



RESEARCH PAPER 98/47  
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# Voting Systems – The Government's Proposals

(Revised edition)

This Paper seeks to draw together the Government's proposals for new systems of voting for the European Parliament, the Scottish Parliament the Welsh National Assembly and the Greater London Authority and to discuss common themes. It also looks at the background to the creation of the Jenkins Commission which is due to recommend an alternative system to First Past the Post so that a referendum can be held during the lifetime of this Parliament on a new voting system for the House of Commons. Finally the possibility of a new voting system for local government is briefly discussed. This Paper replaces 98/29

More detailed consideration of voting systems is given in Research Paper no 97/26 *Voting Systems: the alternatives* 13.2.97.

This Paper is designed so that each section can be used separately as a guide to the voting procedures of the relevant institution.

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## Summary

The Government have introduced Bills in this Session which will create new voting systems for the European Parliament, the National Assembly for Wales and the Scottish Parliament. There are some common themes which are explored briefly in the introduction to this Paper. A closed list system is intended for the European Parliament and for the additional member aspect of the Additional Member System (AMS) proposed for the National Assembly and the Scottish Parliament. In effect electors vote for a party rather than an individual candidate. Greater attention focuses on party candidate selection procedures, and all the major parties have been reviewing their systems for the new types of elections expected in 1999. The role of MEPs, and members of the National Assembly for Wales, and the Scottish Parliament may undergo review following the introduction of party lists.

At Second Reading of the *European Parliamentary Election Bill*, the Home Secretary promised to review the possibility of an open list system on the Belgian model, but a final decision was announced before Report stage that the closed list system would be used. 84 MEPs will be elected under a Regional List System. Scotland and Wales will form one single electoral system each, and England will be divided into nine regions, each with between 4-11 MEPs. Single Transferable Vote (STV) for Northern Ireland is preserved.

The Additional Member System is proposed for elections to the National Assembly for Wales and the Scottish Assembly. The elector has two votes, one for a constituency MP and one for an additional member selected from party lists for a electoral region. In Wales there will be 40 constituency members and 20 additional members. In Scotland there will be 73 constituency members and 56 additional members. At present closed lists will operate for the Additional Member aspect and the Government has no plans to introduce open lists.

The White Paper on the Greater London Authority has proposed that the Mayor be elected by the Supplementary Vote system and that the 25 member Assembly be elected by AMS, with 14 constituency members and 11 members elected from a London wide list. Electors are due to vote on the proposals in a referendum on 7 May 1998.

The Government promised in its manifesto for the 1997 election that it would set up a independent commission to recommend an appropriate proportional voting system to First Past the Post (FPTP) for the House of Commons. A referendum would then be held to allow voters a choice between the two systems. An independent commission under Lord Jenkins was announced in December 1997, and is due to report within 12 months.

Related Library Research Papers include:

98/01	The <i>Scotland Bill</i> : Devolution and Scotland's Parliament	07.01.98
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97/120	The <i>European Parliamentary Elections Bill</i> [Bill 65 of 1997/98]	19.11.97
97/114	The <i>Greater London Authority (Referendum) Bill</i> [Bill 61 of 1997/98]	06.11.97
97/26	Voting Systems – The Alternatives	13.02.97

## CONTENTS

	<b>Page</b>
<b>I Introduction</b>	<b>5</b>
<b>II The European Parliament</b>	<b>14</b>
<b>III The National Assembly for Wales</b>	<b>24</b>
<b>IV The Scottish Parliament</b>	<b>29</b>
<b>V The Greater London Authority</b>	<b>35</b>
<b>VI The House of Commons - The Jenkins Commission</b>	<b>43</b>
<b>VII Local Government</b>	<b>49</b>
<b>Appendix I Proportional Representation Formulae</b>	<b>52</b>
<b>Appendix II Notional Allocation of Seats, European Parliament, National Assembly for Wales and Scottish Parliament</b>	<b>55</b>

## I Introduction

Research Paper 97/26 *Voting Systems: the alternatives* provides background on the various types of voting systems in use in the world, and examines some arguments for and against each type. This Paper will concentrate on the Labour government proposals to introduce different types of electoral systems for the Scottish Parliament, the National Assembly for Wales, the European Parliament and for the Greater London Authority. Finally the government is committed to a referendum during this Parliament on an alternative to the First Past the Post (FPTP) system for elections to the House of Commons. All of these commitments apart from change for London were foreshadowed in the Labour and Liberal Democrat Joint Consultative committee on constitutional reform which published a report on 5 March 1997, committing both parties to a range of proposals on the constitution. The introduction of different types of electoral systems which involve an elector voting for a party rather than an individual candidate has led to the need for legislation to administer the registration of parties. This legislation is expected to be introduced to Parliament shortly. New types of electoral systems also has led parties to review their procedures for selecting candidates.

The Additional Member System (AMS) to be used for the Scottish Parliament, the Welsh National Assembly and the Assembly for London and the regional list system to be used for the European Parliament are different types of proportional representation (PR) systems, but there are features in common - most notably the choice between parties rather than candidates. In AMS the elector has two votes, one for a constituency member and one for a party to select 'top-up or additional' members. Attention has focused on the so-called lack of voter choice inherent in party lists, although it has to be remembered that First Past the Post (FPTP) can be described as a closed list of one; in the absence of an American style primary it is the local constituency party rather than the local electors who decide who will be the candidate in a Westminster election, and electors do not have a choice between differing wings of a party.

Since it is normally the party which orders the list of candidates, questions arise about the responsiveness of representatives who may owe their office to their position on the list. The British electoral system has so far dealt only in individual candidates and representatives, apart from elections to the Northern Ireland Forum in 1996 where a party list system was used, as explained in footnote 14. The Single Transferable Vote has been used in Northern Ireland for the election of local councillors since 1972 and for elections to the European Parliament since 1979, but this type of PR system offers voters the choice between individual candidates, rather than parties.

Such concerns have led to calls for open lists to be used for the European Parliament and for the additional member aspect of the elections in Scotland and Wales. Open lists are lists of candidates where the voter can indicate preferences for certain individuals over others. There

## Research Paper 98/47

are different types of open list systems in use in continental Europe and elsewhere, and the type used can significantly affect the outcome.

Five countries in the EU use closed lists for elections to the European Parliament<sup>1</sup>: France, Germany Greece, Portugal, Spain. All of these are national lists. The Government has proposed a closed list organised on a regional basis apart from Northern Ireland which will remain with STV. The independent Constitution Unit have argued that under a national list disaffected factions could have run as splinter parties with some electoral success. The use of relatively small regions tends to assist larger rather than smaller parties in the allocation of seats.

