose are the 'preserved' counties and equivalently sized metropolitan districts in England. In Scotland and Wales, we see no reason to depart from the units which are used for the return of additional members to the Parliament in Scotland and to the Assembly in Wales with respectively eight and five Top-up areas. In Northern Ireland there should be two Top-up areas each returning two members. In England the Top-up members would therefore in effect be either county or city-wide members from 65 different areas
6. The Commission recommends that the Top-up members should be allocated correctively, that is on the basis of the second vote and taking into account the number of constituency seats gained by each party in each respective area, according to the following method:
 - the number of second votes cast for each party will be counted and divided by the number of constituency MPs plus one gained by each party in each area;
 - the party with the highest number of second votes after this calculation will be allocated the first Top-up member;
 - any second additional member for an area will be allocated using the same method but adjusting to the fact that one party will already have gained a Top-up member.

⁶⁷ *Committee on Standards in Public Life* October 1998

7. The Commission recommends that the proportion of Top-up members needed for broad proportionality without imposing a coalition habit on the country should be between 15% and 20%. A decision on the exact proportion of Top-up members should be governed by the considerations set out in paragraphs 151-154 of this report, which relate to other changes in the pipeline such as the reduction in the number of Scottish seats and the work of the Boundary Commissions.

8. The Commission recommends that the allocation of Top-up seats to areas should ensure that the ratio of constituency to Top-up members is, as far as is practicable, equal in the four constituent nations of the United Kingdom. The allocation of Top-up members to the areas within each of those parts should ensure that each area has at least one Top-up member with the remainder being allocated to those areas with the greatest number of electors. For the reasons outlined in paragraph 142 Northern Ireland should have two Top-up members in two Top-up areas.

9. The Commission recommends that the right to put forward candidates for Top-up member seats should be limited to those parties which have candidates standing for election in at least half of the constituencies within the the Top-up area.

10. The Commission stresses that all members of the House of Commons whether elected from constituencies or as Top-up members should have equal status in Westminster.

11. The Commission recommends that Top-up member vacancies, which are unlikely to be more than two or three a parliament, should be filled by the candidate next on the list of the party holding the seat. If there is no available person the seat should remain vacant until the next general election. Constituency vacancies would of course be filled by the normal by-election procedure.

12. The Commission believes that changes to the existing Rules for the Redistribution of Seats (Schedule 2 to the Parliamentary Constituencies Act 1986) will be integral to the successful implementation of the new system. Bias should be reduced by the use of a single electoral quota for the United Kingdom; and the Boundary Commissions should be given a statutory power to take account of population movement and thus help to keep the result of their work more up-to-date.

Secondary Recommendations

13. The Commission recommends that there should be a properly planned publicly-funded but neutrally-conducted education programme to prepare voters for the decision they will be required to make in the referendum.

14. The Commission concludes that the education programme and oversight of referendums generally should fall to an independent commission. This role would fall naturally to an Electoral Commission.

15. The Commission recommends that an independent Electoral Commission should be established to advise Parliament on and have oversight of electoral administration and related matters.

16. The Commission recommends that the Government should put in place arrangements to review the new system after, say, two general elections.
17. The Commission recommends that substantial further changes should not be made without a second referendum.

Professor Patrick Dunleavy and Dr Helen Margetts published a report on the same day summarising their statistical modelling for the Commission and offering estimates of how the parties would have fared under the Jenkins scheme in the 1997 election.⁶⁸

B. Background

The report began with a defence of its role, in being charged to recommend an alternative to FPTP. It continued with a review of the role of political parties and of MPs in the Commons, and examined the pros and cons of FPTP. After a brief look at overseas experience with coalition governments, it considered AV, noting that under FPTP half of all MPs were elected on less than 50 per cent of the vote in the 1997 election. It rejected AV on its own as the solution, concluding as follows:

85. The Commission's conclusions from these and other pieces of evidence about the operation of AV are threefold. First, it does not address one of our most important terms of reference. So far from doing much to relieve disproportionality, it is capable of substantially adding to it. Second, its effects (on its own without any corrective mechanism) are disturbingly unpredictable. Third, it would in the circumstances of the last election, which even if untypical is necessarily the one most vivid in the recollection of the public, and very likely in the circumstances of the next one too, be unacceptably unfair to the Conservatives. Fairness in representation is a complex concept, as we have seen in paragraph 6, and one to which the upholders of FPTP do not appear to attach great importance. But it is one which, apart from anything else, inhibits a Commission appointed by a Labour government and presided over by a Liberal Democrat from recommending a solution which at the last election might have left the Conservatives with less than half of their proportional entitlement. We therefore reject the AV as *on its own* a solution despite what many see as its very considerable advantage of ensuring that every constituency member gains majority acquiescence.

It also rejected the preferred option of the Plant Commission -the Supplementary Vote - on the grounds of its sometimes perverse effects in four party contests as found most commonly in Scotland and Wales. (para 86) The Second Ballot, used in France, was also rejected as involving the complications and expense of two elections. (para 88) There was a longer examination of STV, in Chapter 6, with Lord Jenkins commenting on the attractiveness of the proposal from the Speakers Conference of 1917 for STV in city areas and AV in the counties. (para 102) However the Commission concluded that it would be

⁶⁸ *The Performance of the Commission's Schemes for a New Electoral System* 1998

too difficult to explain to the electorate why one half was being asked to vote under a different system from the other half; it would also disadvantage the Labour party in more rural areas:

105 There would thus be a certain rationale for treating the cities differently. Nevertheless the difficulty of explaining convincingly why nearly one half of the electorate were being asked to vote under a different system from the rest stands like a forbidding lion in the path of such a scheme. It would only be worth facing its fangs for a outcome which was manifestly beneficial from nearly every other point of view. And the Commission was ultimately unanimously persuaded that this would not be the case here. Just as it rejected AV as a solitary recipe on the ground that it would not be fair to those who support the Conservative party, so it rejected the hybrid system on the ground that, in addition to its omplication, it would not, in most circumstances, be fair to those who support the Labour party. STV in the cities would let in minority Conservative representation to the Labour heartlands of the industrial centres of England, Scotland and Wales. That indeed would be part of the object of the exercise, and would in the view of the Commission be inherently desirable, for large tracts of one party monopoly are one of the major counts against FPTP. But a necessary corollary is that there should also be minority Labour representation in the areas where the Conservatives have long reigned supreme. This would be unlikely to be forthcoming. A Conservative MP for Liverpool would not be balanced by a Labour one for Surrey or Dorset.

106. The fact that the Liberal Democrats would make substantial strides towards fairer treatment under both AV on its own and a mixture of AV and STV does not answer this point. It is desirable that there should be as much all-round equity as possible, and that involves the two major parties (somewhat complacently though they have long sat upon their privileged treatment under FPTP) just as much as it does the third party against which there has been heavy discrimination. On this ground, fortified by the need for a strong positive justification for a two-tier system, the Commission rejected, with some regret, the eighty-year old solution of the Speaker's Conference which would amongst its other real but insufficient advantages, have restored the parliamentary cohesion of the provincial metropolises.

C. A Mixed System

The Commission put forward its preferred mixed system option noting its principal advantage of flexibility:

110. The essence of the system is that the elector would have the opportunity to cast two votes, the first for his choice of constituency MP, the second for an additional or Top-up member who would be elected for the specific and primary purpose of correcting the disproportionality left by the constituency outcomes, and could thus be crucial to determining the political colour of the next government. The second vote can be cast either for individuals or (as in Germany) for a party list without regard to the individuals on it. For reasons we develop in paragraphs 137-9 we greatly prefer an 'open list', giving the voter the ability to discriminate between individuals, to a closed party list. The counting of the second votes must be done in such a way that the central purpose of the 'Top-up', which is leverage towards proportionality, is maintained. This means that account must be taken, not only of how many second votes a party has received, but also

of how many constituency seats in the area it has already won. The allocation of Top-up seats would proceed as follows:

- i. After the total number of second votes cast for each party have been counted, these numbers are then divided for each party by the number of constituencies gained in the Top-up area by that party plus one (adding one avoids the impossibility of dividing by zero and ensures that the party with the highest ratio of votes to seats receives the Top-up seat.)
- ii. A Top-up member is then allocated to the party with the highest adjusted number of votes.
- iii. Where there remains a further Top-up member to be allocated this process is repeated but taking into account any Top-up members already gained by each party. Parties should not be eligible for Top-up seats unless they have contested at least 50% of the constituencies in the Top-up area.

111. Voter choice is manifestly enhanced by the ability of electors under the new system to cast their two votes in different political directions and thus to escape from the dilemma outlined earlier that, under FPTP, they have either to subordinate their view of who is the individual candidate best for the constituency to their choice of government for the country, or (less frequently in practice as all the evidence shows) vice versa. Thus, to take a concrete example, many Conservative voters of the Tatton division would at the last election have been able to balance their vote for the Labour and Liberal-supported independent candidate by using their second vote for a Conservative additional member from Cheshire. Martin Bell would still have been elected, but natural Conservatives could have eased the strain of a vote for him being a vote against John Major.

112. From the point of view of stability of government there is no evidence that an additional member system, even in the extreme form of a 50:50 division between them and the constituency members, as practised in Germany, produces less stability of government than does FPTP. Furthermore there is no electoral system which is a guarantee against occasional periods of instability, as witness the already-cited FPTP results in Britain in 1922-4, 1950-51 and 1974. And, to cast the net of comparison wider, 'majoritarian' systems (very similar in effect to FPTP) have produced in France several periods of co-habitation (a government of a different political orientation from the President) and in the United States of a President with a hostile Congress.

113. The Commission has therefore seen the essence of its task as being to use the flexibility of a Top-up system to strike such a balance as best to reconcile the four requirements of our terms of reference with our view of fairness, both of representation and of proportionality of power (as set out in paragraphs 6-8), and to do so in a way which offers a reasonable chance of our work being fecund rather than sterile.

The report emphasised that the problem of having two classes of MPs was not insurmountable, pointing to precedents such as the MPs elected for university seats under STV until 1950. It argued that, under an 80/20 split and with each list member chosen for local, rather than regional or national areas, the difficulties would be minimal. (paras 115-117). Studies carried out for the Commission had in any case indicated that a Top-up of

15-20 per cent would give a substantial degree of proportionality to election results, without any need to emulate the 50/50 split used in Germany. The Committee defended the decision to accept a measure of proportionality, rather than a fully proportional system, by admitting that ‘we would not wish to propound a system which would involve persistent coalition. Reverting to the comparison made with the German system, one aspect which we find difficult to defend...has been the permanent hinge position of the very small Free Democratic Party.’ (para 122).

The majority of the Commission supported AV for the constituency element, because it would result in less wasted votes and would encourage candidates to appeal to the majority of the voters:

126. Under our system, AV would have a number of positive features which persuade a majority of us that it would be superior to FPTP as a method of choosing constituency representatives. First, there will be many fewer ‘wasted votes’ in the constituency side of the election, and far more voters will potentially influence the result. This, we hope, will encourage turn-out and participation. Second, it would encourage serious candidates to pitch their appeal to a majority of their constituents, rather than just seeking to target a hard-core minority of the party faithful. This should lead to more inclusive politics than FPTP. Third, because second and subsequent preferences may count, it will discourage individual candidates from intemperate attacks on their rivals, since they will be hoping to gain their second votes and will not wish to alienate their supporters. This should contribute to the more consensual and less confrontational politics to which the majority of the public appear to aspire.

127. On top of these arguments, the use of AV has one other and crucial advantage. AV counters one important objection to electoral reform. This is the tendency to transfer power from voters to the subsequent deals of politicians. The recent example of New Zealand is widely cited in this regard. New Zealand is an example of the potential disadvantage of using FPTP for constituency elections under a mixed-system. For using FPTP means that each party in each constituency will seek to confront all others in order to maximise its own seats in the election, doing any necessary deals only after the polls have closed. By contrast, the use of AV in constituencies militates strongly against this.

A final argument was that the addition of Top-up would remove the short term unfairness to the Conservatives of adopting AV. (paras 128-131) However, Lord Alexander added a Note of Reservation at the end of the report. He argued that for Scotland and Wales an AMS system had been adopted, with no thought of using AV for the constituency element, that AV enabled two parties to ‘gang up’ on a third, and AV was not a fair method of voting:

AV comes into play only when a candidate fails to secure a majority of first preference votes. It does not, however, then take account of the second preferences of all voters, but only of those who have supported the least successful candidates. So it ignores the second preferences of the voters who supported the two candidates with the highest first preference votes, but allows the voters for the third or even weaker candidates to have their second votes counted so as to determine the result.

I find this approach wholly illogical. Why should the second preferences of those voters who favoured the two stronger candidates on the first vote be totally ignored and only those who support the lower placed and less popular candidates get a second bite of the cherry? Why, too, should the second preferences of these voters be given equal weight with the first preferences of supporters of the stronger candidates? In 1931 Mr Winston Churchill described this proposal as taking account of “the most worthless votes of the most worthless candidates”. He went on to describe AV as containing an element of blind chance and accident which would lower respect for Parliament. Churchill’s comments warrant even greater weight because at that time he was not unsympathetic to some sensible form of electoral reform.

The report issued by Professor Patrick Dunleavy and Dr Helen Margetts which contained summaries of their work for the Commission ⁶⁹noted that the choice of AV Plus meant a more disproportional system than AMS. It stated:

25. Although the AV Plus system has advantages in terms of expanding voter choice and in giving MPs back the legitimacy of enjoying majority support in their constituencies, it is important to recognize that under some circumstances it can carry a heavy penalty in terms of worsened proportionality (and hence a higher DV score). In elections when one of the major parties is particularly disliked, the effect of AV elections is to facilitate joint action against it by voters supporting all the other parties - in a way AV Plus (and similarly SV Plus using the Supplementary Vote) automates tactical voting in local constituency contests. In 1997 the Conservatives lost heavily from this AV effect because around 61 per cent of voters wanted them out of power, whereas in 1992 no similar conditions applied. Thinking about previous elections we would expect that in 1983, for instance, a very similar effect would have severely penalized Labour under AV Plus.

The report contained projections for an AMS scheme with FPTP in the constituency element. It noted that in 1997 AMS would have given the Conservatives almost 30 more seats compared with AV Plus. (para 27)

D. Top-up Members

The distribution of the 80 Top-up **areas** in the Jenkins Report was as follows:

Scotland	8
Wales	5
Northern Ireland	2
England	65

⁶⁹ *The Performance of the Commission's Schemes for a New Electoral System* Patrick Dunleavy and Dr Helen Margetts 1998

The numbers for Scotland and Wales correspond to the number of electoral regions to be used under AMS for elections to the Scottish Parliament and the National Assembly of Wales. For Northern Ireland, the Commission considered that it was preferable to have one uniform system for the UK, than to use STV which is currently used for local, European and Assembly elections there. It recommended a minimum of 4 top up seats, divided between 2 areas to 'accommodate the more complex party system which there operates' (para 142) The areas to be used in England would be based on metropolitan area and the 'preserved' counties with the reasoning that 'one or two additional members locally anchored to quite small areas comprising a maximum of 12 and an average of eight current constituencies put together are, we believe, more easily assimilable into the British political culture and indeed the Parliamentary system than would be a flock of unattached birds clouding the sky and wheeling under central party directions'. (para 134)

The distribution of top up seats was set out for illustrative purposes only in Annex C below. Each area would have only one or two top up members:

ANNEX C

The Report of the Independent Commission
on the Voting System

	Local seats	Top-up seats	Total seats
SCOTLAND			
S1 Scotland Highlands	6	1	7
S2 Scotland North East	7	2	9
S3 Scotland Mid & Fife	8	1	9
S4 Scotland West	8	1	9
S5 Glasgow	8	2	10
S6 Scotland Central	8	2	10
S7 Lothians	7	2	9
S8 Scotland South	7	2	9
COUNTIES			
C1 Northumberland	3	1	4
C2 Cumbria	5	1	6
C3 Durham	6	1	7
C4 Cleveland	5	1	6
C5 Lancashire: North	6	1	7
C6 Lancashire: South	7	1	8
C7 North Yorkshire	7	1	8
C8 Humberside	8	2	10
C9 Cheshire	9	2	11
C10 Shropshire	4	1	5
C11 Staffordshire	10	2	12
C12 Derbyshire	8	2	10
C13 Nottinghamshire	9	2	11
C14 Leicestershire	8	2	10
C15 Lincolnshire	6	1	7
C16 Hereford & Worc.	7	1	8
C17 Gloucestershire	5	1	6
C18 Oxfordshire	5	1	6
C19 Warwickshire	4	1	5
C20 Northamptonshire	5	1	6
C21 Buckinghamshire	6	1	7
C22 Bedfordshire	5	1	6
C23 Cambridgeshire	6	1	7
C24 Hertfordshire	9	2	11
C25 Norfolk	6	2	8
C26 Suffolk	6	1	7
C27 Essex: North East	6	1	7
C28 Essex: South West	8	2	10
C29 Cornwall	4	1	5
C30 Devon	9	2	11
C31 Somerset	4	1	5
C32 Bristol and Bath	8	2	10
C33 Wiltshire	5	1	6
C34 Dorset	7	1	8
C35 Berkshire	7	1	8
COUNTIES (cont.)			
C36 Hampshire North	7	2	9
C37 Hampshire Solent	7	2	9
C38 Surrey	9	2	11
C39 West Sussex	7	1	8
C40 East Sussex	7	1	8
C41 Kent: West	9	2	11
C42 Kent: East	5	1	6
WALES			
W1 Wales North	7	2	9
W2 Wales Mid	7	1	8
W3 South Wales West	6	1	7
W4 South Wales Central	6	2	8
W5 South Wales East	7	1	8
METROPOLITAN COUNTIES			
M1 Tyne & Wear: N & Newc.	4	1	5
M2 Tyne & Wear: South	7	1	8
M3 Liverpool and Wirral	7	2	9
M4 Merseyside: North	6	1	7
M5 Manchester: East	8	2	10
M6 Manchester: West	7	2	9
M7 Manchester: North	7	2	9
M8 West Yorkshire: Bradford	6	1	7
M9 West Yorkshire: Leeds	7	1	8
M10 West Yorkshire: South	7	1	8
M11 South Yorkshire: Sheffield	8	1	9
M12 South Yorkshire: Barnsley	5	1	6
M13 Wolverhampton & Walsall	5	1	6
M14 Dudley and Sandwell	6	1	7
M15 Birmingham	9	2	11
M16 Coventry & Solihull	4	1	5
LONDON			
L1 North West London	9	2	11
L2 North London	9	2	11
L3 North Central London	9	2	11
L4 North East London	8	2	10
L5 South West London	7	2	9
L6 South Central London	9	2	11
L7 South East London	9	2	11
NORTHERN IRELAND			
N1 Northern Ireland East	8	2	10
N2 Northern Ireland West	6	2	8

Dunleavy and Margetts have published a further report⁷⁰ which gives illustrations of results taken from the 1997 election:

Table 10: Seats won under AV-Plus in re-run 1997 election with 17.5% top-up, by top-up areas (GB)