Six countries have lists where the candidates are ordered by the parties: Austria, Belgium Denmark, Italy, Netherlands and Sweden. In other states - Luxembourg, Finland, Italy candidate lists are unordered and are usually alphabetical. The UK would have adopted the Finnish model in its proposals for a list system for the European Parliament in 1977/8<sup>2</sup>. In the event, FPTP was chosen by the Commons.

Another variant is the number of votes an elector is allowed. The most open system is in Luxembourg where the voter can have 6 votes, the total number of seats available, to vote for individual candidates across party lines. In systems with more ordered lists such as the Belgian one electors commonly have one vote which they can either use to endorse a particular party or to select an individual candidate. Finally the way in which votes are counted is crucial. In Austria, Belgium, Netherlands and Sweden preference votes for candidates are supplemented by party votes since the latter are seen as endorsements of the order of the list. That is, candidates at the top of the party list receive all the votes cast for a party. It is therefore harder for an individual voter to affect the overall outcome.

The independent Constitution Unit<sup>3</sup> found that in countries where the lists are ordered, with party votes being allocated to candidates at the top of the list, the impact was minimal. It instanced the 1989 European elections in Belgium, where preferential voting led to only one candidate from the Socialist Party's list being elected prior to other candidates placed above him in the party list.

There are also variants of AMS where the party list can be supplemented by preferential voting for individual candidates. The main example is in Bavaria where it is used for its state elections. The voter is allowed to place a cross either against the name of an individual candidate on a party list or against the name of a party. According to an academic, Peter James,<sup>4</sup> most voters choose an individual candidate, and candidates standing in individual

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<sup>1</sup> EU states do not necessarily use the same system in their domestic elections

<sup>2</sup> see Research paper 97/120 *The European Parliamentary Elections Bill* for details

<sup>3</sup> *Elections under Regional Lists: a guide to the new system for electing MEPs* January 1998

<sup>4</sup> *Representation* Spring/ Summer 1995 "The Free State of Bavaria: a special case"

constituencies and appearing as additional members on the list stand a greater chance of being elected, even if they do not win their constituency.

The process of compiling party lists focuses attention on candidate selection procedures, particularly where closed lists operate. All major political parties are examining this area in preparation for the European Parliament elections and in the elections for Scotland and Wales, and further detail is given in the individual sections of this paper. Key issues are the consultation of party members, the mechanism for ranking candidates, and measures to promote the selection of women or ethnic minority candidates. The Constitution Unit found that most parties in EU countries fall between wholly centralised systems as in France where it is determined by the party's central executive, and wholly decentralised systems as in the Austrian People's Party where candidates are chosen through primaries which include both party and non party members. In most countries candidates list are drawn up by the local and/or regional meetings of party members and submitted to national executive bodies for approval. In Finland the selection procedure is subject to statutory regulation under the Parliamentary Elections Act 1969, which stipulates that party members must have a vote in candidate selection. The Constitution Unit document<sup>5</sup> summarises this legislation as follows :

- a decision on how many party candidates to put forward is taken by the constituency executive
- primaries are to be held where the number of candidates put forward exceeds the number of constituency seats (in practice, this rarely occurs)
- the nomination of candidates is by district level party branches
- the national executive has the power to appoint up to one quarter of candidates to the final list

Primaries are rarely held, and candidates are usually nominated by groups of party members and local executive bodies, rather than individual members. Nominations are then put to the parties' national executives for a final decision on which candidates should appear on the list.

There has been some concern that parties adopting twinning of constituencies or 'zipping'<sup>6</sup> arrangements to promote the selection of women may be subject to legal action under sex discrimination legislation. When the Labour party tried to increase the representation of women in the House of Commons by the use of women only shortlists an industrial tribunal found that this was a breach of the *Sex Discrimination Act 1975*.<sup>7</sup> The legal position remains unclear however, as the Labour party did not appeal. The Equal Opportunities Commission has issued a consultation document on proposed legislative amendments to the *Sex Discrimination* and *Equal Pay Acts*<sup>8</sup> which amongst other topics asked for views on the merits of positive discrimination for women candidates, reflecting on the impact of recent judgements of the European Court of Justice relating to the *Equal Treatment Directive*:<sup>9</sup>

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<sup>5</sup> *Elections under Regional Lists: a guide to the new system for electing MPs* January 1998

<sup>6</sup> whereby a man alternates with a women in the ordering of a list of candidates

<sup>7</sup> *Jepson and Dyas-Elliott v the Labour Party and others* [1996] IRLR 116

<sup>8</sup> *Equality in the 21<sup>st</sup> Century: a new approach* January 1998

<sup>9</sup> Directive 76/207

## Research Paper 98/47

70. There have been two judgments of the European Court of Justice ('ECJ') about the scope of the Equal Treatment Directive in relation to measures to promote equality of opportunity in employment for men and women. In **Kalanke v. Hansestadt Bremen** (1995) the ECJ ruled that priority for promotion for women where they were under-represented was contrary to the Equal Treatment Directive. However in

November 1997 in **Marschall v. Land Nordrhein Westfalen** the ECJ decided that where there are fewer women than men in a particular post in the public sector, a rule which requires that priority is given to a suitably qualified woman on promotion is not contrary to the Equal Treatment Directive provided that a suitably qualified man is guaranteed that his circumstances will be subject to objective assessment on criteria which do not discriminate against women, which could override the woman's priority. The ECJ's judgment however has no legal effect in the UK because the provision in the Directive which has been interpreted by the ECJ does not impose any legal obligation to introduce positive discrimination. Nevertheless the **Marschall** judgment represents an important, if limited, development in this area on which the EOC would welcome views.

### Questions

Should the law permit positive discrimination in favour of men and women in employment?

If so, in what circumstances?

If so, should there be any limits?