Top-up areas	Vote shares						Local seats					All seats after top-ups					
	Con	Lab	LD	SNP	PC	Other	Con	Lab	LD	Nat	Other	Con	Lab	LD	Nat	Other	DW
Dorset	41.8	18.8	34.1	0.0	0.0	5.3	0	1	6	0	0	1	1	6	0	0	40.9
Wiltshire	40.2	28.0	26.2	0.0	0.0	5.6	0	2	3	0	0	1	2	3	0	0	29.1
Gloucestershire	39.4	33.9	22.5	0.0	0.0	4.2	1	3	1	0	0	2	3	1	0	0	16.1
Bristol and Bath	32.7	36.5	26.3	0.0	0.0	4.5	1	4	3	0	0	3	4	3	0	0	7.2
Somerset	36.5	17.4	40.6	0.0	0.0	5.4	0	0	4	0	0	1	0	4	0	0	39.4
Devon	36.8	25.9	31.3	0.0	0.0	6.1	1	3	5	0	0	3	3	5	0	0	15.6
Cornwall	30.4	17.1	44.0	0.0	0.0	8.6	0	1	3	0	0	1	1	3	0	0	18.9
Essex South West	39.8	40.1	15.3	0.0	0.0	4.8	4	4	0	0	0	4	5	1	0	0	10.1
Essex North East	40.9	31.6	22.1	0.0	0.0	5.4	3	1	2	0	0	3	2	2	0	0	8.4
Oxfordshire	38.0	31.7	24.7	0.0	0.0	5.6	3	1	1	0	0	3	2	1	0	0	13.6
Berkshire	42.2	28.5	24.6	0.0	0.0	4.7	3	2	1	0	0	4	2	2	0	0	8.2
Buckinghamshire	43.7	30.6	21.2	0.0	0.0	4.5	4	2	0	0	0	4	2	1	0	0	13.5
Hertfordshire	40.6	39.7	16.0	0.0	0.0	3.7	4	5	0	0	0	5	5	1	0	0	10.6
Bedfordshire	38.6	44.0	12.8	0.0	0.0	4.6	2	3	0	0	0	3	3	0	0	0	17.5
Surrey	46.2	22.3	24.5	0.0	0.0	7.0	7	0	2	0	0	7	2	2	0	0	17.4
Kent East	39.2	37.7	17.1	0.0	0.0	6.1	2	2	1	0	0	3	2	1	0	0	10.8
Kent West	41.2	36.8	17.0	0.0	0.0	5.0	4	5	0	0	0	4	5	2	0	0	9.8
East Sussex	39.4	29.2	24.0	0.0	0.0	7.4	2	3	2	0	0	3	3	2	0	0	9.3
West Sussex	44.7	24.3	25.6	0.0	0.0	5.5	5	1	1	0	0	5	1	2	0	0	17.8
Hampshire Solent	35.7	33.5	24.9	0.0	0.0	5.9	2	2	3	0	0	3	3	3	0	0	8.4
Hampshire North	46.3	21.2	28.8	0.0	0.0	5.2	5	1	1	0	0	5	2	2	0	0	11.0
Warwickshire	38.7	43.8	13.9	0.0	0.0	3.6	1	3	0	0	0	2	3	0	0	0	17.5
Hereford & Worcs	41.0	32.6	21.9	0.0	0.0	4.5	2	3	2	0	0	3	3	2	0	0	8.0
Shropshire	37.2	39.7	20.5	0.0	0.0	2.7	0	3	1	0	0	1	3	1	0	0	20.3
Staffordshire	33.7	51.3	10.7	0.0	0.0	4.2	1	9	0	0	0	3	9	0	0	0	23.7
Dudley & Sandwell	26.5	55.9	9.8	0.0	0.0	7.9	0	6	0	0	0	1	6	0	0	0	29.8
Birmingham	28.4	54.6	12.8	0.0	0.0	4.3	1	8	0	0	0	2	8	1	0	0	18.1
Coventry & Solihull	32.9	47.0	13.6	0.0	0.0	6.6	1	3	0	0	0	2	3	0	0	0	20.2
Wolverhampton/ Walsall	33.2	54.4	8.3	0.0	0.0	4.2	1	4	0	0	0	2	4	0	0	0	12.5
Suffolk	37.6	40.2	17.6	0.0	0.0	4.6	2	4	0	0	0	2	4	1	0	0	16.9
Cambridgeshire	42.0	34.5	17.9	0.0	0.0	5.6	3	2	1	0	0	3	3	1	0	0	9.2
Norfolk	36.7	39.9	18.2	0.0	0.0	5.1	1	4	1	0	0	3	4	1	0	0	10.8
Lincolnshire	42.4	36.9	17.5	0.0	0.0	3.1	4	2	0	0	0	4	2	1	0	0	14.7
Northants	40.4	45.0	11.1	0.0	0.0	3.4	1	4	0	0	0	2	4	0	0	0	21.6
Leicestershire	36.8	43.8	15.1	0.0	0.0	4.3	3	4	1	0	0	4	5	1	0	0	9.4
Notts	30.5	54.3	10.9	0.0	0.0	4.3	1	8	0	0	0	2	8	1	0	0	18.4
Derbyshire	29.5	53.6	13.8	0.0	0.0	3.1	1	7	0	0	0	2	7	1	0	0	16.4
North Yorkshire	40.0	32.8	23.0	0.0	0.0	4.2	3	2	1	0	0	3	3	2	0	0	6.7
Humberside	30.4	50.4	15.8	0.0	0.0	3.3	1	6	1	0	0	3	6	1	0	0	9.6
W Yorkshire: Leeds	28.0	55.3	12.9	0.0	0.0	3.8	0	7	0	0	0	1	7	0	0	0	32.2
W Yorkshire: Bradford	33.0	49.6	13.2	0.0	0.0	4.3	0	6	0	0	0	1	6	0	0	0	36.1

Continued overleaf

⁷⁰ *The Politico's Guide to Electoral Reform in Britain* (1998) Patrick Dunleavy, Helen Margetts, Stuart Weir,

Table 10 continued

Top-up areas	Vote shares						Local seats					All seats after top-ups					DV
	Con	Lab	LD	SNP	PC	Other	Con	Lab	LD	Nat	Other	Con	Lab	LD	Nat	Other	
W Yorkshire: South	25.9	56.9	12.7	0.0	0.0	4.5	0	7	0	0	0	1	7	0	0	0	30.6
South Yorks (Sheffield & Rotherham)	16.5	59.7	20.3	0.0	0.0	3.5	0	6	1	0	0	1	6	2	0	0	8.9
South Yorks (Barnsley & Doncaster)	16.9	66.3	11.0	0.0	0.0	5.9	0	5	0	0	0	1	5	0	0	0	17.1
Cleveland	25.2	62.4	9.8	0.0	0.0	2.6	0	5	0	0	0	1	5	0	0	0	20.9
Tyne & Wear South	14.6	69.4	11.8	0.0	0.0	4.3	0	7	0	0	0	1	7	0	0	0	18.1
Tyne & Wear North (inc Newcastle)	21.2	63.8	11.9	0.0	0.0	3.2	0	4	0	0	0	1	4	0	0	0	16.2
Durham	17.6	68.5	9.7	0.0	0.0	4.2	0	6	0	0	0	1	6	0	0	0	17.2
Cumbria	33.5	45.8	16.5	0.0	0.0	4.1	1	4	0	0	0	2	4	0	0	0	20.8
Northumberland	22.7	48.7	25.0	0.0	0.0	3.7	0	2	1	0	0	1	2	1	0	0	3.7
Liverpool & Wirral	19.1	63.5	12.8	0.0	0.0	4.7	0	7	0	0	0	1	7	1	0	0	14.3
Merseyside North	20.6	60.0	16.5	0.0	0.0	3.0	0	5	1	0	0	1	5	1	0	0	11.5
Manchester North	25.8	54.2	16.7	0.0	0.0	3.3	0	6	1	0	0	2	6	1	0	0	12.5
Manchester West	23.6	62.3	10.9	0.0	0.0	3.3	0	7	0	0	0	2	7	0	0	0	15.5
Manchester East	23.0	53.1	20.2	0.0	0.0	3.7	1	6	1	0	0	2	6	2	0	0	6.9
Cheshire	33.4	46.5	12.3	0.0	0.0	7.8	2	6	0	0	1	3	6	1	0	1	9.3
Lancashire South	29.6	55.2	10.8	0.0	0.0	4.3	0	6	0	0	0	2	6	0	0	0	19.8
Lancashire North	39.3	42.5	14.8	0.0	0.0	3.4	2	4	0	0	0	2	4	1	0	0	14.6
South East London	36.6	41.3	16.7	0.0	0.0	5.4	3	6	0	0	0	4	6	1	0	0	13.2
South West London	34.6	33.7	28.2	0.0	0.0	3.5	0	3	4	0	0	2	3	4	0	0	16.3
South Central London	23.6	57.9	14.3	0.0	0.0	4.2	0	8	1	0	0	2	8	1	0	0	14.8
North West London	32.8	53.1	10.1	0.0	0.0	3.6	1	8	0	0	0	3	8	0	0	0	19.4
North London	32.9	52.3	11.4	0.0	0.0	3.4	1	8	0	0	0	2	8	1	0	0	20.5
North East London	28.2	56.9	8.3	0.0	0.0	6.6	0	8	0	0	0	2	8	0	0	0	23.1
North Central London	27.4	53.5	12.7	0.0	0.0	6.5	2	7	0	0	0	3	7	1	0	0	10.2
Scotland: South	22.6	43.4	13.4	19.1	0.0	1.6	0	5	2	1	0	1	5	2	1	0	21.0
Scot Highlands	16.2	27.0	27.7	26.7	0.0	2.4	0	2	3	1	0	1	2	3	1	0	16.7
Scot N E	22.4	30.9	18.9	26.1	0.0	1.7	0	4	2	2	0	1	4	2	2	0	16.9
Scot Mid & Fife	21.1	40.0	12.6	25.3	0.0	1.0	0	5	1	2	0	1	5	1	2	0	15.6
Scot Central	10.4	59.4	5.2	23.4	0.0	1.6	0	8	0	0	0	0	8	0	2	0	20.6
Scot West	18.4	52.0	9.4	20.2	0.0	1.3	0	8	0	0	0	0	8	0	1	0	37.6
Lothians	19.2	45.9	14.9	18.4	0.0	1.5	0	6	1	0	0	1	6	1	1	0	20.7
Glasgow	8.5	60.2	7.3	19.4	0.0	4.6	0	9	0	0	0	0	9	0	1	0	29.8
Wales North	24.3	46.7	11.8	0.0	14.2	3.1	0	6	1	1	0	1	6	1	1	0	24.0
Wales Mid	20.7	37.8	18.4	0.0	20.1	3.0	0	3	2	2	0	1	3	2	2	0	21.6
Wales South West	15.0	65.6	10.7	0.0	5.7	3.0	0	6	0	0	0	1	6	0	0	0	17.2
South Wales Central	20.3	58.1	11.8	0.0	5.6	4.2	0	6	0	0	0	1	6	1	0	0	14.8
South Wales East	16.7	66.1	9.4	0.0	4.2	3.6	0	7	0	0	0	1	7	0	0	0	19.3
Great Britain	31.5	44.4	17.2	2.0	0.5	4.4	93	357	69	9	1	167	367	92	14	1	12.9

Top up members would serve a new role in representing the broader interests of counties and cities, and provide representation for minority political opinion. (para 135) It rejected the recommendation of the Hansard Commission in 1976 that additional members should be drawn from defeated constituency candidates, preferring greater flexibility. The Commission favoured the semi-open list system, while noting that for the election of only one or two candidates, the list put forward by each party would be very small. The Home Secretary considered, but then rejected, the semi-open or Belgian system for the forthcoming regional list elections for the European Parliament in 1999.⁷¹ A mock ballot paper was set out as follows:

Constituency vote		Second Vote	
This vote will help to decide who is the constituency MP for Westbury. Rank the candidates in order of preference (1 for your preferred candidate, then 2, 3 etc.). Rank as many candidates as you wish		This vote will help to decide the total number of seats for each party in the county of Purfordshire. You may vote either for one party or, if you wish, for one of the listed candidates. A vote for a listed candidate will also be counted as a vote for that candidate's party.	
place the candidates in order of preference (1,2,3 etc)		EITHER Put an X against the party of your choice	OR put an X against the candidate of your choice
Stephen Collins <i>Conservative</i>		<input type="checkbox"/> Conservative	<input type="checkbox"/> Giles Anderson <input type="checkbox"/> John Coleman <input type="checkbox"/> Julia Smith
Candice Crosby <i>Liberal Democrat</i>			
Dennis Graham <i>Referendum Party</i>		<input type="checkbox"/> Labour	<input type="checkbox"/> Helen Baxter <input type="checkbox"/> Tom Franklyn <input type="checkbox"/> Donna Jones
Stephanie Mills <i>National Law Party</i>			
Amina Mir <i>Independent</i>		<input type="checkbox"/> Liberal Democrat	<input type="checkbox"/> Carol Newton <input type="checkbox"/> Fazal Hussain <input type="checkbox"/> Julian Morison
Diane Morgan <i>Labour</i>			
Martin Newman <i>Green Party</i>		<input type="checkbox"/> Natural Law	<input type="checkbox"/> Paul Delaney <input type="checkbox"/> Nasim Shah
Peter Quine <i>Independent</i>			
Robert Russell <i>UK Independence Party</i>		<input type="checkbox"/> Referendum	<input type="checkbox"/> Anthony Barber <input type="checkbox"/> Denise Docherty

⁷¹ see Research Paper 98/102 *The European Parliamentary Elections Bill* for background on open and closed lists

This is considerably more complex than the current version. In the debate on the Jenkins report the Home Secretary argued that Jenkins had recommended a variant to the Belgian system with the result that only those votes cast for individuals would determine which particular individuals on the list would be elected. In the Belgium system a vote for the party would count for the first person on the list.⁷²

Voters will number their preferences for the AV element. Voters are not compelled, unlike in Australia, to fill in as many preferences as there are candidates. Then the voter will choose between a party box or an individual candidate for the Top-up element. It is worth noting that if voters are not compelled to list all their preferences then AV will not perform as effectively as its supporters desire. The initial Dunleavy and Margetts report noted that in surveys of the way in which voters would act under AV in 1992 and 1997 one fifth of respondents used only two preferences in 1992 and in 1997 one in seven respondents only marked one preference. (para 49) The Commission rejected a variant which would give the voter only one vote, with the choice for the constituency candidate automatically translating into the vote for the relevant party in the top up element. It noted that 37 per cent of New Zealanders had chosen to differentiate their vote under their AMS system, and argued for the value of split ticket voting as an expression of voter choice:

139. The practical importance of the issue can be exaggerated under a Top-up system as devolved as that which we propose. If there is in most cases no more than one Top-up seat for which to compete, and in no case more than two, parties are unlikely at the maximum to put forward a Top-up list of more than three. That it should slightly exceed the number of seats available is desirable in order to provide for list vacancies between general elections, which will be dealt with in paragraph 143. Nevertheless it remains essential that the elector should have two rights; first to bolt the party ticket completely with his or her second vote, in other words to vote for a candidate of one party for the constituency and then to cast his or her vote in a different direction for the Top-up representative or representatives. Without this right the new system would not fulfil the objective of freeing the voter from the prison of having to suffer an unwanted candidate for the constituency in order to get a desired government. Second, however, it is equally desirable that the voter should be able to discriminate between the candidates put forward for the list by the party for which he or she wishes to cast the second vote. Only if this is so does the Commission feel that it will have sufficiently discharged its third requirement of providing for an extension of voter choice.

The Conservatives have expressed concern about the possibility that split ticket voting would act against the proportionality of the system. This danger was recognised by the Commission but felt to be grossly exaggerated:

Tactical Voting

145. Before we come to estimating the likely effects of the new system it is necessary to discuss one count against it which has been raised in advance. This is that it offers scope for tactical voting on a scale which would damage both the

⁷² HC Deb vol 318 5.11.98 c1036

greater proportionality of the new system and its ability to counteract the “electoral deserts” for major parties scenario. Thus, to take an extreme case, Labour voters in Glasgow, knowing that because of their party’s constituency dominance, it would have no chance of winning a compensating Top-up seat, might on a massive scale switch their Top-up vote to the Liberal Democrats, thereby depriving the Conservatives, whose real strength across the city is stronger than that of the Liberal Democrats, of the Top-up seat to which they should be entitled. It is easily possible to see the theory of the argument. The Commission, however, having examined it carefully, believe that its practical effects can be grossly exaggerated. Its comments on the issue follow in the next five paragraphs.

146. All electoral systems are open to a degree of tactical voting. This is certainly true of FPTP, where tactical voting was fairly widely practised in the special circumstances of the 1997 election, as was expounded in paragraph 128. There is nothing morally wrong about either informal tactical voting or the formalisation of alternative choices under AV. In many situations of life a decision has to be made in favour of a second or third best choice and there is no inherent reason why what has often to be applied to jobs, houses, even husbands and wives should be regarded as illegitimate when it comes to voting. The point at issue is the narrower one of whether with an Additional Member/Top-up system tactical voting can block the objective of the corrective mechanism giving greater proportionality.

147. However the evidence is that effective tactical voting is very much a minority occupation. Not much more than one in ten voters attempts it, and a much smaller proportion achieve the result they intend. To suggest against this background that under a new system and in the fog of battle which accompanies an election, parties are going to be able to manoeuvre their votes, not in their own favour but in favour of another party, with all the precision of guards’ battalions on a parade-ground, seems to us distinctly far-fetched.

148. For this to happen three unlikely conditions would have to be met. First, each party with votes to spare would need to find and convey to its supporters a complete and fairly precise confidence in the outcome before it had taken place. In retrospect the result of the 1997 election looks one of the most certain in living memory. Yet there was much nervousness and uncertainty of mood in the Labour party during the campaign, just as there was in the Conservative party (to which eloquent testimony is paid in the memoirs of the three members of the high command at the time) in the run-up to the almost equally inevitable 1987 victory. This is what is meant by the ‘the fog of battle’. Second, the properties and likely result of a new and somewhat more complicated system would have to be understood and foreseen with a clinical precision which has rarely been associated with the old familiar system. And third, the orders based on this precise appreciation would have to command the obedience not just of militant cadres but of a somewhat inchoate mass of voters.

The Dunleavy and Margetts reports have projections for AV Top-up which do not take account of the possibility of split ticket voting. They have acknowledged the possibility of large scale tactical voting acting against the proportionality of the Top-up seats but

argued that only if 30 per cent or more of Labour supporter were to vote tactically for the Top-up members would the AV Top-up scheme become more disproportional in 1997.

By elections would not take place for Top-up vacancies, but it would be unlikely for more than two or three to occur in one Parliament. The next available candidate on the relevant party list would fill the vacancy. A formal threshold, to be crossed before a party became eligible for a seat, was considered unnecessary. (paras 143-145)

The report was not specific about the final number of Top Up members, preferring to leave that decision to Parliament if there was a Yes vote in a referendum. It noted the existence of legislation which would reduce the number of Scottish MPs at the next boundary review⁷³ and the calls for more general change to the Rules for the Redistribution of Seats, which might lead to a complete overhaul of the factors used in determining boundaries and the number of MPs in the Commons. It recommended that the number of MPs be fixed at its current level of 659, that the Boundary Commission use a single electoral quota for the UK and that the Boundary Commissioners should have the statutory power to take population projections into account.⁷⁴

The use of local areas for the Top-up members did result in some large deviations from proportionality in individual Top-up areas. For example Dorset has a 40.9 DV⁷⁵ score in the simulation given by Dunleavy for an AV Plus system with 17.5 per cent Top-up members. This is because the Lib Dems win 6 out of the 7 constituency seats on 34.1 per cent of the vote, and two Top-up seats go to Labour and Conservative although they gained 41.8 and 18.8 per cent of the vote respectively. On the other hand many of these biases are partly offsetting, with the Conservatives gaining in southern England, against Labour gaining in urban and northern areas. The DV scores for Scotland and Wales are also higher than for England under the Jenkins proposals, reflecting the electoral predominance of the Labour party in these constituent parts of the UK.

Lastly, under AV Plus, in 1997 conditions, Labour would have won the great majority of its seats in local areas, rather than winning Top-up seats, presenting the party in future with a dilemma about advising voters how to vote in the Top-up element of the ballot in particular areas where it was strong electorally. Clearly, it would be in the party's interest to be seen to be maximising its proportional vote share, but its supporters might consider that it would be sensible to vote for another party, given that Labour had already won enough constituency seats to make it unlikely to win the local Top-up seat.

⁷³ *Scotland Act*, Section 86 see Research Paper 98/1 *The Scotland Bill: Devolution and Scotland's Parliament* for details

⁷⁴ see Research Paper 95/74 *The Parliamentary Boundary Review for England* for details

⁷⁵ DV refers to the deviation from proportionality. See *The Politico's Guide to Electoral Reform in Britain* (1998) for a full explanation

E. Possible outcomes under the Jenkins Scheme

Annex A set out projected outcomes as follows:

PROJECTED OUTCOMES OF 1992 AND 1997 ELECTIONS WITH BETWEEN USING AV TOP-UP WITH 15% AND 20% TOP-UP MEMBERS**Table 1: 20% or 132 Top-up members in 1997**

	CON	LAB	LIB DEM	SNP/PC	NI Parties	OTHER	DV Score
FPTP	165	419	46	10	18	1	21
AV Top-Up	175	360	90	15	18	1	12

Table 2: 20% or 132 Top-up members in 1992

	CON	LAB	LIB DEM	SNP/PC	NI Parties	OTHER	DV Score
FPTP	336	271	20	7	17		18
AV Top-Up	309	240	81	11	18		8.1

Table 3: 15% or 98 Top-up members in 1997

	CON	LAB	LIB DEM	SNP/PC	NI Parties	OTHER	DV Score
FPTP	165	419	46	10	18	1	21
AV Top-Up	160	378	88	14	18	1	14.8

Table 4: 15% or 98 Top-up members in 1992

	CON	LAB	LIB DEM	SNP/PC	NI Parties	OTHER	DV Score
FPTP	336	271	20	7	17		18
AV Top-Up	315	244	71	11	18		9.5

It concluded in favour of a Top-up of 15-20 per cent :

154. This has not been an easy circle to square. We feel we can best do so by identifying a narrow range within which that level should be set in the light of developments outlined above. Our investigations (see Annex A) suggest that a Top-up of between 15% and 20% of MPs would do sufficient justice to the three competing criteria discussed above to be acceptable. It will be for Parliament to decide after the referendum (if favourable to change) on the basis of the evidence before it at the time at what point in that range the specific limit should be set. It will be crucial that the evidence provided to Parliament for this purpose is soundly-based, fair and demonstrably non-partisan. In our view this evidence would be best provided by an independent body such as an Electoral Commission. We discuss this in the context of the recent Neill Committee recommendations in paragraphs 166-168.

155. For the sake of simplicity we think it best to give our estimates of the likely 1992 result under this recommended system at the middle point of the bracket, that is 17.5%. We obviously would not claim full precision for the exact numbers of seats which would have been won by each party, even though they have been arrived at with professional and impartial advice. We think it highly unlikely, however, that any margin of error for any party would exceed a handful of seats.

Table 2— 1992 Election*

	CON	LAB	LIB DEM	SNP/PC	Various NI parties
FPTP	336	271	20	7	17
AV Top-up	316	240	74	11	18

*It should be noted that the projection prepared for the Commission superimposed 1992 voting patterns on to the scheme put forward by the Commission and therefore assume a House of Commons of 659 members.

156. Instead of the weak and eroding Conservative majority which characterised the next five years, Mr Major would therefore have found himself from the start in a hung parliament, and a truly hung one, for a Labour/Liberal Democrats partnership would have been short of a majority, indeed just short of the Conservative total, and the Liberal Democrats had already moved to a sufficiently anti- Conservative position, not surprisingly perhaps after three Conservative parliaments, that a Major/Ashdown coalition, which could have commanded a majority, would have been impossible. The probable outcome would therefore have been an early second election, for which there have of course been several precedents under FPTP. It could easily be argued, however, that this might have been preferable from the point of view of decisive government than the five years of uncertain power which followed. It could also be argued that such an uncertain sound of the trumpet would have been a true reflection of the national mood in 1992 - a feeling that it was time for a change accompanied by a hesitation about entrusting power to the only partially reformed Labour party of the time, and that there is no need to apologise for an electoral system which would have accurately have reflected this uncertainty.

157. On the same basis our estimates for the 1997 result are:

Table 3

	CON	LAB	LIB DEM	SNP/PC	Various NI parties	OTHER
FPTP	165	419	46	10	18	1
AV Top-up	168	368	89	15	18	1

158. As will be seen this would not have prevented the Labour Party retaining a substantial overall majority of 77 - and one of 200 over the Conservatives - although it would of course have reduced the 'swollen' swing in seats. It would have substantially although not wholly eliminated the injustice to the Liberal Democrats (their strictly proportional entitlement was 111) and it would very marginally have improved the Conservative representation even at a time when their fortunes were nearly beyond the help of any electoral system.

159. A further insight into the proportionality of our recommended system can be provided by the test of a statistical measuring rod known as a DV score, which measures the degree of deviation between a party's share of the vote and its share of seats. Again this rod does not have absolute validity but it is a useful indicator. Using this rod our researches show that when compared with FPTP our Top-up system reduced DV by one half (from 18 to 9) in 1992 conditions, and by just over one third (from 21 to 13. 2) in 1997 conditions. While these outcomes fall to a greater or lesser extent short of full proportionality (which, however, is generally considered to be achieved as fully as is normally practicable if the figure falls in the range of 4 to 8) this reflects our wish to minimise geographical disturbance and the prospect of constant coalition. The 1992 score also compares remarkably favourably with the outcome in the last Irish election, when their DV was actually higher at 9.8. The comparison is remarkable because STV (there operated) is generally considered by the most austere electoral reformers to be the epitome of desirability. It should however be noted that in the last but one Irish election the DV score was down to 6.8 and that in 1997 the British estimate is a good deal higher at 13.2. But 1997 in Britain was a 'bucking bronco' of an election which was very difficult for any system fully to control.

160. Looking further back to 1983 and 1987 our own estimates are that our recommended system would on both occasions have produced overall Conservative majorities, of 30 in 1983 and 20 in 1987. Even allowing for a wider margin of error it is improbable that the governing party would have been overturned. These majorities, despite the Conservatives' vote shares in 1983 and 1987 being not very different from that achieved by the Labour party at the last election, would be considerably smaller than that of Labour in 1997. This must be in part due to the persistence of bias in any system largely founded on single member constituencies. The need to address this bias is integral to the successful implementation of our system (see paragraph 164).

- 161 Our recommendation would therefore have produced single party majority Government in three out of the last four elections, with the only exception being a parliament which, even under the old system, exhibited many of the features of uncertain command. It is therefore difficult to argue that what we propose is a recipe either for a predominance of coalitions or for producing a weakness of government authority, except when it springs out of a hesitancy of national mood which may rightly show itself through any electoral system.

The initial Dunleavy and Margetts report produced tables of their own for Great Britain only, giving a regional breakdown. There are some minor differences with the final tables produced in the Jenkins report itself. As a general rule there are difficulties in the practical use of all such projections as voter behaviour is likely to change to take account of new voting systems. In addition, the results of one election inevitably affect the timing and outcome of subsequent elections.

Table 10: Seats outcomes in the 1997 election re-run under AV Plus, with 128 (20%) top-up seats

	Local seats				Top-up seats				All seats				Tot				
	Con	Lab	LD	Nat	Oth	Con	Lab	LD	Nat	Oth	Con	Lab		LD	Nat	Oth	
South West	3	14	24	0	0	10	0	0	0	0	13	14	24	0	0	51	16.8
South East	48	31	13	0	0	8	8	9	0	0	56	39	22	0	0	117	7.9
West Midlands	6	39	3	0	0	10	0	1	0	0	16	39	4	0	0	59	18.3
East Anglia	6	9	1	0	0	3	1	2	0	0	9	10	3	0	0	22	9.4
East Midlands	10	25	1	0	0	4	1	3	0	0	14	26	4	0	0	44	11.3
Yorks & Hum	4	36	3	0	0	10	1	2	0	0	14	37	5	0	0	56	14.1
North	1	27	1	0	0	6	0	1	0	0	7	27	2	0	0	36	14.1
North West	5	46	3	0	1	11	0	4	0	0	16	46	7	0	1	70	11.5
London	7	48	5	0	0	11	0	3	0	0	18	48	8	0	0	74	15.4
ENGLAND	90	275	54	0	1	73	11	25	0	0	163	286	79	0	1	529	10.4
SCOTLAND	0	46	8	6	0	6	0	0	6	0	6	46	8	12	0	72	18.3
WALES	0	27	3	3	0	6	0	1	0	0	6	27	4	3	0	40	12.8
GB TOTAL	90	348	65	9	1	85	11	26	6	0	175	359	91	15	1	641	11.6

Compare:

1992 GB TOTAL	268	216	24	5	0	41	24	57	6	0	309	240	81	11	0	641	7.6
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Table 11: Seats outcomes in the 1997 election re-run under AV Plus, with 96 (15%) top-up seats

	Local seats					Top-up seats					All seats						
	Con	Lab	LD	Nat	Oth	Con	Lab	LD	Nat	Oth	Con	Lab	LD	Nat	Oth	Tot	
South West	3	14	25	0	0	9	0	0	0	0	12	14	25	0	0	51	18.8
South East	50	34	16	0	0	5	6	6	0	0	55	40	22	0	0	117	7.9
West Midlands	7	39	3	0	0	9	0	1	0	0	16	39	4	0	0	59	18.3
East Anglia	7	10	2	0	0	1	1	1	0	0	8	11	3	0	0	22	11.7
East Midlands	10	25	1	0	0	4	1	3	0	0	14	26	4	0	0	44	11.3
Yorks & Hum	4	41	3	0	0	7	0	1	0	0	11	41	4	0	0	56	21.3
North	1	28	1	0	0	6	0	0	0	0	7	28	1	0	0	36	16.9
North West	5	51	3	0	1	7	0	3	0	0	12	51	6	0	1	70	18.6
London	7	51	5	0	0	8	0	3	0	0	15	51	8	0	0	74	19.4
ENGLAND	94	293	59	0	1	56	8	18	0	0	150	301	77	0	1	529	13.3
SCOTLAND	0	48	9	6	0	5	0	0	4	0	5	48	9	10	0	72	21.1
WALES	0	29	3	3	0	5	0	0	0	0	5	29	3	3	0	40	17.8
GB TOTAL	94	370	71	9	1	66	8	18	4	0	160	378	89	13	1	641	14.6

Compare:

1992 GB TOTAL	284	230	26	5	0	31	14	45	6	0	315	244	71	11	0	641	9.2
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F. Referendums and an Electoral Commission

Finally, the Commission concurred with the Neill Committee recommendation that an independent electoral commission be created to oversee electoral administration and to prepare for the implementation of the new system. It also agreed with the Neill recommendation for an independent body to oversee the conduct of referendums, although the Jenkins Commission added: 'we think that the Government should be entitled firmly to express its own views in any such referendum.' (para 168) A review of the new electoral system should take place after two general elections under the new system, with no fundamental change being introduced without a further referendum (para 170)

G. Reactions to Jenkins

There was a favourable reaction to the report from the Liberal Democrats and a hostile one from the Conservatives. Paddy Ashdown has been reported as being prepared to accept a referendum after the next general election.⁷⁶ The Conservatives issued an immediate rebuttal of the proposals, arguing that the Commission contained no supporter of the FPTP system, that AV plus was not in use anywhere in the world, and that coalitions prevented firm government and installed minor parties in permanent power.⁷⁷ The Home Secretary, Jack Straw, issued a statement noting that no decisions had been taken as to the timing of the referendum, and that extensive redrawing of the constituency boundaries would be required. The impact of the Neill Committee conclusions would also have to be studied. He also noted that the wider constitutional context would have to be considered:⁷⁸

Fourth, the Government will want to take account of the radical and ambitious programme of constitutional reform that is taking place, particularly the reform of the House of Lords. It will want to consider how the new systems of election soon to be in operation in Scotland, Wales and for the European Parliament settle down. The constitutional reform programme should be looked at as a whole prior to any decision being made on this issue.

In an adjournment debate on Jenkins on November 5, Mr Straw adopted a sceptical tone, insisting that the Government need not make an early decision and that the recommendations of the Neill Committee on referendums needed to be absorbed before one could be held.⁷⁹ However there have been press reports that the Prime Minister has indicated that a referendum before the election remains an option.⁸⁰ In response to a question on 11 November 1998 the Prime Minister said that that 'date has not been

⁷⁶ *Guardian* 2.11.98 'Ashdown gives Blair time to win PR support'

⁷⁷ *A Guide to the Jenkins Report: Background, Conclusions, Implications* Conservative Policy Forum 1998

⁷⁸ Home Office PN 29.10.98 'Government Response to the Report of the Independent Commission on the Voting System

⁷⁹ HC Deb vol 318 5.11.98 c1036

⁸⁰ *Guardian* 10.11.98 'Blair moves to reassure Lib Dems on PR vote pledge'

decided. It has always been envisaged that the referendum would take place before the next election. It should be held at the earliest possible moment it is sensible to do so, in the light of all the constitutional changes we anticipate and the recommendations of the Jenkins Commission. If it proves impossible to do so before the election for sound practical reasons, then it should be held at the earliest moment it is appropriate to do so. ‘

⁸¹Subsequently there has been press speculation that a referendum on electoral reform might be linked with a referendum on Lords in a grand ‘democracy day’.

There has been relatively little discussion as yet as to whether collective responsibility will apply for the Cabinet and junior ministers or whether individual members of the government will be able to campaign on different sides, as in the 1975 referendum on membership of the EEC.⁸²One article has suggested that it will be suspended for the referendum campaign.⁸³

The First Past the Post grouping in the Labour Party pledged to fight the Jenkins proposals, and there were press suggestions that a cross party Vote No campaign would emerge. There was concern in Scotland that the requirement in the *Scotland Bill* linking the number of Scottish MPs with the total number of Scottish Parliament Members would result in a sharp reduction in the number of MSPs if the Jenkins proposals were implemented.⁸⁴ Some press reaction considered that the Jenkins recommendations could not be considered in isolation from other constitutional reforms, notably reform of the Lords, and would require independent rules for the formation of coalition governments.⁸⁵

The cost of the Jenkins proposals, if implemented, cannot easily be estimated. Parliamentary Boundary commissions are due to begin a review in any case early in the next century; the Neill Commission has already recommended a neutral election commission to monitor referendums campaigns; it also recommended core funding for pro and anti groups in future referendums. A more complex counting system would also involve extra expense.

⁸¹ HC Deb vol 319 11.11.98c201w

⁸² see Research Paper 96/55 *The Collective Responsibility of Ministers: an outline of the issues* section V

⁸³ *Financial Times* 5.11.98 'Ministers to have free say on PR Referendum'

⁸⁴ *Scotsman* 30.10.98 'Jenkins' Vote Reform Could Slash Numbers at Holyrood. See Research Paper 98/1 The Scotland Bill: Devolution and Scotland's Parliament for background

⁸⁵ *Scotsman* 30.10.98 'Work for British Founding Fathers' for further detail see *Muddling Through* (1996) Chapter 2 by Peter Hennessy

III Arguments

A. Introduction

This section of the paper considers the arguments between retaining the present first-past-the-post (FPTP) system and adopting some form of new voting system. It does not seek to consider the merits or otherwise of particular alternatives - this is subject of the next section. As such, to some degree, this section is a consideration of the arguments for and against FPTP, or, put another way, for and against electoral reform.

It is worth noting that antagonists on either side often do not deal with each others points directly as they often do not agree with each others' premises. For example supporters of FPTP tend to favour strong governments, but supporters of PR tend to consider that a strong government is not necessarily good. Similarly, an electoral system which weakens party discipline can be seen as either good or bad depending on the political viewpoint. Vernon Bogdanor notes "The electoral system which a country adopts depends more on its political tradition than upon abstract considerations of electoral justice or good government".⁸⁶ In the same vein the system which a country adopts is likely to be the one considered most suitable to mitigate the particular symptoms of political malaise which have led to demands for electoral reform.