### Political Parties

71. Political parties are subject to the SDA as employers. They are also subject to it if they provide goods facilities and services to the public (under s.29), but there is an exception to s.29 for political parties in respect of 'any special provision for persons of one sex only in the constitution, organisation or administration by the political party' (Section 33). What is not clear is whether the SDA has any bearing on the process of selecting parliamentary candidates. This is a question which has arisen in connection with the Labour Party's all women shortlists and possible measures to create a better balance between the sexes in the new constitutional arrangements in Scotland and Wales.
72. The only decision directly on the matter is **Jepson v. The Labour Party** in 1996 where an industrial tribunal decided that single-sex shortlists for Labour party candidates were contrary to the SDA.
73. The EOC has also considered the relevance, if any, of the **Marschall** judgment on this matter (see paragraph 70 above), and come to the following view. If the selection of Parliamentary candidates comes within the scope of the SDA, as some lawyers argue, it is likely to raise issues of access to a particular profession or trade. Although there are provisions in the SDA which permit discriminatory training by employers and other organisations (sections 47 and 48) and the reservation of places for members of one sex on certain elective bodies (section 49), these provisions are very limited. They do not permit recruitment or selection with reference to sex and neither **Marschall** nor the Equal Treatment Directive changes that position.
74. If, on the other hand, the selection of Parliamentary candidates does not come within the scope of the SDA at all, as some lawyers believe, then the Equal Treatment Directive may be relevant but only if the selection of Parliamentary candidates came within its scope on which there has been no ruling.
75. If it does not, then the Directive is irrelevant. If however the selection of Parliamentary candidates is ruled to come within the scope of the Equal Treatment Directive, then the fundamental principle of the Directive would apply which is that there should be no discrimination whatsoever on the grounds of sex. However, by Article 2.4 the provisions of the Directive shall be without prejudice to measures to promote equal opportunity for men and women, in particular by removing existing



inequalities which affect women's opportunities in access to employment. This provision has been interpreted in the recent judgment of Marschall in the context of public sector employment as outlined in paragraph 70 above.

76. In 1993, the EOC was advised by Leading Counsel, prior to the **Jepson** decision, that single-sex shortlists for Parliamentary candidates did not contravene either the SDA or the Equal Treatment Directive. The EOC took further advice subsequent to the decisions in the **Jepson** and **Kalanke** cases (but before judgment was given in the **Marschall** case). Again the advice was that the selection of Parliamentary candidates did not fall within the scope of either the SDA or the Equal Treatment Directive.
77. It has been suggested that the legal uncertainty could be resolved by an amendment to the SDA to exclude from its scope the recruitment and selection of Parliamentary candidates. However, this does not remove the uncertainty as to whether the selection of Parliamentary candidates comes within the scope of the Equal Treatment Directive and, if so, what impact the Equal Treatment Directive would have on this.
78. The legal uncertainty in this matter can only finally be clarified by the courts. However, in view of the judgment in **Marschall** the EOC has decided to consult on the matter and views are invited on the following.

### Questions

1. Do you think that positive discrimination should be permitted in favour of women in the selection of candidates by political parties for
  - (a) national legislatures
  - (b) the European Parliament
  - (c) local/municipal legislatures?
  
1. If so, do you think there should be any limits set to the political parties' freedom in this respect, eg. for one election only?

In Belgium legislation was passed in 1994 requiring political parties to adopt quotas for women from 1999. Electoral lists for local, regional, European and federal elections will have to contain a maximum of two-thirds of people of the same sex. For elections taking place between 1995 and 1999 a three quarters quota has to be respected. Failure to respect the law means that penalties in relation to party funding apply. If the quota is unfulfilled positions reserved for women will be left blank.<sup>10</sup> This is the only EU state with a statutory quota. Both France and Italy have attempted legislation later found to be against constitutional law as described in a publication from the Research Directorate of the European Parliament:<sup>11</sup>

Apart from Belgium both France and Italy have attempted to establish quotas through national legislation. In 1982, France passed a law establishing a quota of 25% female candidatures on party lists for municipal elections. However, this was legally challenged. and in September 1982, the Constitutional Council ruled that such legislation was incompatible with the principle of equality and therefore unconstitutional. In Italy, two electoral laws were implemented in 1993; the first law stated that on party lists, neither sex could be represented by more than 7:5% of all candidates. The second law established that male and female candidates would appear alternately on party lists (known as the "zipper system"). However,

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<sup>10</sup> Tobback-Smet law 24.5.94 Loi visant a promouvoir une repartition equilibree des hommes and des femmes sur les listes de candidatures aux elections

<sup>11</sup> *Differential impact of the electoral systems on female political representation* European parliament directorate general for research March 1997

## Research Paper 98/47

in 1995, the Constitutional Court declared the laws unconstitutional on the basis of violating equal treatment legislation-

New clauses<sup>12</sup> were tabled to the *Scotland Bill* and the *Government of Wales Bill* at committee stage to remove the scope of the sex discrimination from candidate selection. At present the government have no plans to legislate in this area. The *Guardian*<sup>13</sup> has reported a leaked cabinet committee minute from the Lord Chancellor arguing that amendments to the *Scotland Bill* to restrict the scope of the *Sex Discrimination Act 1975* would not remove the possibility of a challenge under the EC Equal Treatment Directive. This was the view set out by Henry McLeish, junior Scottish Office Minister, in debate at committee stage of the *Scotland Bill*.<sup>14</sup> He said 'we could not guarantee that the parties would be free from challenge...The result could be a severe disruption of candidate selection procedures'.

The role of the member to be elected under a list system is as yet unclear, given the strong constituency - member link of British politics.<sup>15</sup> New Zealand is the only state which has moved from a FPTP system to AMS, and some strains have been evident. List members and constituency members have in theory no different roles in Parliamentary and party structures, but in practice it has tended to be difficult for additional members to find a role; constituency members have been alarmed at the prospect of additional members taking up residence in their constituency to cultivate a personal vote. There was some concern in New Zealand when a list member defected from her party but retained her seat.<sup>16</sup> In some legislatures a member who 'crosses the floor' is required to resign the seat.<sup>17</sup>

There is an added layer of potential tension in the AMS for Wales and Scotland as the constituencies to be used for the Parliament and the National Assembly will be the same as for Westminster, leading to two members for each constituency. The move to a regional list system for the European Parliament will also involve a new role for the MEPs, who will no longer have individual constituencies to look after, but whole regions. There will be presumably much less focus on constituency casework. The idea of different categories of MP may well lead to calls for differential pay and allowances<sup>18</sup>. The issue will be of

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<sup>12</sup> New clauses 9 and 10 *Scotland Bill* New Clause 30 *Government of Wales Bill*

<sup>13</sup> *Guardian* 3.3.98 "Why Irvine sent Dewar plan to boost women in Scottish Parliament back to drawing board"

<sup>14</sup> HC Deb vol 309 c1143-1146

<sup>15</sup> Arguably the value of the constituency link has been overestimated, since its importance can be said to force backbench MPs to concentrate on constituency work, rather than the proper scrutiny of legislation. This view is most recently associated with Michael Meadowcroft, the former Member. See Research Paper 97/26 for details

<sup>16</sup> see (New Zealand) *Press* 21.10.97 and *Sunday Star Times* 12.10.97

<sup>17</sup> Para 23A of *Annexure 2 of the Constitution of the Republic of South Africa 1996* requires a resignation in these circumstances. The provision was designed as an interim measure to encourage party unity. and background is given in *South Africa: The Battle over the Constitution (1997)* Siri Gloppen. Similar measures are to be found in Zambia, and Trinidad and Tobago

<sup>18</sup> In New Zealand the Higher Salaries Commission recommended different allowances for constituency and list MPs, and considered but then rejected different rates of pay. Different allowances have now been introduced The Government has asked the Senior Salaries Review Body to make recommendations on the pay and allowances for the Scottish Parliament Members and the terms of reference state: "no distinction is to be made between the salaries etc of members of the Scottish Parliament elected under the normal constituency system and those elected under the regional additional member system" HC Deb 27.3.98 c345w

importance for the Jenkins Commission whose terms of reference include the maintenance of the constituency link.