Some key elements of the electoral reform debate are considered below:

B. Fairness

This is a central theme for supporters of PR, by which is meant proportionality of seats to votes. It subsumes arguments about 'wasted' votes - both of the surplus to the winning candidates and those of the losing candidates - as well as discrimination against smaller parties, especially those not concentrated in defined geographic areas.⁸⁷

There are a number of indices used to measure proportionality. Professor Rose⁸⁸ has constructed a simple index of proportionality based on the sum of the differences between each party's share of seats and its share of the vote, divided by two and subtracted from 100. In the event that the share of seats for each party exactly matched the share of votes then the score on the index would be 100. There are criticisms made of the Rose Index, particularly in the way it deals with different numbers of parties, but other methods for measuring proportionality are more complicated and also have some weaknesses. Using

⁸⁶ *Democracy and Elections* 1983 ed. V Bogdanor and D Butler p.2

⁸⁷ Vernon Bogdanor has pointed out that parties with a concentrated regional or religious basis may actually benefit from FPTP (*Power and the People: A Guide to Constitutional Reform* (1998)

⁸⁸ in *Democracy and Elections* ed D Butler and V Bogdanor 1983

the Rose index the Plant Report compared the relative degree of proportionality between PR and plurality systems:^{89 90}

Index of Proportionality

PR Systems		Plurality Systems			
Austria	99	Finland	95	United States	94
Germany	98	Italy	95	Sweden	98
Israel	94	Japan	91		
Denmark	97	Portugal	93	Canada	88
Iceland	96	Belgium	91	Australia	87
Ireland	96	Norway	91	Britain	85
Netherlands	96	Luxembourg	90	New Zealand	80
Switzerland	96	Greece	88	France	79
		Spain	83		

Plant noted that in a more recent calculation for 1991 the range for PR systems was 87-99 and for plurality systems 81-94, and that Australia's Alternative Vote produced a performance of 87 equal to Spain's PR performance of 87⁹¹ and cited Rose's comments that "The effective difference between representation in proportional representation and plurality systems is a matter of degree not kind". The proportionality index for British General Elections since 1950 is as follows:⁹²

1950	92	1970	91	1987	83
1951	97	1974F	81	1992	80
1955	90	1974O	81		
1959	92	1979	85		
1964	89	1983	77		
1966	90	1987	80		

⁸⁹ NB Japan and New Zealand have now moved to a Mixed Member form of PR and Italy has moved from a purer form of PR to a Mixed Member System

⁹⁰ Source: Mackie and Rose International Almanac Table A.5 p 24

⁹¹ 1991 calculations (p.45 *Democracy Representation and Elections*)

⁹² 1950-87 *Democracy Representation and Elections* p 45; 1992 own calculations by Bryn Morgan, SGS

The statistical argument over FPTPs lack of proportionality can be demonstrated from the results of the 1992 General Election.⁹³

General election results April 1992: United Kingdom

Party	Vote share	Seats won	Share of seats	Seats won in proportion to vote share		Difference in number
				Number	Share of seats	
Conservative	41.9%	336	51.6%	273	41.9	-63
Labour	34.4%	271	41.6%	224	34.4%	-47
Liberal Democrat (a)	17.9%	20	3.1%	117	18.0%	97
Scottish National	1.9%	3	0.5%	12	1.8%	9
Plaid Cymru (b)	0.5%	4	0.6%	3	0.5%	-1
Green	0.5%	0	0.0%	3	0.5%	3
Liberal	0.2%	0	0.0%	1	0.2%	1
Natural Law	0.2%	0	0.0%	1	0.2%	1
Ulster Unionist	0.8%	9	1.4%	5	0.8%	-4
SDLP	0.5%	4	0.6%	4	0.6%	0
Democratic Unionist	0.3%	3	0.5%	5	0.3%	-1
Sinn Fein	0.2%	0	0.0%	2	0.3%	2
Alliance	0.2%	0	0.0%	1	0.2%	1
Other	0.4%	1	0.2%	3	0.5%	2
Total	100.0%	651	100%	651	100.0%	0

(a) Includes Social Democrat candidates in two constituencies where they were not opposed by Liberal Democrats

(b) Includes three joint Plaid Cymru/Green candidates

Source: HoC Library Election database

The results of the 1997 election also illustrate the disproportionality of FPTP. Labour gained 63% of seats, with only 43% of the UK vote, while the Liberal Democrats received 17% of the vote and 7% of seats. Had Labour's share of seats been the same as its share of votes it would have gained 285 seats rather than 418. In 1992, the Liberal Democrats gained a higher share of the vote than in 1997, 18%, but only won 20, or 3% of seats.

⁹³ Supplied by Rob Clements, Social and General Statistics Section

Table 1

General Election results: May 1997: United Kingdom

	Votes		Seats won		Seats won in proportion to vote	Difference in number of seats
	Number	Per cent of total	Number	Per cent of total		
Labour	13,518,167	43.2%	418	63.4%	285	-133
Conservative ^(a)	9,600,943	30.7%	165	25.0%	202	+37
Liberal Democrat	5,242,947	16.8%	46	7.0%	110	+64
Referendum	811,849	2.6%	0	0.0%	17	+17
Scottish National	621,550	2.0%	6	0.9%	13	+7
Ulster Unionist	258,349	0.8%	10	1.5%	5	-5
SDLP	190,814	0.6%	3	0.5%	4	+1
Plaid Cymru	161,030	0.5%	4	0.6%	3	-1
Sinn Fein	126,921	0.4%	2	0.3%	3	+1
Democratic Unionist	107,348	0.3%	2	0.3%	2	
UK Independence	105,722	0.3%	0	0.0%	2	+2
Green	63,991	0.2%	0	0.0%	1	+1
Alliance Party	62,972	0.2%	0	0.0%	1	+1
Socialist Labour	52,109	0.2%	0	0.0%	1	+1
Liberal	45,166	0.1%	0	0.0%	1	+1
British National	35,832	0.1%	0	0.0%	1	+1
Natural Law ^(c)	30,604	0.1%	0	0.0%	1	+1
Speaker	23,969	0.1%	1	0.2%	1	
ProLife Alliance	19,332	0.1%	0	0.0%	0	
United Kingdom Unionist	12,817	0.0%	1	0.2%	0	-1
Progressive Unionist	10,928	0.0%	0	0.0%	0	
National Democrat	10,829	0.0%	0	0.0%	0	
Scottish Socialist Alliance	9,740	0.0%	0	0.0%	0	
National Front	2,716	0.0%	0	0.0%	0	
Others	159,639	0.5%	1	0.2%	3	+2
Total	31,286,284	100.0%	659	100.0%	659	

(a) includes 8 candidates in Northern Ireland

House of Commons Library election data on disk

These characteristics were even more pronounced in the European Election of 1989 where the Green Party gained 14.9% of the GB vote but no seats, the Social and Liberal Democrats 6.2% of the vote but no seats, and the SNP 2.6% of the vote (25.6% of the Scottish vote) and one seat. Such examples of disproportionality also occur in local

elections. For instance in the 1998 local elections in Croydon, the Conservatives had a vote share of 47% compared with 39% for Labour but won only 31 seats to Labour's 38.⁹⁴

Elections which produce obviously disproportional results, especially in terms of under-representation of national third and fourth parties (e.g. in February 1974, 1983 and 1987) encourage political demands for, and public support for changes in the voting system. This is compounded when this phenomenon is combined with a failure of any party to achieve an overall majority (February 1974) or with one party receiving a very large overall majority (1983, 1987 1997). This tends to support the views of some commentators that fairness (in terms of proportionality) is a relative rather than an absolute concept in the consideration of electoral systems. The 1976 Hansard Society report discusses this in terms of a 'threshold of unfairness' [para 137], a point at which 'unfairness' is so pronounced that the electoral system loses its legitimacy and its acceptability to the electorate.

The Plant Report noted that for a long time it was thought that there was a predictable relation between votes and seats - the Cube Law⁹⁵: namely that votes cast in the ratio A:B would produce seats in the proportion $A^3:B^3$. Small differences in votes would therefore yield significant differences in seats and assist in creating governments with workable majorities. However, research by Curtice and Steed⁹⁶ indicates that the number of marginal seats is dropping.⁹⁷ They argue that if only one tenth of seats became marginal [60-65] then the relationship postulated by the Cube Law declines and the exaggerative quality of FPTP is lost, undermining the case that FPTP produces clear majorities and single party government. The demise of the Cube Law appears to have more to do with the North/South split in support for the two main parties and the rural/urban divide than the growth of the Alliance and then Liberal Democrat vote. This led the first Plant Report to ask "what is the rationale for FPTP if it were to fail regularly to produce a two party system and majority government?"⁹⁸ In its final report⁹⁹ a majority of the committee concluded that:¹⁰⁰

Further concentration of the political support for the two main parties may well mean that First Past The Post will in fact produce two effects: firstly, that it will produce results for the two main parties which are broadly proportional and thus will produce (accidentally) the same result between the two main parties as under a PR system - it did so, for instance in 1992; secondly, there is a possibility that First Past The Post will produce hung parliaments in the future. This possibility

⁹⁴ *Local Elections Handbook 1998*, Rallings and Thrasher, Local Government Chronicle Elections Centre

⁹⁵ discovered by J Parker Smith a member of the Royal Commission on Electoral Systems 1908-10 and re-discovered by David Butler immediately after the Second World War

⁹⁶ John Curtice in "The British Electoral System: A Fixture without Foundation" *Electoral Politics (1992)* ed Dennis Kavanagh. See also John Curtice and Michael Steed "The Results Analysed" in *the British General Election 1992* ed D Butler and D Kavanagh

⁹⁷ In 1955 there were 166 marginal seats, in 1987 there were 87. (Table 9.3 *Electoral Politics (1992)*)

⁹⁸ *Democracy Representation and Elections* p.103

⁹⁹ Chapter 1: "The House of Commons the case for reform" in *Report of the Working Party on electoral systems* [1993]

¹⁰⁰ p 11-12

must exist if the exaggerative effect has declined and, in fact, has disappeared for the two main parties; and if, in turn, its operation depends on political geography which is changing.

In this sense, therefore, First Past The Post does not, in fact, rest securely on the predicted outcome which most of its defenders use as its justification. If First Past the Post were to produce a string of hung parliaments, then its basic rationale in terms of single party government would disappear, a point which we made in our first interim report.

We believe that we should recognise the facts of political geography and go for a more principled system of election, which can be clearly be defended, particularly within the devolved system of representation which Labour proposes. To be sure, these alternatives may well not produce single party government, but our point is that the capacity of First Past the Post to do so is a product of geographical features which are changing.

It also concluded that the geographical fragmentation of the two main parties was “highly undesirable in British political culture, and we believe that it is essential to move to a different electoral system to compensate for this” (p 12)

The proponents of FPTP in Plant counter attacked as follows:

“Labour is a nationally-based party and has to have broadly based policies to appeal across the country. If its policies have not been found to be acceptable in certain areas and regions of the country or, say, in rural constituencies, then it is to our policies, our organisation and our presentation that we should turn, rather than to an alteration of the electoral system”¹⁰¹

The Conservatives have argued that fairness in terms of access to government in proportion to share of overall vote is a more important consideration than the proportionality of the legislature, claiming that PR gives small parties the balance of power and therefore disproportionate representation in government. (see below)

The Jenkins Report considered ‘fairness’ as part of its conclusions on the role of parties:

Fairness and the Role of Parties

6. First, ‘fairness’, which is an important but imprecise concept. Fairness to voters is the first essential. A primary duty of an electoral system is to represent the wishes of the electorate as effectively as possible. The major ‘fairness’ count against First Past the Post is that it distorts the desires of the voters. That the voters do not get the representation they want is more important than that the parties do not get the seats to which they think they are entitled. Parties should, like the electoral system, be servants rather than masters, although in their case it is necessarily to a segment rather than to the whole which they appeal. If they aspire to be parties of government, however, that segment needs to be a wide one,

¹⁰¹ Chapter 3 "House of Commons: the case for first past the post" in *Report of the Working Party on electoral reform*

and if the nation as a whole is to function well they need also to show some respect for the opinions of their opponents. Parties should not elevate themselves into mystical entities, enjoying special rights of their own. That way lies what can be described as the ‘tabernacle’ approach to politics, by which all virtue lies with those within the sacred temples and all those outside are eternally damned. Such an approach is almost certainly a recipe for parties getting above themselves, being intolerantly dogmatic when they are successful, and degenerating into narrow sects when they are not. It is also a recipe for the ‘blame the other side for everything’ confrontational style of politics, which has done much to reduce respect for the functioning of the House of Commons and for politicians generally, and which in the quite recent past has also encouraged a confrontational mood in industry, although that is less of a problem today that it was a couple of decades ago.

The Jenkins Commission noted the exaggerative effect of FPTP and the fact that ‘the essential contest between the two main parties is fought over one hundred or at most 150 (out of 659) swingable constituencies...This indeed was explicitly recognised by what is regarded on both sides as the exceptionally efficient Labour machine in 1997....Outside the chosen arena, voters were deprived of (or spared from) the visits of party leaders, saw few canvassers, and were generally treated (by both sides) as either irrevocably damned or sufficiently saved as to qualify for being taken for granted.’ (para 33)

Long periods of systemic bias were also part of the defects of FPTP as currently operated:

40. A more certain, and in this list final, criticism of FPTP is its tendency to develop long periods of systemic bias against one or other of the two main parties. These periods of bias (apart from that against a widely-spread third party) are not necessarily permanent but while they last they are very difficult if not impossible to correct. They are in this respect rather like a little ice age or period of global warming.

41. Bias essentially arises when a given number of votes translates into significantly more seats for one party than for the other. For the post-war period until about 1970, as the graph below illustrates, it ran in favour of the Conservative party and against the Labour party. It was largely a consequence of Labour piling up large unneeded majorities in its heartland seats (of which the old mining constituencies were the most conspicuous examples) while failing to pick up a full share of the key voters in the marginal seats. In the 1970s and the early 1980s there were fluctuations around an approximate equality. In the two elections of the 1990s, however, the bias of 1945-70 has drastically reversed itself. The number of votes achieved by the Conservatives in 1992 was not substantially different from that achieved by Labour in 1997. But the former election yielded the Conservatives only what proved a shaky and erodable majority of 21 (and one over Labour of 65) whereas the latter gave Labour an overall majority of 179 (and one over the Conservatives of 255). The discrepancy arises from a mixture of causes, ranging from the over-representation of Scotland and Wales (from which the Conservatives are now wholly excluded), through some inequality in the size of English constituencies, the Boundary Commission being almost inevitably a bit behind the game, and the impact of the Liberal

Democrats being now (much more than in the 1980s) favourable to Labour than to the Conservatives, to the most important but most elusive factor, which is that the lowest percentage polls are in Labour (often inner-city) seats, and that in consequence a given number of Labour votes now produces more seats than the same quantity of Conservative votes.

42. The combined strength of these factors is such that there is now an almost unanimous psephological opinion that at the last election an equality of nationwide votes between the two parties would have produced a seat lead of circa 76 for Labour, or, put another way round, the Conservatives would have required a lead of approximately 6 ½ % to give them an equality of seats with Labour. In order to obtain an overall majority, taking into account the Liberal Democrats and the Nationalist parties (and the prevalence of such overall majorities and the consequent security of single-party government is the central argument deployed for FPTP) they would have required a very much more substantial lead. While there can be no guarantee that the next election will produce precisely the same level of bias, we can say with some certainty that the system will, for a given level of votes, treat Labour better than it will the Conservatives.

C. The constituency link

Virtually all supporters of the present system support the concept of the direct link between the elected representative and his or her constituency. This argument relies on the idea that Members, once elected, actually represent all their constituents. Some supporters of 'electoral reform' acknowledge the strength of this aspect of FPTP to the extent that they advocate systems which retain a constituency link to a greater or lesser degree. A subsidiary argument here concerns single as opposed to multi-member constituencies.

The 1976 Hansard Society Commission report¹⁰² talked of a "strong tradition in Britain of a personal relationship between an MP and a clearly defined geographical area". The Commission regarded this relationship as "a part, and a valuable part, of the British system, and we do not wish to see this changed. Any new system, therefore, should maintain this relationship" [para 66].

Alistair B Cooke in a 1983 Conservative Research Department paper on PR warned that, even in PR systems such as STV, the constituency link would be very different from the present "highly prized" arrangements. He suggested, for example, that "MPs might well be tempted to bid for constituency work, in the hope of increasing their first preference votes at the next election; for STV puts MPs into continuous competition with each other. All of them would tend to be drawn away from national issues in order to give regular attention to the parish pump".¹⁰³ The Conservative evidence to the Jenkins Commission argued that the current system provided a clear line of accountability from an individual

¹⁰² *Report of the Hansard Society Commission on Electoral Reform* [June 1976]

¹⁰³ "Proportional representation", *Politics today*, no 15, 26.9.83

MP to his constituents. (para 2.25) Lord Norton argued in his evidence that 'for the purpose of expressing grievances and demands to government, contacting one's MP is the most popular form of personal action and is judged to be effective'.¹⁰⁴ The Labour Party evidence argued that the constituency link was 'deeply embedded in Britain's parliamentary history and culture. It is strongly supported by the public and it ensures MPs are clearly representative of an answerable to a clearly defined group of electors'.¹⁰⁵

However Bogdanor points out the apparent contradiction in this sort of argument: "Indeed, the main complaint against STV is that it is too localist. This amounts to saying that constituency representation would be so good under STV that other functions of the MP would come to be neglected. To claim that proportional representation would worsen relationships between MPs and their constituents is, therefore, to ignore the truth as far as STV is concerned".¹⁰⁶

Enid Lakeman¹⁰⁷ concluded that the objection to large multi-member constituencies was real, but while she accepted that virtually all MPs would serve all constituents, regardless of party, with personal problems "with the best will in the world he cannot be of any service to the constituent who is seeking to promote a cause contrary to the policy of the MP and his party."¹⁰⁸ Michael Meadowcroft, now of the Liberal Party, was even more dismissive of the constituency link. He doubted the capacity of MPs to act on behalf of all their constituents "What little empirical evidence there is suggests that MPs have grossly inflated ideas about their impact in the constituency. It is the desire to defend the single-member constituency which produces this need to pretend to have intimate knowledge of every nook and cranny, rather than vice versa".¹⁰⁹

The Plant Report noted that although the social work aspect of work for constituents was an important and rewarding part of a back bench MP's life, a decline in this work might actually enhance the role of local councillors; it also noted anecdotal evidence that people from minority communities frequently approach MPs outside their constituency for help where the community perceives that the constituency MP is unsympathetic [p.30]. The Final Report concluded that accountability to a clearly defined electorate was vitally important - at least for the House of Commons - and "this has led us to reject both list systems and STV - both would fail to ensure the clear constituency accountability we believe to be desirable for the Commons." [p 16].

The Jenkins Commission argued that its preferred system would liberate voters, enabling them to vote both for a preferred individual candidate for a local constituency, and for a party to make up in the government in the Top Up element. In contrast, FPTP 'forces the voter to give priority to one or the other, and the evidence is that in the great majority of cases he or she deems it more important who is Prime Minister than who is member for

¹⁰⁴ *The Case for the Existing Electoral System* 1998 Philip Norton

¹⁰⁵ *Labour Party Submission to the Commission on Voting Systems* July 1998

¹⁰⁶ *What is proportional representation?*, 1984 by V Bogdanor, p.150

¹⁰⁷ a leading light of the Electoral Reform Society for many years

¹⁰⁸ *Power to elect* 1982 p.165-66

¹⁰⁹ *The politics of electoral reform* Electoral Reform Society 1991 p.13

their local constituency' (para 32) It sought to minimise perceived problems with two types of member, arguing that Top-up members could represent the broader interests of counties and cities and minority political opinion in their area.(para 135). However, it did not investigate potential problems of rivalry between Top-up and constituency members in representing those broader interests' or consider which type of member the constituent would turn to for assistance. Arguably, using areas smaller than regions exacerbates this problem, since Top-up members might be seen to have a discrete local area (such as Birmingham) to represent, thus coming into direct rivalry with the half dozen or so constituency members for that local area, the majority of which are likely to come from a different political party from the Top-up member.

D. “Outcome” arguments: formation of Governments

In theory it could be argued that the potential outcome of a particular voting system should be irrelevant when choosing a system, as the criteria used should be those producing the fairest or most equal result. In practice, electoral reformers do not neglect the outcome arguments, and defenders of FPTP place much of their case on the need to ensure the outcome of an effective Government.

Alternative outcome arguments are by necessity hypothetical and there are particular difficulties in using examples from abroad to buttress the case for a particular system as much will depend on the political and electoral culture of another country. In addition, we cannot assume that in a new set of circumstances and under a different electoral system voters would still have expressed the same preferences. Therefore exercises such as that carried out by Professor Dunleavy for the Joseph Rowntree Reform Trust after the 1992 and 1997 elections must be considered with a degree of caution. These studies replayed the general election using different voting systems. It suggested that if the result of the 1997 election had been held under STV, the Conservatives would have won 21 fewer seats, Labour 72 fewer, the nationalist parties four more and the Liberal Democrats 85 more. The table below summarises the outcomes for various systems using the Dunleavy et al. study and also shows the estimated result for the system proposed by Jenkins with 112 (17.5% of the total) members elected on a Top-up basis.

Table 2

Estimated outcomes of 1997 General Election under different electoral systems

United Kingdom

	Share of votes	Actual result		Alternative Vote		Supplementary Vote		Single Transferable Vote		Additional Member System (50:50)		AV Top-up (Jenkins)	
		Seats	%	Seats	%	Seats	%	Seats	%	Seats	%	Seats	%
Conservative	30.7%	165	25.0%	110	16.7%	110	16.7%	144	21.9%	202	30.7%	168	25.5%
Labour ^(a)	43.2%	419	63.6%	436	66.2%	436	66.2%	342	51.9%	296	44.9%	368	55.8%
Liberal Democrat	16.8%	46	7.0%	84	12.7%	84	12.7%	131	19.9%	118	17.9%	89	13.5%
SNP/PC	2.5%	10	1.5%	10	1.5%	10	1.5%	24	3.6%	21	3.2%	15	2.3%
Others	6.8%	19	2.9%	19	2.9%	19	2.9%	18	2.7%	18	2.7%	19	2.9%

(a) including The Speaker as a Labour candidate

Making Votes Count 2, Dunleavy et al., Democratic Audit, 1998*The Report of the Independent Commission on the Voting System. Cm 4090-1*

The national picture as given in Table 2 may mask some regional differences. Table 3 displays,¹¹⁰ by region, the estimates of the outcome of the 1997 General Election under Supplementary Vote, Single Transferable Vote and Additional Member System. Labour gained seats in every region except Wales and Scotland under SV but lost in all except the South East and East Anglia under AMS. Under STV, Labour also gained in the South West

The regions for the analyses of Supplementary Vote and Additional Member System are standard regions. In order to group constituencies for the Single Transferable Vote system, there have been a few transfers of constituencies between regions.

The Supplementary Vote analysis was conducted using actual voting data to obtain first preferences. For second and subsequent preferences in each constituency the distribution was assumed to be the same as that in the relevant region using data obtained from the ICM survey commissioned by the Joseph Rowntree Foundation for the purposes of the study.

For the Single Transferable Vote, STV constituencies were created by combining groups of (usually five but sometimes four) existing constituencies. Again, first preference votes were based on actual voting data with second and subsequent preferences coming from the ICM survey.

For the Additional Member System, pairs of constituencies were combined and actual voting data used to see which party won the 'local' contests. The remaining 50% of seats won by regional Top-up were based on the regional share of the vote.

¹¹⁰ supplied by Bryn Morgan, Social and General Statistics

Table 3

1997 General Election results under alternative electoral systems by region

	Seats					Changes from actual				
	Con	Lab	Lib	SNP/ Other		Con	Lab	Lib	SNP/ Other	
			Dem	PC				Dem	PC	
Supplementary Vote										
England	110	347	71		1	-55	+18	+37		
North	1	33	2			-2	+1	+1		
Yorkshire & Humberside	4	48	4			-3	+1	+2		
East Midlands	11	32	1			-3	+2	+1		
East Anglia	7	12	3			-7	+4	+3		
Greater London	8	59	7			-3	+2	+1		
South East	60	40	17			-13	+4	+9		
South West	5	16	30			-17	+1	+16		
West Midlands	8	47	4			-6	+3	+3		
North West	6	60	3		1	-1		+1		
Wales		33	3	4			-1	+1		
Scotland		56	10	6						
Great Britain	110	436	84	10	1	-55	+17	+38		
Single transferable vote ^(a)										
England	138	280	111			-27	-49	+77		-1
North	4	28	4			+1	-4	+3		
Yorkshire & Humberside	12	32	12			+5	-15	+10		
East Midlands	12	24	8			-2	-6	+8		
East Anglia	7	10	5			-7	+2	+5		
Greater London	15	43	16			+4	-14	+10		
South East	45	42	31			-29	+6	+23		
South West	13	23	14			-8	+8			
West Midlands	14	33	11				-10	+10		
North West	16	45	10			+9	-16	+8		-1
Wales	4	26	6	4		+4	-8	+4		
Scotland	3	35	14	20		+3	-21	+4	+14	
Great Britain	145	341	131	24		-20	-78	+85	+14	-1

Table 3 (continued)

1997 General Election results under alternative electoral systems by region

	<u>Seats</u>					<u>Changes from actual</u>				
	Con	Lab	Lib Dem	SNP/ PC	Other	Con	Lab	Lib Dem	SNP/ PC	Other
Additional Member System ^(b)										
England	184	245	100			+19	-84	+66		-1
North	8	23	5			+5	-9	+4		
Yorkshire & Humberside	16	30	10			+9	-17	+8		
East Midlands	16	22	6			+2	-8	+6		
East Anglia	9	9	4			-5	+1	+4		
Greater London	23	39	12			+12	-18	+6		
South East	51	39	27			-22	+3	+19		
South West	20	14	17			-2	-1	+3		
West Midlands	21	30	8			+7	-14	+7		
North West	20	39	11			+13	-21	+9		-1
Wales	8	23	5	4		+8	-11	+3		
Scotland	12	34	10	16		+12	-22		+10	
Great Britain	204	302	115	20		+39	-117	+69	+10	-1
<i>Local seats</i>	92	203	14	4						
<i>Top-up seats</i>	112	99	101	16						

(a) In order to group constituencies for the Single Transferable vote system, there have been a few transfers of seats between regions leading to more seats in the South East, and the North West, with fewer in the South West and West Midlands

(b) with 50% of Members elected from local constituencies and 50% by regional top-up

Annex D of the Jenkins' Commission included a list of current constituencies within Top-up areas. As evidence to the Commission, Dunleavy produced a simulation of how the 1997 General Election would have gone had it been run under this system. Table 4 shows the results of this based on 112 (17.5%) Top-up seats.

In total Labour would have 52 fewer seats, with the Liberal Democrats winning 46 more, the SNP 5 more, the Conservatives 2 more and Plaid Cymru one fewer. This would have given Labour an overall majority of 55. Labour would have gained some Top-up seats in shire areas but none elsewhere. Labour would have lost seats in all of the Top-up areas in metropolitan districts and in Wales and all but of the one Top-up areas in London and in Scotland.

Table 4

Simulated 1997 General Election outcome under AV Plus with 17.5% local seats

	Local seats					Top-up seats				Difference in total from actual				
	Con	Lab	LDem	SNP/ PC	Other	Con	Lab	LDem	SNP/ PC	Con	Lab	LDem	SNP/ PC	Other
GREAT BRITAIN	93	357	69	9	1	74	10	23	5	+2	-52	+46	+4	
ENGLAND	93	282	57		1	64	10	22		-8	-37	+45		
Shire areas	82	140	48		1	35	10	15		-31	-7	+38		
C1 Northumberland		2	1			1								
C2 Cumbria	1	4				1								
C3 Durham		6				1				+1	-1			
C4 Cleveland		5				1				+1	-1			
C5 Lancashire: North	2	4						1			-1	+1		
C6 Lancashire: South		6				2				+2	-2			
C7 North Yorkshire	3	2	1				1	1		-1		+1		
C8 Humberside	1	6	1			2					-1	+1		
C9 Cheshire	2	6		1		1		1			-1	+1		
C10 Shropshire		3	1			1				-1		+1		
C11 Staffordshire	1	9				2								
C12 Derbyshire	1	7				1		1		+1	-2	+1		
C13 Nottinghamshire	1	8				1		1		+1	-2	+1		
C14 Leicestershire	3	4	1			1	1			-1		+1		
C15 Lincolnshire	4	2						1		-2	+1	+1		
C16 Hereford and Worcester	2	3	2			1				-1		+1		
C17 Gloucestershire	1	3	1			1								
C18 Oxfordshire	3	1	1				1			-1	+1			
C19 Warwickshire	1	3				1				+1	-1			
C20 Northamptonshire	1	4				1				+1	-1			
C21 Buckinghamshire	4	2						1		-1		+1		
C22 Bedfordshire	2	3				1								
C23 Cambridgeshire	3	2	1				1			-2	+1	+1		
C24 Hertfordshire	4	5				1		1		-1		+1		
C25 Norfolk	1	4	1			2				-1		+1		
C26 Suffolk	2	4						1		-3	+2	+1		
C27 Essex: North East	3	1	2				1			-1		+1		
C28 Essex: South West	4	4					1	1		-2	+1	+1		
C29 Cornwall		1	3			1				+1		-1		
C30 Devon	1	3	5			2				-2		+2		
C31 Somerset			4			1				-1		+1		
C32 Bristol and Bath	1	4	3			2				+2	-2			
C33 Wiltshire		2	3			1				-3		+3		
C34 Dorset		1	6			1				-7	+1	+6		
C35 Berkshire	3	2	1			1		1			-1	+1		
C36 Hampshire: North	5	1	1				1	1		-3	+2	+1		
C37 Hampshire: Solent	2	2	3			1	1							
C38 Surrey	7		2				2			-4	+2	+2		
C39 West Sussex	5	1	1					1		-2		+2		
C40 East Sussex	2	3	2			1					-1	+1		
C41 Kent: West	4	5						2		-1	-1	+2		
C42 Kent: East	2	2	1			1				-1		+1		
London	7	48	5			11		3		+7	-9	+2		
L1 North West London	1	8				2				+1	-1			
L2 North London	1	8				1		1			-1	+1		
L3 North Central London	2	7				1		1		+1	-2	+1		
L4 North East London		8				2				+2	-2			
L5 South West London		3	4			2				+2	-1	-1		
L6 South Central London		8	1			2				+2	-2			
L7 South East London	3	6				1		1		-1		+1		

Table 4 (continued)

Simulated 1997 General Election outcome under AV Plus with 17.5% local seats

	<u>Local seats</u>				<u>Top-up seats</u>				<u>Difference in total from actu</u>			
	Con	Lab	LDem	SNP/ Other PC	Con	Lab	LDem	SNP/ PC	Con	Lab	LDem	SNP/ PC
Metropolitan districts	4	94	4		18			4	+16	-21	+5	
M1 Tyne & Wear: North & Newcastle		4			1				+1	-1		
M2 Tyne & Wear: South		7			1				+1	-1		
M3 Liverpool and Wirral		7			1		1		+1	-2	+1	
M4 Merseyside: North		5	1		1				+1	-1		
M5 Manchester: East	1	6	1		1		1		+1	-2	+1	
M6 Manchester: West		7			2				+1	-1		
M7 Manchester: North		6	1		2				+2	-3	+1	
M8 West Yorkshire: Bradford		6			1				+1	-1		
M9 West Yorkshire: Leeds		7			1				+1	-1		
M10 West Yorkshire: South		7			1				+1	-1		
M11 S Yorkshire: Sheffield & Rotherham		6	1		1		1		+1	-2	+1	
M12 S Yorkshire: Barnsley & Doncaster		5			1				+1	-1		
M13 Wolverhampton and Walsall	1	4			1				+1	-1		
M14 Dudley and Sandwell		6			1				+1	-1		
M15 Birmingham	1	8			1		1		+1	-2	+1	
M16 Coventry and Solihull	1	3			1							
WALES		28	3	3	5		1		+5	-6	+2	-1
W1 Wales: North		6	1	1	1				+1	-1	+1	-1
W2 Wales: Mid		3	2	2	1				+1	-1		
W3 South Wales: West		6			1				+1	-1		
W4 South Wales: Central		6			1		1		+1	-2	+1	
W5 South Wales: East		7			1				+1	-1		
SCOTLAND		47	9	6	5			5	+5	-9	-1	+5
S1 Scotland: Highlands		2	3	1	1				+1		-1	
S2 Scotland: North East		4	2	2	1				+1	-1		
S3 Scotland: Mid and Fife		5	1	2	1				+1	-1		
S4 Scotland: West		8					1			-1		+1
S5 Glasgow		9					1			-1		+1
S6 Scotland: Central		8					2			-2		+2
S7 Lothians		6	1		1		1		+1	-2		+1
S8 Scotland: South		5	2	1	1				+1	-1		

The Performance of the Commission's schemes for a new electoral system, Dunleavy & Margetts, LSE Public Policy Group/Birkbeck Public Policy Centre

Clearly these alternative results raise large questions about the role of a third centre party under a PR type electoral system.¹¹¹ In general supporters of FPTP and other majoritarian systems tend to favour single party government, and decry the formation of coalitions through intra party bargaining. Supporters of PR often link their arguments to the need to avoid adversary politics as damaging to long-term continuity and planning.

Critics of adversary politics came to the fore in the mid 1970s and a leading example was Professor Samuel Finer.¹¹² The theme has been explored in detail by Lord (Philip)

¹¹¹ NB The alternative vote and the supplementary vote - other majoritarian systems - did not lead to a large increase in the number of Liberal Democrat seats. See also pp10-11 above for a discussion of the New Zealand election October 1996

¹¹² *Adversary politics and electoral reform 1975*

Norton, a defender of FPTP “They diagnosed Britain’s political malaise and its economic problems as being in part the result of a dysfunctional party and electoral system”, leading to “a combative relationship between the parties ... and policy discontinuity as a consequence of changes of government”.¹¹³ Because both major parties require internal compromise to retain their ‘broad church’, their electoral positions are at least “off-centre”, rather than being located in the actual centre of the British political spectrum. This produces shifts in policy, “uncertainty in economic management and industrial policy [which] undermines the confidence of investors and makes it difficult for industrialists to plan ahead”, and ‘low-credibility government strategies’ whichever party is in power [p233]. This was more pronounced in the mid-1970s when, it is alleged, a minority (Labour) Government continued to act as if it were a majority administration.

Critics of the Finer thesis have attacked the notion that the electorate is more centrist than the two political parties. Others, such as Ivor Crewe and Bo Sarlvik, claim that Finer confuses the ‘ideological centre’ with what constitutes ‘common ground’ among the electorate, which may be far to the right or left of the ‘centre’ on particular social or economic issues.¹¹⁴ Philip Norton argued that although the electorate tended to penalise divided and extreme parties there was little evidence that it was centrist on particular issues.¹¹⁵

There have also been challenges to the claim of frequent and abrupt policy changes in British politics.¹¹⁶ The Plant report considered the work of Antony Downs¹¹⁷ who developed a thesis opposite to Finer: that the logic of FPTP and a winner takes all consequences of that system drives the major parties over time to strive for the centre ground.¹¹⁸ Plant considered evidence to illustrate that although the Downsian thesis did not operate in the mid-70s to mid-80s it was now reasserting itself.

A more recent theme in the 1980s onwards has been the desire for ‘a new kind of politics’ and a belief that there are fundamental flaws in the UK constitutional arrangements, as propounded by Charter 88, which can only be rectified by the introduction of PR and other linked reforms such as a Bill of Rights, which will give citizens greater power over the governments which claim to represent them. Reformers claim that opposition to PR within the two larger parties rests with self interest, and a recognition that neither may ever form a majority government under a PR system.¹¹⁹ Since the election, by FPTP, of a

¹¹³ *The constitution in flux*, 1982, pp232-3

¹¹⁴ see Crewe and Sarlvik, "Popular attitudes and electoral strategy" in Z Layton-Henry (ed) *Conservative party politics*, 1980, p258

¹¹⁵ Does Britain need PR? in *Constitutional Studies: Contemporary Issues and Controversies* (1982) ed R Blackburn p143

¹¹⁶ e.g. see R Rose, *Do parties make a difference?* 1984

¹¹⁷ *An Economic Theory of Democracy*

¹¹⁸ *Democracy Representation and Elections* p.39

¹¹⁹ The last time a party gained over 50% of the vote was in 1935

government committed to constitutional reform in 1997, there has been some doubt as to the continued necessity of a change in the voting system.¹²⁰

The common arguments against multi-party outcomes, and the consequent need for coalitions are well known. They would transfer the decision over the formation of a government from the voters at an election to the parties after the election (in the traditional 'smoke-filled room'!) Rose puts this graphically: "Bargaining about jobs and influence in a coalition government is not a search for the national interest, but a contest for power and status, and it is a process from which the voters are excluded."¹²¹ There would be inevitable compromises over policies satisfying no one party, even those promised in election manifestos. Voters would be denied the opportunity of voting for radical or 'extremist' policies if they wish. Disproportionate power would be granted to 'swing' parties (such as the FDP in Germany) who, though small in themselves, can make or break coalitions. PR would allow representation for 'extremist' parties, who may be racist or undemocratic. In summary, the paramount purpose of an election is to produce an 'effective' government. Maude and Szemerey put this succinctly: "the election of a government is clearly essential while proportional representation, however desirable, is not. It would seem to follow that the ideal of proportionality must not be pursued to an extent which precludes the election of an effective government."¹²²

The reformers' arguments are almost the mirror image of these claims. Voters' wishes are more genuinely and fairly represented under PR; the people whom they elect go into coalition-bargaining reflecting the true variety of views of the electorate. Coalition-bargaining need not be in secret in smoke-filled rooms; pre-election pacts can inform voters of the consequences of their vote. Bargaining produces policies which can command broader support than those of individual minority parties. The influence of 'swing' parties is exaggerated, as the history of the 1970s in the UK demonstrates; poorly chosen alliances or decisions to topple governments (however indirectly) can harm a smaller party electorally.¹²³ Multi-party representation is a desirable outcome if it reflects the voters' wishes, and it can be tempered by the use of thresholds (although this, it could be argued, is itself undemocratic and unfair to the voters of the parties who do not surmount this obstacle).