One of the major imponderable outcomes of electoral reform is the effect on voter behaviour. Calculations are often undertaken to illustrate the effect of certain voting systems on the outcome of elections, but these sometimes tend to assume that voter behaviour is unchanged whereas it is much more likely to be modified as a result of a new system. For example, electors may want to use their second AMS vote to choose another party, using tactical voting. This may lead parties to modify their own behaviour, by adopting electoral pacts or allied parties so that parties which had already gained their full quota of constituency seats could in some way urge supporters to vote for a sister party for the additional member ballot.<sup>19</sup> This strategy may be of particular importance in Wales and Scotland where Labour is unlikely to gain additional seats in many electoral regions as they will receive their full share of the vote in winning so many constituency seats. A poll in the *Herald*<sup>20</sup> in March 1998 for example calculated that Labour would win 49 constituency seats and 6 list seats whereas the SNP would win 16 constituency seats and 33 list seats, although their share of the vote was virtually identical at 39 and 38 per cent respectively.

Michael Ancram has raised the possibility of legislating to prevent split voting. The Conservatives are concerned that existing parties could set up 'alter ego' parties to stand for the list only, which would go against the spirit of AMS.<sup>21</sup> In response Win Griffiths, junior minister at the Welsh Office, said at committee stage of the *Government of Wales Bill* that this would be a cynical exploitation of the system (c804):

**Mr. Win Griffiths:** I thank the right hon. Member for Devizes (Mr. Ancram) for advancing new clause 35 and the reasoning behind it. We acknowledge the points that he has made and I concede that there may be scope for collusion between and within parties to exploit the two-ballot structure of the additional member system in the manner that he described. Such cynical manipulation of the system would be an affront to the electorate and would undermine the democratic credibility of the elected body.

There is a variant of the AMS system where the elector has only one vote; the vote is used to elect both a constituency member and to vote for the party on a party list. The system is currently used in elections to the Land Parliament of North Rhine Westphalia: three quarters of the seats are constituency seats and one quarter are list seats.

Finally, the introduction of parties into the British electoral system in a formal, legal sense will lead to a variety of changes to electoral administration, from the rules on deposits for

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<sup>19</sup> see a forthcoming article by Dr M Dyer *Representation* summer 1998 "Why should Labour contest the list seats in elections for the Scottish Parliament?"

<sup>20</sup> *Herald* 10.3.98 "Labour's nightmare scenario"

<sup>21</sup> HC Deb vol 307 2.3.98 c801-3

## Research Paper 98/47

individual candidates, to local expense limits which are based on channelling spending through candidates' election agents.<sup>22</sup>

The recent judgement in the *Bowman* case<sup>23</sup> is bound to have profound implications for the current system of electoral expense limits. S75 of the *Representation of the People Act 1983* prohibits any expenditure in support of a candidate at an election ( or disparaging another candidate) unless it is incurred by the candidate or election agent or other person authorised by the agent. National expenditure on the promotion of political parties is not affected. Mrs Bowman of the Society for the Protection of Unborn Children (SPUC) brought the case following her acquittal on a technicality on a charge under S75. Mrs Bowman had distributed leaflets in Halifax during the 1992 election, setting out the views of the various candidates on abortion. Mrs Bowman and SPUC complained that their right to free expression under Article 10 of the Convention was being violated. The court found that S75 operated as a total barrier to the publication of information about the stance of candidates on abortion and that the limitation of expenditure to £5 was not necessary to achieve the legitimate aim of securing equality between candidates, in view of the fact that no restrictions operated on the national or regional press or on advertisements. It concluded that the restriction was disproportionate to the aim pursued and that there had been a violation of Article 10.

The Home Office is currently considering its response to the Bowman judgement. In its evidence to the Neill committee enquiry into the funding of political parties<sup>24</sup> the Home Office asked the committee to examine this aspect of election expenses within its wider review of party funding.<sup>25</sup>

Many of these issues will be dealt with through the forthcoming registration of parties legislation expected shortly, and in subordinate legislation. However voting for parties rather than candidates will involve some fundamental changes in the current regulatory framework. Decisions will be needed for example as to whether expenses limits will operate for a party list in a region, or for individual candidates within that list. The Home Office evidence to the Neill Committee noted the need for change:

### Limits on national expenditure

33. Although limits on election expenditure have always been based on the amount (that any individual candidate can spend. with a move to list based electoral systems it will no longer be sustainable to rely simply on limits on the expenses of individual candidates. Elections in 1999 to the Scottish Parliament, National Assembly for Wales and European Parliament will all include candidates elected under a list system of proportional representation.

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<sup>22</sup> The elections in Northern Ireland for the Forum in May 1996 required electors to vote for parties rather than individual candidates. However statutory registration of parties was avoided by nominating a personal representative for each party. See Research Paper 96/52 *Northern Ireland: current political developments* for details. These elections were unique and are not likely to form a precedent for other UK elections

<sup>23</sup> *Bowman v the United Kingdom (141/1996/762/959)* The text of the judgement is available via ECHR website

<sup>24</sup> *Committee on Standards in Public Life* formerly known as the Nolan committee

<sup>25</sup> *Government evidence on the funding of political parties* Dep 6195 March 1998

34. The Government is considering what new rules should be created to accommodate the new electoral systems. Options would include limiting total party expenditure, either within individual regions or nationally, and seeking to apportion national expenditure to regions. The Government will be guided in this by the recommendations of the Committee's Inquiry.