The Plant Report was influenced by the theory that the Cube Law was in decline (see above p 17) and that therefore the exaggerative effect of FPTP might not endure, therefore leading to minority governments and coalitions but it acknowledged that "a move towards PR would not just be a change in the electoral system but would shift the whole development of policy towards a more incremental approach."¹²⁴

¹²⁰ see *Times* 1.5.98 'Wright's flight from PR'

¹²¹ "Electoral reform: what are the consequences?", in F Vibert (ed), *Britain's constitutional future*, IEA, 1991, p.128

¹²² Conservative Party Centre 1982 p.12

¹²³ see Bogdanor, in *What is Proportional Representation?* (1984) pp151-3

¹²⁴ *Democracy elections and representation* (1991) p.61

More recently attention has focused on the question of proportionality of power. This is an argument increasingly used by the Conservative party to argue that what matters is the access of a party to power. They claim that the British system is more proportional than other major European states, if a party's share of the vote is compared with the amount of time it has been in office, rather than the number of seats won.¹²⁵ The academic Ron Johnston has suggested that PR systems cannot guarantee that power would be allocated to parties in the House of Commons commensurate with their proportion of seats there. He concluded

If one of the purposes of electing an assembly such as the House of Commons is to facilitate the construction of a government with majority support, then the only conclusion to draw from what has been presented here is that PR-based systems are, at best, very unlikely to produce outcomes in which power is distributed consistent with a party's support. Furthermore, those systems are chaotic in what they produce," and such is the unpredictability that the electorate cannot know, when deciding how to vote, what the likely impact of their choice may be. And yet the switch to PR for electing a legislative assembly may at least give some parties the chance of being involved in the business of government which the fptp system denies them, in which case the change could be welcomed: parties and their supporters may not get fairness of power to go with the fairness of voice that PR would bring, but at least they would have an exit option in some situations, when they could influence how the country is governed. But, as Plant made clear to the Labour Party in his first report, the issue of electoral reform should not be considered separately from the much wider and deeper one of constitutional reform.¹²⁶

Opponents of PR argue that it weakens the ability of the electorate to dismiss a government from office. Michael Pinto Duschinsky has claimed that in four Westminster type states (Britain, Canada, India and New Zealand) sitting governments were ousted by the voters in twenty five out of fifty eight elections, held in the fifty years since the end of the Second World War; in four PR countries (Germany, Italy, Switzerland and Japan) the main governing parties had never been ousted.¹²⁷ In the end, the argument is highly subjective and comes down to a personal definition of 'effective Government'. Vernon Bogdanor argues that "the truth is that the effectiveness of a Government is not fundamentally dependent on either the existence or absence of coalitions. The same range of policy outcomes is possible under coalitions as under single party government".¹²⁸ (p.139) and suggests that coalitions are more likely to flourish within basically consensual societies such as Sweden or Germany. (p 140) Any appraisal of coalition governments as of electoral reform "depends on a view of the nature of society" (p 141).

¹²⁵ *Conservative Party News* 2.6.98 'Britain has the most proportional electoral system-Ancram'

¹²⁶ *Journal of Legislative Studies* Summer 1998 a Proportional Representation and a 'Fair Electoral System' for the UK

¹²⁷ *Times Literary Supplement* 25.9.98 'Send the rascals packing'

¹²⁸ *What is Proportional Representation?* (1984)

There has been some discussion of the likely effects of the AV Top Up scheme proposed by Jenkins. The Commission Report states that of the last four election results there would only have been a coalition government in 1992- the Conservatives would have had a majority in 1983 and 1987 and Labour in 1997 (paras 156-160). Conservatives have claimed that these most recent elections are not the most typical examples, and that nine of the 14 post war elections would have resulted in coalitions under the Jenkins proposals.¹²⁹ Opponents of voting reform have concluded that Jenkins would result in a system which would 'give minority parties a regular stranglehold on Parliament'.¹³⁰

E. Representation of women and ethnic minorities

Many proponents of electoral reform argue that PR would increase the number and proportion of women and ethnic minority MPs and thus make the Commons more representative of its electors. This argument takes its strength from the belief in Parliament as a representative forum for the nation (see introduction). Yet it is not clear that these two groups should be singled out alone - if the Commons is to be a microcosm, then pensioners, and others should also be targeted. In addition, the best way to protect the rights of minorities might be through mechanisms such as Bills of Rights. The effects of a change in the electoral system are difficult to disentangle from other cultural changes in society which may lead to an increase in representation in Westminster for these groups. The first Plant Report noted that the Republic of Ireland had a low proportion of women MPs, despite STV, and Spain had only 6% women (1993) despite the use of regional lists. It considered evidence from Pippa Norris and Joni Lovenduski that the FPTP system made the participation of women difficult; for example, that in a single member constituency local parties pick only one candidate and there is a tendency to play safe. Where multi-member constituencies offer more choice, changing party structures and using affirmative action programmes might on the other hand be just as effective as changing the electoral system. List systems in continental Europe were, however, identified with greater political representation of women¹³¹ and it might be argued that the recent results in New Zealand where a mixed member system now operates indicate how a switch from FPTP to a MMS would benefit women. The number of women MPs increased from 20 to 35 and 25 of these were elected through the party list system rather than the constituencies. A new report from the Fawcett Society and Charter 88 suggested that electoral reform offered the quickest way to improve female representation.¹³²

The Jenkins Commission noted that the introduction of PR in New Zealand had brought a dramatic increase in representation for women and ethnic minorities but warned that the critical factor was the responsibility of political parties for candidate selection(para 39).

¹²⁹ 'It's All a Fix, my Lord' *Times* 29.10.98

¹³⁰ Simon Jenkins in 'A Coalition Cracked' *Times* 30.10.98

¹³¹ *Democracy, elections and representation* (1991) pp 56-57

¹³² *The Best Man for the Job?*, [February 1997]

IV Voting Methods

This section considers the operation and consequences of the main voting systems discussed by supporters of the present system and of 'electoral reform'.

A. First Past the Post

This system of voting is profoundly linked to the notion of territorial representation. MPs represent individual constituencies, not segments of opinion or political parties, and each constituency elects its representative to Parliament, from which body a government is formed. Vernon Bogdanor points out that it was America in the eighteenth century which pioneered the idea of single member constituencies, and these came to be the norm in Canada, Australia, New Zealand and the US before the UK abolished multi-member constituencies, mainly in 1885, and finally in 1945.¹³³ FPTP has come under attack since the rise of party politics, but its defenders argue that it is a route to stable and effective government since voters are asked to make a clear choice between alternative governments other than simply registering a party preference. Parties are in turn required to build support across a wide section of society to ensure electoral success. The process is transparent since voters can easily see how votes are translated into seats. FPTP is used in the UK, United States, Canada and India, amongst many other states.

The Jenkins Commission set out the virtues of FPTP as follows:

The Virtues of FPTP

19. First the virtues. It is the incumbent system. It is familiar to the public, votes are simple to cast and count, and there is no surging popular agitation for change. It usually (although not invariably) leads to a one-party majority government. It thus enables electors, while nominally voting only for a local representative, in fact to choose the party they wish to form a government. It then leaves each member of Parliament with a direct relationship with a particular geographical area, on a basis of at least nominal equality in the sense that they are all elected in the same way. It also enables the electorate sharply and cleanly to rid itself of a unwanted government. The case can be expanded in the following ways.

- i. By giving to all MPs each a unique position in their constituency for the period of their incumbency it encourages them to try to serve all their constituents well, and however partisan members may be at Westminster, to practise a more even-handed approach in their base.
- ii. The single-party government outcome may be seen as assisting quick decisions - although there are one or two examples to the contrary - and the implementation of a sustained line of policy.
- iii. Where a government fails, or at least disappoints, it can easily be punished by the electorate.

¹³³ *Democracy and Elections* (1983) p.3. See the *Electoral System in Britain since 1918* (1963) by David Butler

iv. By its 'winner takes all' and 'loser (particularly second or third losers) gets very little effect it encourages parties to broaden their appeal and thus discourages extremism. (It can also be said, however, that in certain circumstances it encourages extremists to infiltrate moderate parties because the system gives them so little to gain on their own.)

v. It offers to unorthodox MPs a degree of independence from excessive party control, provided (as many of them do) that they can retain the support of their local organisation.

But the Commission also set out the defects of FPTP, namely its exaggeration of movements of opinion, its denial of voter choice, its occasionally perverse results and its systemic bias, in Chapter Three.

B. Alternative Vote

The alternative vote seeks to overcome one of the main drawbacks to the simple plurality or first-past-the-post system, namely that a candidate may be elected on a minority of votes cast. Because the simple majority system elects the candidate who secures most votes in the constituency, even if that is only one more vote than the nearest rival, it is immaterial whether the winner's total vote is less than half of all votes cast. The alternative vote demands that the candidate elected must have secured an absolute majority i.e. at least one vote more than 50% of votes cast. AV operates in single-member constituencies; each voter is required to rank the various candidates in an order of preference. It is possible for the first count to produce an absolute majority but with more than two candidates this becomes less likely. If no candidate secures an absolute majority at the first count the candidate with the fewest votes is eliminated and his or her second preference votes are redistributed among the other candidates, being added to their own first preference votes. If this does not produce an absolute majority, the next lowest candidate is eliminated and his or her second preference votes redistributed, and so on until someone does reach an absolute majority.

An Australian Parliament Research Service paper on electoral systems provides a good description of AV:¹³⁴

In the following example no candidate receives a majority of first preference votes. Candidate B received the lowest number of first preference votes and is eliminated first and his preferences are distributed to the two remaining candidates. Candidate C is elected as he receives a majority of votes, after the distribution of Candidate B's preferences, even though he did not receive the highest number of first preference votes.

Alternative Vote System

	First Preference Votes	Distribution of Candidate B	Total
Candidate A 10 000	500	10 500	
Candidate B 4 000	
Candidate C 8 000	3,500	11 500	
Total	22 000	4 000	22 000

All votes are counted towards the final outcome since if the voter's first preference is eliminated the votes for second preference will come into play and so on.

The AV system has also won support because it retains the accountability link between MP and constituent considered of great importance in the Westminster model of democracy, and it requires the winner to have an absolute majority whilst still allowing for working majorities and stable party systems, and is relatively simple for the voter to understand. Implementation would also be relatively simple, requiring no special boundary changes, and it is the system most likely to be favoured by the Commons itself, as Peter Hain pointed out in 1992: "it is also the only option the Commons would probably back, since MPs are hardly likely to vote themselves out of their own seats, and this highly practical matter should not be underestimated if the intention to reform is serious; one need only to examine the debates and behaviour of MPs when the issue was last a major one in the post first world war period to seek confirmation."¹³⁵

The Alternative Vote encourages alliances between parties since each can put up candidates without fear of splitting the vote, but this can discriminate against anti-system parties which cannot find allies, and has adversely affected Labour representation in the House of Representatives in Australia for this reason.¹³⁶ In an immediate allocation system such as AV, voters have no information as to the spread of first preferences and how to allocate remaining preferences if they wish to vote tactically. The Australian practice is to offer voting cards to party members advising on how to order preferences particularly as voters are required by law to fill in all options on the ballot paper. The Jenkins Commission does not suggest that voters should be required to list as many preferences as candidates, but arguably unless voters do give a set of alternatives AV will not have the full effect that its proponents desire.

It is also worth noting that the number of seats which a party receives depends not only on the number of votes which it gains, but where they are located geographically as in FPTP. The Plant Report considered that AV had three significant disadvantages. The successful candidate might win on a substantial number of third or fourth preferences, the voter has to make a choice of preferences whilst unaware of the outcome, thus making a hypothetical decision about a choice which cannot be foreseen exactly, and the system may not select what is known as a "Condorcet" winner, a technical term in voting theory, ie. the option which beats every other in an exhaustive series of pairwise contests. Where there are three strongly differentiated parties with equal support a fourth compromise (and

¹³⁴ *Electoral systems*, LRS paper 3, 1989-90, September 1989, p9

¹³⁵ *Refreshing the Parts* G Smyth (ed) p.49

¹³⁶ Richard Rose in *Democracy and elections* ed V Bogdanor and D Butler 1983 p.32

Condorcet) candidate is unlikely to be elected under AV. The Plant Report placed little emphasis on this point, noting that the AV system was unlikely to produce a Condorcet loser either.

However AV does little to counteract geographical distribution of electoral support and will not assist parties such as the Liberal Democrats whose support is not concentrated in particular locations.¹³⁷ Since the 1997 election attention has focussed on the fact that an election held under AV would have given Labour an even larger share of seats and would have proved to be even more disproportionate in relation to number of seats won per share of vote than FPTP.¹³⁸ Critics of AV and SV commonly complain that second and subsequent preferences are given the same weight as first preferences, facilitating the election of candidates who are least disliked, rather than those strongly supported. As Winston Churchill put it, when he objected to the AV system in the *Representation of the People (no 2) Bill* in 1931: ‘The decision is to be determined by the most worthless votes given for the most worthless candidates.’¹³⁹

C. Second Ballot

This is the system used in French Assembly and Presidential elections, and is basically an elongated version of AV. There is a first round and candidates with an absolute majority of the vote are elected, but if this does not occur there is a second ballot a week later; for National Assembly elections the only candidates who can complete in the second ballot are those with 12½% of the registered electorate, and for presidential elections only the top two candidates can compete.

Rather suprisingly, the Second Ballot has never been considered a serious option in the British debate on electoral reform. As the 1910 Royal Commission put it: ‘the necessity of holding a second election after an interval...involves a most undesirable prolongation of electoral turmoil and disturbance, besides greatly increasing the expenses of candidates. The difficulty of inducing voters to come up again to vote again a second time would probably result in a large diminution in the number of votes cast in the Second Ballot, a diminution which would correspondingly reduce its value...Moreover, it has been the experience of other countries that the interval between the two elections offers undesirable temptations to bargaining and intrigue’.¹⁴⁰ The Jenkins Commission rejected it for similar reasons (para 88). The Second Ballot is however used in Hungary, in the constituent part of a mixed AMS type system and Lithuania uses it alongside List PR in its elections.

¹³⁷ *Power and the People: A Guide to Constitutional Reform* 1997 V. Bogdanor

¹³⁸ see *Making Votes Count* 1997 Dunleavy et al for details

¹³⁹ HC Deb vol 253 2.6.31 c106 In this speech Winston Churchill argued for STV instead of AV, if any electoral reform had to take place

¹⁴⁰ Cd 5163 para 17 1910

D. Supplementary Vote

This is the system eventually favoured by a majority of the Plant Committee for elections to the Commons and is a variation suggested by Dale Campbell Savours. It restricts the voters to two preferences so as to prevent the very weak preferences at the bottom of the ordering scale influencing the result unduly. If a candidate has over half the first preferences they are elected. If no candidate has over half all but the top two candidates are eliminated, and the second preferences of those who voted for the eliminated candidates are counted - those for either of the top two candidates are added to the vote, and whoever has the highest number wins. A version is used for Presidential elections in Sri Lanka. Vernon Bogdanor has pointed out that SV might work ‘capriciously’ in a four party system such as Scotland, and like AV does not affect the geographical distribution of political support.¹⁴¹

*The Representation of the People (no 2) Bill*¹⁴², of 1930-31 as originally printed, proposed a system of Alternative Vote which broadly corresponds to the Supplementary Vote. An elector was allowed only two preferences in marking the ballot paper. However only the candidate with the smallest number of votes was eliminated initially, unlike the modern variant of Supplementary Vote where all but the top two candidates are eliminated from the count. The drafting implied that only three candidates would be the norm in constituencies (Clause 1, Schedule 1)

At Second Reading the then Home Secretary, J. R. Clynes, said that its solution was the best and the most simplest given that there were only three parties which stood any chance of forming a government. ¹⁴³ At Committee stage of the Bill, however, Schedule 1 was amended so that voters could give as many preferences as candidates.¹⁴⁴ The amendment was moved by Sir Herbert Samuel, for the Liberals, but accepted by the Labour government. Sir Herbert pointed out that the 1917-18 *Representation of the People Bill* had allowed for more than two preferences to be made on the ballot paper, and argued that four cornered contests were becoming common, owing to party splits.¹⁴⁵ In response, Mr Clynes accepted that there were indications that new parties were being formed. (c1060) The Conservative spokesman, Sir Samuel Hoare, complained that by introducing third, fourth and fifth preferences the result of the election was being put into the hands of an even smaller number of voters than before (c1062).

Also at Committee stage Captain Bourne for the Conservatives proposed an amendment to eliminate all candidates except the top two for the purposes of the count,¹⁴⁶. He argued that this would make the electoral system proposed closer in operation to the French Second Ballot operation and that this system was already in operation in Queensland,

¹⁴¹ *Power and the People: A Guide to Constitutional Reform* (forthcoming) V. Bogdanor

¹⁴² Bill 85 of 1930-31. An earlier version, Bill 82, was withdrawn after its publication

¹⁴³ HC Deb vol 249 c455 and vol 251 c1267, as given by Hart

¹⁴⁴ HC Deb vol 252 12.5.31 c1049-1072 Bill 151 gives the text of amendments in committee

¹⁴⁵ c1049-54

¹⁴⁶ c1096-1110

Australia. This version of AV was known at the time as the Craigmyle scheme, as proposed by Lord Craigmyle, one of the Liberal delegates to the Ullswater Speakers Conference of 1930. Mr Clynes spoke against the amendment, citing the arguments used in the Royal Commission of 1910 that it did not carry out the intentions of the electors (c1098) The amendment was not carried and Schedule 1 was not further amended by the time the Bill left the Commons. The Lords resisted AV and the Bill was lost with the fall of the Labour government.

SV is to be used for the election of a Mayor for London, according to the White Paper *A Mayor and Assembly for London* which stated that it would be ‘important to ensure that the method of election of the Mayor gives the eventual winner a clear mandate from the people of London’. (para 4.7) A report by Professor Patrick Dunleavy and Dr Helen Margetts on possible electoral systems for the Government Office for London¹⁴⁷ had noted that SV would have significant effects if large numbers of candidates were involved:

2.26 Our existing research into AV and SV in British parliamentary elections has demonstrated conclusively that whether we use AV or SV there are very small differences in outcome, in that particular context of local constituency elections with a restricted candidate list. In that same context, any modified -AV procedure would probably produce outcomes virtually identical to normal AV. However, for the London-Mayor elections we would expect candidate lists to be much more extended. with 4 or 5 candidates attracting significant vote shares, and their supporters second and subsequent preferences having an important influence upon the election results. In these circumstances the differences between AV and SV could become much more significant since SV guarantees that only the top two candidates on the first round can emerge as a winner and restricts voters’ abilities to mark preferences, while under AV a third-placed or even fourth-placed candidate on first preferences could conceivably win. Wherever AV and SV would operate differently, modified AV procedures are likely to produce outcomes which lie between their two sets of outcomes.

SV is also a possibility for elections to new-style directly elected local government mayors, as suggested in the White Paper on local government *Modern Local Government: In touch with the People*¹⁴⁸

The Jenkins Commission rejected SV on its own as much more suited to a three party system and therefore causing difficulties in Scotland and Wales. It did not elaborate on its choice of AV over SV for its recommended scheme (para 86). However the Dunleavy and Margetts Report noted that in the 1997 election AV produced identical seat outcomes to SV, and only a one seat change in 1992.

¹⁴⁷ *Report to the Government Office for London: Electing the London Mayor and the London Assembly* 20.1.98

¹⁴⁸ Cm 4014 July 1998 para 4.26

E. Additional Member System and Other Mixed Systems

AMS or MMP (Mixed Member Proportional) is used in the German Bundestag, and for New Zealand, following the referendums on voting systems there in 1992 and 1993. It will be used for elections to Scottish Parliament, Welsh National Assembly and Assembly for London. A NZ Royal Commission recommended its use in 1986. Variants are known as parallel systems where the list PR element does not compensate for any disproportionality in the FPTP element of the election. Italy, Russia and Japan have recently introduced parallel systems. Hungary uses a two ballot system in the constituency part and a list system modelled on the operation of AMS in Germany.