35. The European Parliamentary Elections Bill, which provides for the introduction of a regional list system for elections to the European Parliament, contains a power allowing regulations to be made governing candidates' and parties' election expenditure. It has been drafted deliberately to be as wide as possible so as not to preclude, at this stage, any of the options. Similar powers allowing for the limitation of election expenses of candidates and of registered political parties are included in the Scotland Bill and Government of Wales Bill in respect of elections to the Scottish Parliament and the National Assembly for Wales.

It is also worth noting that the use of different formulae to allocate the votes in list type elections can be of great importance, although the arguments often seem technical. The choice affects the distribution of seats particularly, as in the UK, regions with small amounts of seats are used. The main choice is between the d'Hondt system or the St Lague system. Further details are available in Appendix I. At present the Government is committed to the d'Hondt system of highest averages.

The sections below set out the electoral system for each institution, as currently proposed; further sections look at the Jenkins Commission on voting systems, and proposals for local government.

## II The European Parliament

Research Paper 97/120 *The European Parliamentary Elections Bill* contains full background to the Government's decision to introduce a new type of electoral system for elections to the European Parliament. The system proposed is a regional list system

The total number of MEPs in the UK will remain the same at 87, (71 England, 8 Scotland, 5 Wales, 3 Northern Ireland). However European Parliament constituencies as currently known would cease to exist, except in Northern Ireland which will retain its STV voting system. Instead Scotland and Wales would form one single electoral region each and MEPs for these electoral regions would no longer have territorial constituencies, but represent the electoral region as a whole. England would be divided into nine regions based on the current Government Offices for the Regions, except for combining Merseyside and the North West. Between 4 and 11 MEPs would be returned for each English region, dependent on the electorate of the region. There would no longer be a role for the Parliamentary Boundary Commissions which are at present responsible for redistributing EP constituencies, following reviews of Parliamentary constituencies. Instead the Home Secretary would consider the number of registered electors in the year preceding the next EP election and make amendments in the number of MEPs for each region to ensure that the ratio of registered electors to MEPs is as nearly as possible the same for every electoral region in England<sup>26</sup>. Thus the areas of the regions would not be under review and there would seem to be no need for the type of redistribution carried out by the Parliamentary Boundary Commissions.

The MEPs for each region would be elected by a regional list system, without an open ballot. A voter could choose either a party or an independent candidate, and it would be the responsibility of the party to submit a list of ordered candidates. The allocation of seats would be decided by the d'Hondt formula<sup>27</sup>, generally considered to favour larger parties. The Home Office press release of 29 October noted that the new system would be similar to the ones used in France, Germany, Greece, Portugal and Spain for EP elections. All of these states have closed ballots where voters cannot change the order of candidates submitted by a party.

The d'Hondt formula used aims to allocate each seat to the party which would at that point have the highest average vote per seat. The total votes of each party are divided by the number of seats it already has plus the next seat to be allocated. Thus the party totals are divided first by 1 [0 seats plus 1] then by 2 [ie 1 seat plus 1] then by 3 [2 seats plus 1] etc. The first seat goes to the party with the largest number in the table below the next seat to the next highest number and so on.

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<sup>26</sup> There is no provision in the Bill to make adjustments to the number of MEPs for Scotland, Wales, or Northern Ireland

<sup>27</sup> See Research Paper 97/26 *Voting Systems - the alternatives* for background and Appendix 1 of this Paper for examples

## Research Paper 98/47

In a 4 seat electoral region where Party A has won 430,000 votes, Party B 370,000 and Party C 200,000 the allocation would be as follows (the number of brackets indicate the order of allocation of the four seats):

	<u>Party A</u>	<u>Party B</u>	<u>Party C</u>
No. of votes cast	430,000	370,000	200,000
Divide by 1	430,000 (1)	370,000 (2)	200,000 (4)
Divide by 2	215,000 (3)	185,000	100,000
Divide by 3	143,333	123,333	66,666

Party A had the largest number of votes and gained the first seat. The second seat is awarded again to the party with the largest vote (B) and at this stage the Party C still has its total votes, whereas Party A and B's votes are divided by 2, having already won seats. However Party A vote is divided by 2 is still more than C's total vote so it gains the third seat. Party C gains the last seat.

**Schedule 2** sets out the new electoral regions . A press pack issued by the Home Office on 29 October contained a sample ballot paper listing names of candidates for a particular party, but the Bill does not specify that names will appear on the paper. It is however intended that names will appear, through forthcoming secondary legislation. The Press Pack also proposed that deposits would be set at £5,000 for each list of candidates, to be forfeit if the party received less than 2.5 per cent of the vote.<sup>28</sup> There is nothing in the face of the Bill at present which specifies the deposit; This will be dealt with by subordinate legislation, as will a new system of controlling election expenses which is at present dependent on individual agents and candidates. It is likely that the agent will act for the entire list of candidates for each party.

The new local government boundaries are not crossed but the Government Offices for the Regions areas do intersect both the boundaries of the current European Parliamentary constituencies and the proposed constituencies outlined by the Parliamentary Boundary Commission for England in its present review. The Government Offices for the Regions were established in 1994 to integrate the regional operations of four departments, Environment, Trade and Industry, Employment (now Education and Employment) and Transport. From April 1997 the Government Statistical Service has adopted these GORs for the standard presentation of regional statistics for England. Although Merseyside has a separate Government Regional Office, it is often shown as part of the North West and

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<sup>28</sup> the equivalent for Westminster is £500 and 5 per cent. An individual candidate would be expected to provide a £5,000 deposit

## Research Paper 98/47

Merseyside region for statistical purposes.<sup>29</sup> Constituencies will no longer exist in the form currently known, as MEPs would be elected for a region.

The STV system for Northern Ireland is preserved. New **section 3C**<sup>30</sup> sets out the **franchise**, which is based on the Parliamentary franchise (therefore including overseas voters) plus peers and nationals of other EU states who have chosen to include themselves on the register for the EP elections.<sup>31</sup> No changes are therefore planned for the electorate for European Parliament elections. **Candidates** may be British Irish, Commonwealth or EU citizens and peers, ministers of religion, MPs and local councillors are eligible. As in the 1978 Act, the Home Secretary sets the date of the election by order under new **section 3D**.

**Schedule 2** to the Bill provides for regulations to determine the holding of by-elections; these will be held in certain circumstances, probably when an independent was the previous incumbent of the seat, rather than on a party list or where the end of the party's list had been reached. It appears that the regulations will otherwise require the vacancy to be filled from the next eligible<sup>32</sup> and willing candidate on the relevant party list at the last EP election, as is the normal procedure for regional list systems abroad. There would be no provision for the list to be altered between elections, so there is the possibility that the candidates on the list would be no longer eligible to stand. It is likely that each candidate in turn would be approached by the relevant Returning Office to check eligibility; the possibility that a candidate on the list might have been subsequently been suspended by the party or have left the party may need to be considered; a suspension would not normally affect the legal eligibility of the candidate. It would seem that the decision on the appropriate candidate to fill the vacancy will lie with the Returning Officer rather than the party, but as yet the regulations have not been published. The Bill as currently drafted provides for the regulations on by-elections to be laid before Parliament after having been made, but does not require the regulations to be debated and/or approved by Parliament. The regulations for by-elections under the 1978 Act currently do not require Parliamentary approval, but those regulations simply dealt with the date of the election.<sup>33</sup>

During the Second Reading debate concerns were expressed about the decision to use closed lists, rather than open list systems used by Austria, Denmark, Belgium, Finland, Luxembourg, Italy, Netherlands and Sweden, as well as the opportunity to vote preferentially under STV in Northern Ireland and the Republic of Ireland. The Home Secretary, Jack Straw, said that he was prepared to listen to the arguments presented by the Liberal Democrats and

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<sup>29</sup> Research Paper 97/67 *The New Statistical Regions* describes the new areas and provides statistical comparison between them.. It contains maps indicating the regions and the new local government areas comprised within them.

<sup>30</sup> To the *European Parliament Elections Act 1978*

<sup>31</sup> See Research Paper no. 94/23 *Votes and Seats for European Parliamentary Elections* for background on EU electors

<sup>32</sup> the candidate will need to meet the requirements of electoral law, in terms of age, citizenship etc

<sup>33</sup> Schedule 1, para 3 (5)



Charter 88 for adopting a Belgium type system of open ordered list.<sup>34</sup> A final decision on open lists was announced at Report stage. (see below)

At Second Reading the Home Secretary emphasised his general opposition to proportional representation as a method of electing governments. He drew attention to the different nature of the European Parliament as a representative body with weak constituency links.<sup>35</sup> He also defended the use of the d'Hondt formula, in contrast to St Lague (1,3,5,7) or modified St Lague (1.4,3,5,7) as not necessarily less proportional in effect.(c811-20). Sir Brian Mawhinney, for the Opposition, argued that the new electoral system would be significantly worse than the old, in terms of severing the link between constituent and individual MEP. Alan Beith for the Liberal Democrats, welcomed the Bill but called for an open list system.

Following the debate Professor Iain McLean pointed out to the Home Office that Mr Straw had based his comments on the operation of the d'Hondt and St Lague formulas on incorrect calculations. This has been acknowledged by the Home Office.<sup>36</sup> The use of St Lague rather than d'Hondt would appear to make the result of the election more proportional in Wales in particular, with a four party system within a small five seat region.

Professor McLean has published research indicating that Wales and Northern Ireland remained over represented in terms of the number of European Parliament seats, and that the St Lague quota appeared to have been used to divide seats between English regions whereas d'Hondt was proposed for allocation of seats between parties.<sup>37</sup> However the Home Office maintain that St Lague was not used for the allocations of seats between regions.<sup>38</sup> There is no mechanism in the Bill to review the number of seats allocated to each constituent part of the UK.

The Constitution Unit have published a critical guide to the issues<sup>39</sup>, providing further details on the types of closed and open list used in the rest of the EC, and their electoral impact. The unit concluded that the impact of open lists depended on a number of variables.

#### **The use and impact of preference voting**

This section considers the prevalence of preferential voting and the impact that it has on the election of particular candidates.

The practice of voting for a particular candidate, as opposed to a vote for a party list, varies widely in European Parliament elections in other European countries. The incidence of preference voting in four countries in the 1989 European Parliament elections is shown in Exhibit 3.

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<sup>34</sup> HC Deb vol 301 25.11.97 Mr Straw deposited in the Library a description of the operation of the Belgian electoral system Dep 3/5596

<sup>35</sup> HC Deb vol 301 25.11.97 c804

<sup>36</sup> HC Deb vol 304 20.1.98 c516w

<sup>37</sup> summarised in Constitution Unit *Elections under regional lists* February 1998

<sup>38</sup> HC Deb vol 304 20.1.98 c516w

<sup>39</sup> *Elections Under Regional Lists: a guide to the new system for electing MEPs* January 1998

## Research Paper 98/47

The impact of preferential voting is similarly mixed. In countries where party lists are unordered, and where seats are allocated to candidates solely on the number of personal votes they attract - Finland and Luxembourg - preferential voting is the sole determinant of who gets elected (party votes are translated into a single vote for each of the candidates on the list in Luxembourg). Although lists are ordered by the parties in Denmark and Italy, this has no relevance when seats are allocated to candidates,

*Exhibit 3 – Preferential voting in the 1989 European Parliament elections in selected countries*

Denmark	68%
Belgium	50%
Sweden(1995)	50%
Luxembourg	40%
Netherlands	20%

Figures are percentages of total votes cast

Sources: *Europe Votes 3*, Tom Mackie (ed), 1990; Constitution Unit survey results

since only preference votes are counted. As a result, candidates are frequently elected out of list order: in the 1989 European Parliament elections, for example, 7 of the 16 MEPs elected in Denmark were elected out of order.

But in countries where lists are ordered, with party votes being allocated to candidates at the head of the list, the impact of preference votes is minimal. In the European Parliament elections of 1989, preferential voting in the Netherlands did not lead to the reordering of any party's list (ie all the candidates were elected in the order in which they appeared on each party's list). In Belgium, preferential voting led to only one candidate - from the Socialist Party's (PS) list - being elected prior to other candidates placed above him on the PS's list. Preferential voting in the European Parliament elections in 1984 and 1979 in Belgium and the Netherlands was similarly ineffective, with only two candidates being elected out of order from the 49 MEPs for both countries at each election .

Why does preferential voting not lead to greater reordering of the party lists when it comes to allocating seats? The main reasons are:

- many preference votes are cast for the candidates at the top of the list, rather than those further down the order. This obviously reinforces, rather than upsets, the list order. About 90% of preference votes in Italian national elections to the Chamber of Deputies are for the first candidate on the list. In the 1994 Austrian national elections, one quarter of voters made use of their preference votes, and 16 candidates received more than the required one sixth of votes to be elected without recourse to party votes; but all 16 were already placed at the top of their party's list.
- preference votes for figures lower on the list are scattered between candidates, so that no single candidate receives sufficient preference votes to be elected
- there may be thresholds which a candidate relying on preference votes must exceed if he/she is to be elected. Until recently, candidates in the Netherlands had to attract 50%

of the electoral quotient (the number of votes received by their party divided by the number of seats allocated to it) to be elected. Such a high figure effectively prevented candidates with a low list position from being elected. In an attempt to strengthen the link between voters' preferences and the election of candidates, it was decided in 1994 to lower the threshold needed to gain a seat to 25% of the electoral quotient; this will take effect from 1998.