In the Bundestag half the seats are elected by FPTP in single member constituencies and half through a regional list system of nominated party candidates. Voters have two votes, one for the constituency candidate and another for a political party. The percentage of the votes gained by the parties in the latter ballot determines the final allocation of seats, by 'topping up' the individual constituency results. Germany operates a threshold of 5% of list votes or 3 constituency seats before parties can be allocated 'additional members'. This threshold prevents 'pure' proportionality. Where a party wins more seats from its constituency results than its total entitlement from the second, PR vote, they are in Germany allowed to retain their extra seats and the size of the Bundestag is enlarged (e.g. there were 16 such extra seats in the 1994 election). Mid-term vacancies are filled by the next name on that party's list. Lists are organised on a regional basis, unlike New Zealand where a national list is used.

Advantages which have been claimed for AMS are that it maintains, to a significant degree, the direct constituency link of MP to electors, while injecting an element of proportionality (i.e. all votes 'count'). It is simple to operate and understand, and it enables voters to express an opinion on proposed coalitions (if declared by parties before an election). Experience in Germany since the war suggests that it produces 'stable' government. AMS was introduced largely under British influence into post war Germany as a means of counteracting the large number of parties and fragmentation which a highly proportional system had produced in the Weimar Republic.

The first Plant Report noted that several variations were possible: the split between FPTP and List could be 60:40, or otherwise. Some systems offer the voter only 1 vote (so that the vote in the constituency element is automatically translated into party support in the list element) The lists could be regional or national, and it is possible to have thresholds implying that parties cannot gain votes from the list unless they have won one or more constituency seats. It could also be phased in over successive Parliaments, thus lessening the threat to incumbent MPs. Plant found that AMS in Germany scored 98 on the Rose index of proportionality. It offers voter a choice since one vote can be cast for the first preference party and the other to modify its policies by coalition. On the other hand some commentators have argued that the small Free Democrat party (FDP) has exercised a disproportionate influence over deciding which of the two major parties gains or retains power, while gaining most of its small voting strength from the list mechanism. In 1982, it withdrew its support from the SPD and the Government fell; following a vote of no confidence a new government of the CDU/CSU/FDP entered office. A General Election

was not held until 1983. This could be counteracted by a requirement to hold a General Election if a vote of no confidence was lost. Robert Blackburn has argued that AMS ‘combines best the virtues of Britain’s existing constituency system while adding a very high degree of proportionality into the composition of the Commons’.¹⁴⁹

AMS would in the German model mean doubling the size of the constituencies for the Commons and create what has been termed ‘two classes’ of MPs - those elected from constituencies, and with the responsibilities which follow from that, and the list members without such responsibilities. Early indications from New Zealand following the October 1996 election are that list MPs are setting up constituency offices and duplicating the work of constituency MPs. It is argued that the culture of constituency representation is not so strong in Germany with its federal structure, and that AMS in Britain might require some method of using list members for constituency responsibilities.

Finally the power of the party is generally viewed with disfavour by proponents of FPTP or indeed STV. Unsuccessful candidates in the constituencies can still gain a seat through the list, the order of which is decided by the party. Attention has focussed on the composition of party lists in the debates on the *European Parliamentary Elections Bill* which will introduce list PR for the 1999 European Parliament elections, but the same arguments are likely to be heard about the mechanisms for drawing up the lists for AMS in Scotland, Wales and London. See below under List PR for further details.

The 1976 Hansard Society Commission on electoral reform came up with a variant of AMS to circumvent concerns about party bureaucracies deciding the ordering of the list. Electors would have one vote and 75% of MPs would be elected through FPTP, with the remaining 25% allocated to ‘best losers’ amongst defeated candidates. These seats would be regionally based. There would therefore be no need for the list at all, and would give representation to parties with substantial but not majority support in particular regions. No change in existing voting procedures would be required and constituency size would increase by 25% only. The scheme has, however, been criticised as not deserving the term PR, and rewarding parties more than candidates. Bogdanor noted that “an unpopular candidate would still poll much better in Oxford than in Oldham. The additional members, therefore, would be elected not so much because the voters particularly wanted to be represented by them in the Commons but because the MPs had the good fortune to be selected both for a constituency in which the party polled well and also for a constituency which did not have too many candidates competing for election”.¹⁵⁰

New Zealand has introduced the Mixed Member Proportional System, a form of AMS modelled on the German system. There are 120 single member constituencies (including five reserved for representatives of the Maori Race); 60 members are elected by simple majority vote, and 60 elected by preferential vote for party lists. A threshold of 5% or one electoral district seat operates before parties are eligible for these party list seats.¹⁵¹

¹⁴⁹ *The Electoral System in Britain* (1995) p428

¹⁵⁰ *Democracy and elections* (1983), ed V Bogdanor and D Butler - p.72-73

¹⁵¹ *The Report of the Hansard Society Commission on Electoral Reform* June 1976

The MMP system is explained in this extract from *Media Information Handbook* at the New Zealand Government Website “The New Zealand Parliamentary Electoral System”.¹⁵²

Deciding Who is Elected

The MP for the electoral district is the candidate who wins more votes than any other candidate. He or she does not need to win more than half the votes cast. Under an MMP electoral system MPs for the electoral districts are elected in exactly the same way as they were under the First-Past-The-Post electoral system.

The following two examples are similar to those used to illustrate the First-Past-The-Post elections. (More votes in total are shown because an MMP electoral district will be larger than a First-Past-The-Post electoral district).

1996 General Election¹⁵³

<i>Candidate</i>	<i>Party</i>	Example 1		Example 2	
		<i>Votes</i>	<i>%</i>	<i>Votes</i>	<i>%</i>
Carson, Michael	Progress	10,224	30.4	13,486	40.1
Harvey, Linda	Freedom	1,043	3.1	1,681	5.0
Katene, Hemi	Justice	101	0.3	1,177	3.5
Morrison, Susan	United People's	19,069	56.7	14,428	42.9
Stafford, Zoe	Grandstand	3,161	9.4	2,455	7.3
Wadsworth, David	Waddington	34	0.1	405	1.2
	Total	33,632	100.0	33,632	100.0

In both of these examples **Susan Morrison, the United People's** party candidate won the most votes and, therefore, was elected as MP for the electoral district. In the first example she won more than half the votes cast; in the second example, even though she did not win a majority of the votes cast, she won more votes than any other candidate so was declared elected.

The number of party votes won by each party that has submitted a party list is used to decide how many seats overall each party will have in the next Parliament. If, for example, the party vote for the Grandstand party entitled it to a total of 54 seats in Parliament and it won 40 electoral district seats, it would gain 14 further seats which will be drawn from the party list of the Grandstand party.

Candidates may stand for parliament both in an electoral district and on their party's list. As a result, the first 14 candidates on the Grandstand party's rank-ordered party list *who have not been elected to Parliament to represent an electoral district* will be declared elected as MPs.

¹⁵² <http://www.election.govt.nz/>

¹⁵³ <http://www.election.govt.nz/media/>

If a political party wins more electoral district seats than its overall share of the party vote entitles it to, it will not gain any party list seats but it will retain all of the electoral district seats it has won. (Electoral Act 1993, S.192(4)). If this occurs, the size of Parliament will increase temporarily until the next general election.

For example if the party vote for the Freedom party entitles it to a total of 40 seats in Parliament but it has already won 41 electoral district seats, it will keep the 41 seats but will not be allocated any additional party list seats. Parliament will be temporarily increased in size from 120 to 121 until the next general election.

A procedure, known as the St Lague formula (after its founder) is used to decide the order in which political parties are awarded seats in Parliament.¹⁵⁴

AMS can be combined with AV or SV, to be used for the constituency aspect and a number of Top-up seats awarded on a list basis. This is the system adopted by the Jenkins Commission which argued that a mixed system produced flexibility and enhanced voter choice. It rejected a fifty /fifty split between list and constituency members on the grounds that it would produce too many list members:

116. A major disadvantage of the German system, if transported wholesale to Britain is that there would be too many list members. There is the equivalent of one list member for every constituency, and as many of them aspire to become directly elected constituency MPs, they concentrate their hopes and effort upon a particular constituency, in effect making themselves a shadow member for it, but with the substantial advantage over an adopted parliamentary candidate that they have all the advantages - access to ministers, full parliamentary expenses and salaried time when the Bundestag is not sitting - of the directly elected MP but without the constituency responsibility. By the criterion of a level playing field for the next elections this may be fair, but it is also inimical to the best traditions of an MP performing at least a semi-impartial role in his or her constituency between elections and endeavouring to serve all constituents - those who supported him or her and those who did not - with equal diligence. If there is a rival and equally active MP of an opposing party on the scene this link is almost inevitably weakened if not broken.

117. Another disadvantage of such a high proportion of list members - to be set against the highly proportional outcomes which it secures - is that, particularly in scattered rural areas and doubly so if more rigid equity in constituency populations is sought, it loosens the local link. Apart from more extreme examples in Scotland and Wales, it would mean, to take a specific example from a fairly populous county of England, that there would only be one seat for the whole of north and west Devon stretching from Tavistock to Ilfracombe. And there is a third, and to many the principal disadvantage of a 50% 'Top-up', which is that it would make coalitions if not inevitable very much the norm.

¹⁵⁴ A full explanation of the allocation of seats using St Lague is given in an accompanying webpage at <http://www.election.govt.nz/> under *Media Information Handbook*, as well as detailed election results

F. Single Transferable Vote

This system is most widely used in present and former Commonwealth countries, such as Ireland, Malta and Australia (Senate) and was almost adopted in the UK in urban areas after the First World War, following a Speaker's Conference recommendation.¹⁵⁵ It is used for elections to the European Parliament in Northern Ireland and for local elections there. It was used for the multi-member university seats from 1918-45.¹⁵⁶ It is the system favoured by the Electoral Reform Society and was invented by Thomas Wright Hill (father of Rowland Hill) and refined in the 1850s by Carl Andrae of Denmark and Thomas Hare in England. John Stuart Mill was influenced by Hare's scheme and promoted it in his *Considerations on Representative Government* (1861).

It is said to be a PR system which "takes the voter as its starting point - not the party - seeks to give effect to their wishes of the voter, whatever they be and whether they have anything to do with party or not".¹⁵⁷ Bogdanor described STV as "a product essentially of mid-Victorian liberalism, whose aim it was to extend the boundaries of individual choice In contrast to the German electoral system, it aims to minimise the influence of party in the election of MPs".¹⁵⁸

STV seeks to tackle the problem (as reformers see it) of 'wasted' votes under majoritarian systems such as FPTP. It "operates so as to ensure that as many votes as possible are actually used in helping to elect a candidate".¹⁵⁹ This is done by the transferability of votes cast so as to be most effective in securing the wishes of the elector. "The vote can be seen as taking the form of an instruction to the returning officer, directing him to transfer the vote, in accordance with the voter's preferences, so that it can be of maximum use in helping to elect a candidate".¹⁶⁰ In a 'pure' system (as envisaged by Hare in the mid-19th century) transferability would be total; a vote, if not effective in the local constituency, could be used anywhere in the UK where it could be of most use. However, modern STV assumes multi-member constituencies (of about 5 seats).

Voters list candidates in order of preference, and candidates who reach the appropriate quota of votes are elected. This is normally the Droop quota -

$$\left[\frac{\text{votes}}{\text{seats} + 1} + 1 \right]$$

¹⁵⁵ See above p.7

¹⁵⁶ *The electoral system in Britain since 1918*, 2nd ed., 1963 David Butler, pp 148-153

¹⁵⁷ Lakeman, *Power to elect*, p.45: she also used the term 'super vote' for STV

¹⁵⁸ *What is Proportional Representation?* (1984) p77

¹⁵⁹ *What is Proportional Representation?* (1984) p79

¹⁶⁰ *What is Proportional Representation?* (1984) p79

Any 'excess' votes for that candidate are redistributed according to second preferences, and any candidate reaching the quota after this process reaching the quota after this process is elected. If there are still seats to be filled, the candidate with the fewest votes is eliminated and those votes are reallocated to the next preferred candidate. The process is repeated until all seats are filled.

Mid-term vacancies can be filled by a new election for the whole constituency, or in part of it (as appropriate), by AV, as there is only one person to be elected. Alternatively, the original voting can be re-examined to see who would be the next elected candidate.

The Plant Report explained the mechanics of STV as follows:¹⁶¹

Power and Revolution

Under STV the country is divided up into multi-member constituencies which should for the most proportional results each return five or more representatives. In the Irish Republic a large number of constituencies only return three members, the reason being to keep constituencies as small as possible in what is predominantly a rural society. (This itself shows one interesting feature of STV, that it is a compromise between the demands of proportionality and the desire to preserve to some extent territorial constituencies, unlike Hare and Mill's scheme). In each constituency counting begins by ascertaining the total number of votes cast. This in turn determines the Droop Quota, after H.R. Droop who invented it in 1869. The Droop Quota is the minimum number of votes a candidate needs to be certain of being elected and can be represented in the informal formula:

$$\left[\frac{\text{votes}}{\text{seats} + 1} + 1 \right]$$

For the more formally minded this is: for constituencies with S seats and m candidates the voters V in number mark their ballot for first, second, third to the nth choice. It follows that the quota q is: $q = (V/(S+1))+1$

While the quota is being determined the first preferences for each candidate are added up and any candidate who has achieved the quota or more is elected. If the candidate has more votes than are needed to fill the quota the surplus votes are redistributed to those candidates who are preferred second on the first candidates ballot paper. Here the first complication arises. Given that the first elected candidate needs the number of votes required to fill the quota, the rest are surplus. So which are the surplus votes? It cannot be those who voted after the quota was filled because the quota is only calculated after the polling stations are closed. We could take the votes which are counted after the quota is filled, but this seems very arbitrary. Another alternative which is used in practice sometimes is to take a random sample of the surplus votes and count the second preferences on those. The most thorough and no doubt the most fair is to look at the second preferences on all the votes that the first candidate received and give each lower ranked candidate the number of surplus votes divided by the total votes cast for the first candidate. An illustration may make this clearer. Imagine that the Droop Quota is 2001 and the first winner receives 2500 votes. This leaves a surplus of 499

¹⁶¹ pp67-68

which is a fifth when it is divided by 2500. This then becomes the divisor for the redistribution. So imagine after the first round we are left with candidates A,B,C,D,E,F and the second preferences on all the 2500 initial votes are allocated as follows:

A	100
B	1500
C	zero
D	250
E	50
F	600

These are then divided by 5 ie, 499 divided by 2500. This then yields:

A	20
B	300
C	zero
D	50
E	10
F	120

These are then added to the first preference votes of the candidates. If on the second round a candidate reaches the Droop Quota ie 2001 then he or she is elected. If not the bottom candidate is eliminated. All these votes are then redistributed according to the second preferences expressed on them. If the bottom candidate was the second preference of the ballot papers of the successful candidates then they are transferred to the candidate next preferred, but only at the reduced value at which he or she received them. These processes are then repeated until all the seats are filled. Or when there is only one seat left to be filled and one candidate has a majority over all other candidates then that candidate is elected. This arithmetic is essentially how the proponent of STV seeks to give concrete meaning to the basic principles of proportional representation which are: that it is a system of voting which includes some device for allocating seats proportionately to the votes cast for each candidate. From which it follows that a) there must be multi-member constituencies because one seat cannot be divided proportionately; b) the larger the number of seats to be filled the more proportional the system will be. This is why Mill and Hare advocated taking the whole country as one constituency.¹⁶²

STV scores 96 under the Rose scale of proportionality, but Dunleavy and others have argued that it can only be considered as 'contingentially proportionate' given that had the 1997 election been fought under STV the result would have been disproportionate. These conclusions are disputed by the Electoral Reform Society. Another criticism of STV is that it is not monotonic. In monotonic systems it is never harmful for a candidate if his support increases, other things being equal. However in practice this is a theoretical

¹⁶² pp81-88 of *What is Proportional Representation?* by V Bogdanor contains a full account of how STV works for the Carlow-Kilkenny constitution in the Irish election of 1982

problem, since a study of STV in use in Northern Ireland since 1973 found that there had been no instances where a candidate failed to be elected due to later transfers of votes.¹⁶³

Voters can choose between individual candidates put forward by a party and so it is argued that unlike a list system the voter is in charge. STV turns all seats into marginal seats, and like other proportional systems would ensure a better geographic spread of parties. No vote is 'wasted' and smaller parties are given an opportunity to prosper. Voters can vote across parties and intra party competition can lead to defeats of incumbents: 22 of 37 sitting members who lost their seats in Ireland in 1982 lost to members of their own party. STV tends therefore to weaken the power of major parties according to some commentators and is therefore viewed with concern by such parties as likely to promote internal strife. However attempts by Fianna Fail in Ireland to abolish STV have met with resistance from the electors; referendums on reforming the electoral system were lost by the government in both 1959 and 1968.¹⁶⁴ Research conducted by the McDougall Trust (associated with the Electoral Reform Society) for its evidence to the Jenkins Commission highlighted the importance of offering the voters a real choice of candidates.¹⁶⁵

A major drawback to STV in the UK is the requirement to introduce multi-member constituencies for its operation, ranging between three and five. Even with a three member constituency each would be 150,000 electors in size, and so would involve a major change with current practice on constituency/MP accountability. STV is in effect substituting for the territorial principle of voting a personal principle of voting. Academic evidence from Ireland indicates that candidates try to develop voting management strategies loosely known as friends and neighbours catchment areas where they campaign principally for themselves. "Parish pump" politics can result. STV has never been used in a country as large as the UK and electoral behaviour taken from mainly rural political tradition may not translate to a more urbanised and populous state. Under STV there would be no safe seats so Members would need to remain in contact with their constituencies, and in a three - five member constituency a wider range of MPs would be available, possibly assisting women and ethnic minority candidates.

Plant was critical of STV partly because of the complexity of the vote counting process, arguing that "we believe that it is highly paradoxical that a system which appears to be more democratic on a proportional view of democracy may rest on procedures which few might understand. If we see elections as an important aspect of citizenship then this point has to be taken seriously."

STV is an electoral system which gives weight to minority opinion and as such its impact on national politics is likely to produce more coalition-type government. Whether this is an outcome which is to be promoted remains a matter of political judgement. STV

¹⁶³ 'STV and Monotonicity: A Hands-On Assessment' *Representation* 1995. See *Representation* Winter 1996/7 for a general discussion of STV

¹⁶⁴ see *Referendums Around the World* 1994 ed David Butler and Austin Ranney

¹⁶⁵ *Submission to the Independent Commission on the Voting System* 1998 David M Farrell and Michael Gallagher

benefits parties which are geographically spread rather than FPTP which benefits parties which are geographically concentrated; and in the UK context is likely to benefit parties of the centre such as the Liberal Democrats.