An open list system in the UK would theoretically allow electors to choose which candidates are elected from within a party list. Analysis of the situation in those EU countries operating an open list system most like that which might be chosen for the UK suggests, however, that preferential voting has a minimal impact.

The likely impact of this will be to focus greater attention on the parties' candidate selection procedures: which candidates are chosen and in what order? The likely impact of preference votes will act as a constraint on the parties, should they wish to include unpopular candidates on their list, or to give a low list ranking to popular candidates (see section on 'Candidate selection by the parties' on page 8).

Professor Patrick Dunleavy published a paper with the results of a sample survey on two types of ballot papers for open and closed lists. He found that both forms of ballot papers were liked by two thirds of respondents, and neither ballot paper was seen as complex and off-putting. On the open list ballot two out of five voters surveyed chose to support individual candidates rather than vote for a party. If a closed list system were to be adopted most people believed that a secret ballot of party members in each region was the best option for ordering the list.<sup>40</sup>

Proponent of open or ordered lists argue that the fact that the use of open lists does not necessarily affect the outcome does not negate the principle that voters ought to have the opportunity to register individual choice. In addition, parties may modify their lists to reduce the likelihood of voters choosing individual candidates rather than parties.

The Home Office commissioned a study of voter opinion from National Opinion Polls which has been placed in the Library.<sup>41</sup> This found that voters had a very low awareness of European election procedures at present, and examined various aspects of the closed list or Belgian system, finding both that voters appreciated the Belgian variant, but were likely to express a negative reaction if the consequences of the counting procedures were not explained, that is, that party list candidates were most likely to be elected due to the weight of party votes. However the Liberal Democrats argued that the survey revealed support for open lists.<sup>42</sup>

Jack Straw announced on 9 March that he had concluded against adopting the Belgian system:<sup>43</sup>

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<sup>40</sup> *Open or Closed List Voting for the European Parliament Elections 1999: State of the Nation Report* Professor Dunleavy, Dr Helen Margetts and Stuart Weir February 1998

<sup>41</sup> *Attitudes to Euro-Elections and Electoral Reform* Dep 6226 March 1998

<sup>42</sup> Liberal Democrat News 3.3.98 "Public support for open lists should guarantee government support"

<sup>43</sup> HC Deb vol 308 9.3.98 c17-8w

## Research Paper 98/47

### European Parliament

**Angela Smith:** To ask the Secretary of State for the Home Department if he will make a statement on the electoral system for elections to the European Parliament. [33900]

**Mr. Straw:** It is fundamentally important that any voting system is appropriate to the nature and functions of the body which is being elected. On Second Reading of the European Parliamentary Elections Bill on 25 November 1997, *Official Report, column 803, 1* stated that the Government believed the regional list system set out in the Bill to be the most appropriate system for elections to the European Parliament in Great Britain. Under such a system, an elector may cast his vote in one of two ways—for a party list or for an independent candidate. However, having received separate representations from the Liberal Democrats and Charter 88, I undertook to listen to the arguments for adopting a system similar to that which operates in Belgium, whereby an elector may cast his vote in one of three ways—for a party list, for an individual candidate on a party list or for an independent candidate.

I have studied the matter very carefully. As part of the consideration process, I commissioned a study of voter opinion by National Opinion Polls, the results of which have been placed in the Library.

I have concluded that there is no advantage in adopting in Great Britain a system of the kind used in Belgium.

The type of system which is in use in Belgium has some superficial attractions. An elector may express a preference for a particular candidate, rather than simply endorsing all the candidates on a party's list. However, the system suffers from a fundamental and incurable weakness, in that voters' preferences for individual candidates are not necessarily translated into electoral success.

I am placing in the Library some numerical examples to illustrate how the system works in practice. These indicate that even where votes for individual candidates amount to as much as 40 per cent. of a party's total vote, those candidates receiving the fewest individual votes can be elected while those receiving the most are not. I believe that such an outcome could lead to substantial disillusionment among the electorate following an election.

The overwhelming majority of citizens in the European Union elect their Members of the European Parliament using a system of the kind for which the Bill currently provides. This seems to me to be the most suitable one to use in a situation where (as the National Opinion Poll study demonstrated) most people vote for parties rather than individuals.

The Government are committed to fulfilling their manifesto promise to put in place a proportional voting system for elections to the European Parliament. I remain convinced that the simple regional list system in the European Parliamentary Elections Bill is the most appropriate way of delivering that commitment.

The Electoral Reform Society commented that this would be the first election in Great Britain where voters would be deprived of the right to vote for an individual candidate.<sup>44</sup>

The announcement was criticised during Report stage of the Bill. James Clappison for the Conservatives argued that the decision to reject open list was not supported by objective

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<sup>44</sup> *Times* 10.3.98 "Straw decides on closed list system for Euro election" The numerical tables referred to by Mr Straw are Dep 6200

evidence.(c765-69) Robert Maclellan, for the Liberal Democrats said that the small size of the regions to be used in the UK militated against the use of closed lists.<sup>45</sup>

The Home Secretary also says in his written answer that the system in the Bill is used by the majority of European Union citizens to elect MEPS. It is true that closed lists are used in Germany, France, Spain, Greece and Portugal, but in all those countries the regions used are far larger than in the United Kingdom, and have at least 25 Members-it is up to 99 members in Germany.

The system in the Bill provides for between four and 11 Members per region. A closed list system might be more appropriate in Germany because it would not be reasonable to expect voters to know the candidates when they are electing from 99 members. In most European countries where regions are small, as in the United Kingdom, or where national delegations are small, some form of open list is used.

The arguments in support of open lists are overwhelming, and is confirmed by the polling and focus group research. That is why I urge hon. Members to support amendments Nos. 10 to 13, to allow voters an opportunity to influence the election of candidates to represent them.

This is not the final stage of the Bill's consideration by Parliament, and I profoundly hope that the arguments we are deploying will be considered carefully by the Government, not only this afternoon but between now and the Bill's later stages. I hope that the Government will, as hitherto, approach this with an open mind. I hope that they do not firmly close the door to all the representations that have been made and seek to justify something that appears to have no parentage-an argument for closed lists-and which no one other but they appears to be prepared to support.