STV is sometimes considered particularly suitable for local government as offering an opportunity for minorities to contribute to the administration of a local area and to encourage voter turnout in areas which might previously have been 'safe' for a major party.¹⁶⁶ In areas where there are already multi-member wards it is argued that STV would not involve much redrawing of electoral boundaries.

The Jenkins Commission criticised STV for its large constituencies, its complex counting system, and a tendency towards parochial politics. Nevertheless it considered a scheme to introduce STV for cities, where constituency boundaries for single members were constantly changing, and AV elsewhere. In the end it was thought impossible to justify a separate voting system for urban areas (paras 103-5)

G. Party List Systems

This involves multi-member constituencies, where the elector votes not for individual candidates but for a list or slate of a particular party. Seats in the constituency are allocated between the parties according to their proportion of the vote in that constituency. Seats are allocated to individual candidates according to their position on the party list. Mid-term vacancies are filled by the next candidate on that party's list. List systems are widely used in continental Europe and elsewhere. In 1977 the Labour Government proposed a list system for elections to the European Parliament, but on a free vote the Commons rejected the proposal substituting FPTP.¹⁶⁷ It will however be used in the 1999 elections to the European Parliament, under the *European Parliamentary Elections Bill*¹⁶⁸

Refinements of the list system involve the quota system used, the size of the threshold applied, the size of the constituency, and, perhaps most importantly from a British perspective, the ability of the voter to change the order of the candidates on the list, or to split their votes between lists. Ultimate list systems treat the whole country (e.g. Netherlands, Israel) as one constituency and are, therefore, virtually 'pure' PR (subject to any vote thresholds).

¹⁶⁶ The Commission for Local Democracy favours STV for multimember wards in local government elections, with AV for the election of a leader/mayor [*Taking Charge: The Rebirth of Local Democracy* 1995]

¹⁶⁷ *European Assembly Election Bill 1966/77*, reintroduced in 1977/8. See Research Paper no.96/52, p.65 for further detail

¹⁶⁸ see Research Paper 97/120 *The European Parliamentary Elections Bill*

The quota used is of great importance in the allocation of seats. A quota is simply the number of votes required to obtain a seat. There are a number of different systems described in extracts from an Australian Parliament Research Service paper.¹⁶⁹

The simplest method of determining a quota is to divide the number of valid votes by the number of seats to be allocated. This method is often referred to as the Hare quota. Three alternatives to the Hare quota exist; The Hagenbach-Bischoff quota, in which the number of votes is divided by the number of seats plus one; the Droop quota, in which the number of votes is divided by the number of seats plus one and adding one to the quotient; and the Imperiali quota, in which the number of votes is divided by the number of seats plus two. In the following examples 60000 valid votes are cast and 5 seats are to be allocated.

Quotas

$$\begin{array}{l}
 \text{Hare} = \frac{\text{Votes}}{\text{Seats}} = \frac{60000}{5} = 12,000 \\
 \text{Hagenbach-Bischoff} = \frac{\text{Votes}}{\text{Seats}+1} = \frac{60000}{6} = 10,000 \\
 \text{Droop} = \left[\frac{\text{Votes}}{\text{Seats}+1} + 1 \right] = \left[\frac{60000}{6} + 1 \right] = 10,001 \\
 \text{Imperiali} = \frac{\text{Votes}}{\text{Seats}+2} = \frac{60000}{7} = 8,571
 \end{array}$$

The simplest method of allocating seats under proportional representation is the Largest Remainder system. Under this system a quota is established, usually the Hare quota, and is used to determine each party's allocation. A seat is allocated for each quota that the party obtains. However, this system does not always provide for the allocation of all seats as a number of votes will be left over after the allocation of full quotas and some small parties will not gain sufficient votes to obtain a full quota. The remaining seat or seats are allocated on the basis of the largest remaining votes after the allocation of full quotas.

The Largest Remainder system favours smaller parties over larger parties when using the Hare quota. The relative importance of remainders in the allocation of seats can be reduced by the use of a lower quota (Hagenbach-Bischoff or Droop). Lower quotas result in more seats being allocated on the basis of parties receiving a full quota and less being allocated by remainders. However, the use of a lower quota does not always overcome the proportionality problem of the Largest Remainder system. Using the example above the Droop quota produces exactly the same result as the Hare quota.

¹⁶⁹ *Electoral systems LRS paper*^{no} 3 September 1989 pp12-15 fi

To overcome problems associated with the Largest Remainder system the Highest Average system was devised ... The object of the highest average system is to ensure that when all seats have been allocated the average number of votes required to win one seat shall be as near as possible the same for each party. The Highest Average system can be used with or without a quota. When used with a quota the system is sometimes referred to as a Hagenbach-Bischoff system. The system derives its name from the method of allocation of seats to parties. Under the system each party's votes are divided by a series of divisors to produce an average vote. The party with the highest average vote after each stage of the process is allocated a seat. After a party has been allocated a seat its votes are then divided by the next divisor. The Highest Average system has a number of different variations, depending upon the divisors used and whether a quota is used or not.

The d'Hondt version uses the numbers one, two, three, four etc as its divisors. In the following example the d'Hondt is used without a quota. As in the previous example five seats are to be allocated.

d'Hondt Version Highest Average System

Party	Votes	1 st Seat Division	2 nd Seat Division	3 rd Seat Division	4 th Seat Division	5 th Seat Division	Total
A	8700	8700 (1)	4350	4350	4350(4)	2175	2
B	6800	6800	6800(2)	3400	3400	3400(5)	2
C	5200	5200	5200	5200(3)	2600	2600	1
D	3350	3350	3350	3350	3350	3350	0
Total	24,050						5

Based on: T Mackie and R Rose, *International Almanac of Electoral History* (3rd ed., 1992)

In the above example the first seat divisor is one for all parties. Party A has the highest vote and is allocated a seat. In the second round, votes for Party A are divided by two, while all others are divided by one. Party B has the highest vote and is allocated the second seat. The process continues with the divisor for a party increasing by one each time that party is allocated a seat. The above example illustrates the highest average concept of the d'Hondt version. An alternative presentation of the above, that is easier to comprehend, is shown below. In this example votes of all parties are divided by the series of divisors. From the resultant matrix, seats are allocated to parties with the highest votes.

Alternative Presentation of the d'Hondt Version

	Party A	Party B	Party C	Party D	Total
Votes	8700	6800	5200	3350	24,050
Divide by 1	8700(1)	6800(2)	5200(3)	3350	
Divide by 2	4350(4)	3400(5)	2600	1675	
Divide by 3	2900	2267	1733	1117	
Seats	2	2	1	0	

A comparison of the examples shown under the d'Hondt version of the Highest average system and the Largest Remainder shows a different distribution of seats and illustrates a characteristic of the d'Hondt version to favour major parties at the expense of minor parties. This can be modified by choosing different divisors. The Sainte-Lague version and the Modified Sainte-Lague versions increase the size of the divisors, thus making it more difficult for a party to win each additional seat. The Sainte-Lague divisors are odd numbers beginning at one (eg 1,3,5,7, etc.). The modified Sainte-Lague numbers are 1.4,3,5,7,9. The Sainte-Lague divisors make it harder for major parties to gain each additional seat while the modified Sainte-Lague divisors maintain this characteristic as well as making it more difficult for smaller parties to gain representation through the 1.4 first divisor.

The following examples illustrate the Sainte-Lague characteristics of making it more difficult for major parties to obtain additional seats.

Sainte-Lague Version

	Party A	Party B	Party C	Party D	Total
Votes	8700	6800	5200	3350	24,050
Divide by 1	8700(1)	6800(2)	5200(3)	3350(4)	
Divide by 3	2900(5)	2267	1733	1117	
Divide by 5	1740	1360	1040	670	

Based on: T Mackie and R Rose, International Almanac of Electoral History (3rd ed., 1992)

Modified Sainte-Lague Version

	Party A	Party B	Party C	Party D	Total
Votes	8700	6800	5200	3350	24,050
Divide by 1.4	6214(1)	4857(2)	3714(3)	2393(5)	
Divide by 3	2900(4)	2267	1733	1117	
Divide by 5	1740	1360	1040	670	

Based on: T Mackie and R Rose, International Almanac of Electoral History (3rd ed., 1992)

In the above-example both the Sainte-Lague and modified Sainte-Lague versions produce the same distribution of seats. However, the two versions provide representation for the smallest party at the expense of the second largest party.

In addition to varying the first divisor to make the election of smaller parties more difficult a threshold can also be used in list systems to achieve the same result. Thresholds require a party to achieve a certain percentage of the vote before they can be eligible to have members elected.

Helena Catt noted “the basic ideas are simple. Both Droop and Hare set up a quota which must be filled, based on the smallest number of votes needed effectively to fill the vacant seats. The other systems all look at the ratio between votes raised and seats won”.¹⁷⁰

The Plant Report noted that decisions on the use of d’Hondt as favouring large parties or Sainte Lague for the opposite were highly political, depending on the desirability or otherwise of promoting smaller parties. D’Hondt has been chosen for use in the *European Parliamentary Elections Bill* and for allocation of seats under the list element in AMS for Scotland and Wales. Full details on the formula to be used for London is not yet available.

The previous Italian electoral system had very large constituencies and used the Imperiali Quota, this tending towards exact proportionality, the larger the constituency, the greater the proportionality. Parties having ‘wasted votes’ in the constituencies had their votes pooled nationally, provided that they had won at least one seat and 300,000 votes nationwide, and gained seats from the national pool. A number of list schemes used by EU countries retain this positive provision for topping up representation by creating a national level of constituencies to pool wasted votes. In a number of Nordic countries with regional lists government has been stable and effective. The major criticism of party lists systems in the UK debate has been the weak constituency MP link and the fact that MPs would feel more loyalty to the party than to the voters, since an MP dropped from a list would have no chance of re-election. List systems incorporate a high degree of party control and discipline. The complexity of the different quota and allocation methods is also seen as a disadvantage. There are no by-elections, with vacancies filled by the next nominee on the list.

During the debate on the *European Parliamentary Elections Bill* the Government was pressed to introduce open lists; these are lists of candidates where the voter can indicate preferences for certain candidates over others. The Home Secretary promised to consider the Belgium type, where a voter can either endorse a particular party or select an individual candidate on a party list, but on 9 March 1998 he announced that he considered that there were no advantages in adopting such a system, given that voters’ preferences for individual candidates were not necessarily translated into electoral success.¹⁷¹ A

¹⁷⁰ G Smyth *Refreshing the Parts* [1992] p36

¹⁷¹ HC Deb vol 308 9.3.98 c17-18w *Research Paper* 98/80 contains full background on open, ordered and closed lists. It also gives details of the selection process used by each party for the selection of candidates in the European Parliament elections and also for the Scottish Parliament and the Welsh National Assembly.

closed list will therefore operate, with electors only able to express a preference for a party or an independent candidate. The role of the party in the ordering of the list therefore becomes crucial; the Labour party has suffered criticism for giving joint regional/national panels the authority to select and rank the list for each region.¹⁷² Similar arguments and concerns have been voiced about the list element of AMS in Scotland and Wales.

Casting a vote for a party, rather than an individual candidate has required the registration of political parties, to be enacted in the *Registration of Political Parties Bill*.¹⁷³ A number of states place statutory requirements on registered political parties to adhere to democratic principles in the selection of candidates, but the government's current proposals are concerned only with the registration of a party's name. However the Neill Report recommendations on party funding and election expenses may prompt further regulation of political parties.

The list system has only been used once before in the UK, for elections to the Northern Ireland Forum in May 1996. The *Northern Ireland (Entry Negotiations) Act 1996*, provided for five delegates to be elected from each of the 18 new Northern Ireland Parliamentary constituencies, plus an extra 20 delegates for Northern Ireland as a whole - that is, two delegates selected from each of the ten parties with the largest aggregate vote. Thirty parties were set out in the Schedule, including a number of independent candidates. Each elector had one vote to be cast for a party named on the ballot papers for the constituency - the ballot paper showed the name of each of the parties for which a constituency list was submitted. A complex formula was used to decide the constituency seats - a Droop quota followed by d'Hondt if seats remained unallocated. The regional delegates were selected using a simple FPTP system of selecting the ten parties with the highest number of votes across the province. The electoral system chosen was not popular within Northern Ireland but it was recognised as a compromise, since the SDLP and DUP had favoured a party list, whereas the UUP and Alliance favoured STV. The representation of parties associated with loyalist terrorist groups was also sought, illustrating how electoral systems can be used to assist in providing the 'correct' result.

The Jenkins Commission did not consider the introduction of a list system on its own for the Commons. It favoured the use of open lists in the Top Up element, noting 'it would be a count against a new system if any candidate, by gaining party machine endorsement for being at the head of a list, were to achieve a position of effective immunity from the preference of the electorate' (para 138).

¹⁷² *Guardian* 7.10.98 'Tongue and the Twisters'

¹⁷³ Research Paper 98/62 *Registration of Political Parties Bill* gives full background

H. GLOSSARY

<i>Absolute Majority:</i>	More than half the total number of votes cast.
<i>Additional Member System (AMS):</i>	Mixed electoral system in which part of a legislature elected by first-past-the-post in single-member constituencies and the remainder of the members are added in such a way as to make the total result as proportionate as possible to the votes cast (subject, in some cases, to certain thresholds). Used in Germany. Hansard Society's 1976 variant provided for the additional members to be chosen from defeated constituency candidates rather than from party lists.
<i>Alternative Vote (AV):</i>	('Preferential system') Majoritarian system where person elected by absolute majority, usually in single-member constituencies. Voters number candidates in order of preference. Least favoured candidate is eliminated, and second preferences redistributed. Process continues until one candidate has absolute majority. Used in Australian House of Representatives (lower house).
<i>Andrae System:</i>	Another name for single transferable vote (STV) system. (Carl Andrae of Denmark, 1855).
<i>Approval Voting:</i>	Form of plurality system where voters can vote for as many candidates as they approve of.
<i>Apparentement:</i>	Arrangement in party list systems where separate parties can declare themselves linked for the counting of votes and allocation of seats (used in France in 1951 and 1956, and Italy in 1953).
<i>Block Vote:</i>	Plurality system in multi-member constituencies. Electors have same number of votes as there are candidates to be elected. Those candidates with highest number of votes win (i.e. 'multiple first-past-the-post').
<i>Constituency:</i>	Geographical area into which a country is divided for electoral purposes. May be single or multi-member. Also known in UK as 'division' or 'seat'.
<i>Condorcet winner</i>	The candidate who is preferred by a majority of voters to each of the other candidates.

<i>Continuing Candidate:</i>	In STV system, any candidate who is still in the running at any particular point, i.e. neither already elected nor eliminated.
<i>Cube Law:</i>	Formula used to describe way in which first-past-the-post is said to exaggerate votes majorities into greater seats majority. Thus if votes divide in ratio X:Y, seats likely to be shared in ratio X ³ :Y ³ .
<i>Cumulative Voting:</i>	Multi-member constituency voting system where electors can give a candidate more than one of their votes.
<i>D'Hondt System:</i>	(also 'highest average' system). Used in list system to allocate seats; uses a series of divisors (1,2,3,4 etc) to ensure that next candidate to be elected is from the party with highest average vote (Victor d'Hondt, Belgium, 1882).
<i>Droop Quota:</i>	STV allocation formula: $\left[\frac{\text{votes}}{\text{seats} + 1} + 1 \right]$ which states minimum number of votes required to ensure election of one Member.
Electoral College:	Body of people chosen to elect another body or person (e.g. leader and deputy leader of Labour Party; President of USA).
<i>Elimination/ Exclusion:</i>	In STV system, occurs to candidates who have too few votes to remain in the running for election. These votes then transferred to supporters' next preference(s).
<i>Exhaustive Ballot:</i>	Majoritarian system, where no candidature receives absolute majority. Second and further ballots take place with least popular candidate excluded at each ballot until one candidate has absolute majority.
<i>First-Past-the-Post (FPTP):</i>	(Also 'relative majority', 'plurality' system) - Candidate with largest number of votes wins, whether absolute majority or not. Oldest voting arrangement, used in UK, USA etc.
<i>Gerrymandering:</i>	The drawing of constituency boundaries in such a way as to secure party advantage.
<i>Hare Quota:</i>	Votes ÷ seats.
<i>Highest Average:</i>	See 'd'Hondt system'.

<i>Imperiali Quota:</i>	Votes ÷ (seats + 2).
<i>Largest Remainder System:</i>	Method used in list system most favourable to smaller parties. Seats allocated on basis of largest number of votes remaining after seats have been allocated by quota.
<i>Limited Vote:</i>	Majoritarian system in multi-member constituencies where electors have fewer votes than there are seats to fill (used in some UK constituencies 1868-1880).
<i>Majoritarian Systems:</i>	Winning candidate required to gain majority of vote (i.e. more than 50%), e.g. by second ballot or preferential system (AV).
<i>Modified D'Hondt System:</i>	Uses d'Hondt divisors to determine number of seats won by each party and STV to determine election of individual candidates.
<i>Minority Vote:</i>	Election of a candidate with fewer votes than opponents combined.
<i>Mixed Member Proportion</i>	A version of AMS used in New Zealand
<i>Monotonic</i>	An electoral system is 'monotonic' when voting for a candidate cannot have the effect of making it harder for him to be elected. Preferential voting systems (AV,STV) can be non-monotonic in specified circumstances.
<i>Panachage:</i>	In list systems, where elector given opportunity to vary order of candidates on the list.
<i>Party List System:</i>	Electors choose from list of party candidates.
<i>Plurality:</i>	Relative majority, FPTP.
<i>Preferential Voting:</i>	Elector expresses a rank order of preferences between candidates, e.g. AV, STV.
<i>Proportional Representation (PR):</i>	Generic term for system which seeks to relate seats to votes as closely as is practicable. Uses multi-member constituencies, generally.
<i>Quota:</i>	The minimum number of votes required to ensure the election of one candidate.

- Sainte-Lague System:*** Highest average system, using series of divisors (1,3,5,7 ...) to ensure that next candidate elected is from party with highest average vote. Higher divisors than in d'Hondt system ensure greater proportionality. Used in Scandinavia. Modified by initial divisor of 1.4 rather than 1 to reduce any over-advantage to smaller parties.
- Second Ballot:*** In single-member constituencies, run-off for candidates restricted by number or threshold where no candidate has absolute majority (e.g. France). Limited version of 'exhaustive ballot'.
- Single Transferable Vote (STV):*** Preferential voting in multi-member constituencies. Electors number candidates in order of preference. Candidates achieving Droop Quota are elected, surplus votes redistributed, and if any seats remain unfilled candidates with lowest number of votes are progressively eliminated until all seats filled (Australian Senate; N Ireland; European and local elections).
- Surplus:*** The number of votes by which votes of successful candidate exceed the quota.
- Threshold:*** Minimum condition required to secure election or continuance in allocation process. May be a number or percentage of votes, or a quota. Limits pure PR results to deny representation to very minor parties.

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