In response Mr Straw said that the overriding problem was that preferences did not translate into electoral success:<sup>46</sup>

I wish to deal with the questions raised about the Belgian system. In balancing the Belgian system against the closed-list system, we must give great weight to the need for simplicity. We are moving to a new system and, although such systems are well understood abroad, they are not necessarily well understood in this country. Every hon. Member who has read the NOP report will agree that British electors are remarkably ignorant about the European Parliament and what Members of the European Parliament do. We hope to see an increase in interest following the change in the electoral system, but the new system must be simple.

NOP had problems-which were one reason for the delay-in setting up focus groups. It tried to create groups at least half of whose members had definitely voted in the previous European parliamentary elections, but that proved impossible. Instead it had to make do with people who were assumed to have voted in those elections, because they claimed always to vote. That may be regrettable, but it is something that we cannot ignore. We need an electoral system that, while meeting the basic goal of proportionality, is as simple as possible and does nothing to discourage people from voting. In my judgment, the Belgian system does not deliver that.

The overriding problem with the Belgian system is that apparent preferences do not translate into electoral success. As I said when I announced the Government's decision, it is not necessarily the candidates with the most personal votes who are elected. It has taken me some time to assess the weight that should be given to that factor, but I have placed in the Library several examples of what could happen under different patterns of voting, comparing

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<sup>45</sup> HC Deb vol 308 12.3.98 c771

<sup>46</sup> HC Deb vol 308 12.3.98 c785-6

## Research Paper 98/47

votes for a party list and for individuals on a list. Even when as many as 40 per cent. of voters express a personal preference for an individual candidate-which is unlikely to happen-in almost all cases the first three candidates on the party list are elected. For those hon. Members who have a copy of the report before them, that is shown in example 1. Votes can be cast for candidates in inverse weight to the order of the list, so that candidates at the bottom of the list get the most personal votes and those at the top the fewest, but the candidates at the top of the list are still elected. Therefore, while one can see the attractions of the system before the election because it might seem to offer voters an extra element of choice, we might find that after the election we would reap a whirlwind.

The Constitution Unit noted that in four EC countries - Belgium, France, Luxembourg and the Netherlands- parties are deemed to be voluntary associations and do not have to register; however the groups can protect their names on the ballot paper by registering them and in France parties must deposit their statutes with a central or local authority. The Constitution Unit also pointed out that quotas or 'zipping' arrangements to increase the proportion of female candidates was relatively common, noting that the Socialist parties in Denmark, France, Spain and Sweden use zipping, and the Social Democratic Party in Germany and Austria stipulate a minimum of 40 per cent of list places for women.

The creation of MEPS arguably more beholden to their party than the electorate has continued to attract criticism.<sup>47</sup> Developments in New Zealand, where an additional member selected from a party list subsequently resigned from the party to become an independent has highlighted the problems with the lack of by-elections in list-type elections.<sup>48</sup>

All the major parties have been considering their selection procedures for the European Parliament. The Liberal Democrats will select by balloting the party members of each of the new European regional constituencies using Single Transferable Vote; each regional list will then be 'zipped' so that places go alternately to male and female candidates<sup>49</sup>

The Conservatives are planning to allow participation by individual party members, and details have been given in its proposals for party reform *The Fresh Future*.<sup>50</sup> According to the document a regional selection college will be established comprising Westminster constituency chairmen and regional representatives which will vet potential candidates; party members within each region will then select candidates and rank them in a list, following a series of rolling final selection meetings. There will be no postal ballot of members.

Labour has proposed<sup>51</sup> that each Westminster constituency would be able to nominate one male and one female candidate and these would be voted upon by one member one vote across the electoral region so that two candidates are chosen, one of each sex. These nominees would be included in a one member one vote ballot within the existing Euro-

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<sup>47</sup> European Journal November 1997 "1999 Euro Elections"

<sup>48</sup> New Zealand Press 21.10.97 and Sunday Star Times 12.10.97

<sup>49</sup> Liberal Democrat News 30.1.98 "What Euro-PR means for us campaigners now"

<sup>50</sup> 17.2.98

<sup>51</sup> *Labour in Europe 1999* Labour party consultation paper 1997

## **Research Paper 98/47**

constituency, with special arrangements for including sitting MEPs. The Euro constituency party will then make 2-3 nominations to the pool of candidates, dependent on whether an existing MEP is seeking reselection. At least one of the nominees will be a woman. Shortlisting will then take place at a regional level by a joint regional/national panel which will select and rank the list. These proposals are subject to consultation with a final decision expected shortly. Part of the reasoning behind the proposals is to enable sitting MEPs some priority in the selection process. It is unclear how much of a base each candidate will have individual regions under these proposals.

### III The National Assembly for Wales

Research Paper 97/129 *The Government of Wales Bill: Devolution and the National Assembly* provides full details of the new electoral system.

The new Additional Member System for the Welsh National Assembly is set out in the *Government of Wales Bill* **Clause 2** and **Schedule 1** of the bill sets out the membership of the Assembly and provides for an assembly of 60, one member elected from each of the 40 Parliamentary constituencies named **Assembly constituencies** and 20 additional members from the five existing European Parliamentary constituencies, now named **Assembly electoral regions**. The White Paper<sup>52</sup> in Annex C provided exemplifications. The Government resisted pressure from the Liberal Democrats and others to increase the number of seats to make the National Assembly more proportional; in Scotland, the split is 73 (57 per cent) constituency members and 56 additional members.( 43 per cent). The Liberal Democrats favoured increasing the number of seats to 70-80, which they argued would also increase the number of members available to sit on committees<sup>53</sup> and offer more chance of representing all sections of the community. Democratic Audit found that an increase of five more additional members would "significantly increase the proportionality of the overall election outcome"<sup>54</sup> It also found that the Welsh system could easily leave marked disparities in representation amongst the parties uncorrected, to the benefit of both Labour and Conservative and the disadvantage of Liberal Democrats and Plaid Cymru (especially in South Wales) (p18).

The calculations for the AMS are set out in Clauses 4 and 6. **Clause 4** gives electors two votes, one for the constituency and one for the electoral region. The ballot paper will therefore have two parts. Constituency members are elected under first past the post and then under **Clause 6** the number of electoral region votes are added together for each registered party (or independent candidate) and the additional seats allocated according to share of the vote. The four additional members for each electoral region are identified by calculating the number of constituency seats won by each party in the region, and dividing the number of each party's party list votes by the number of constituency seats won by that party plus one. The party with the highest number of votes after that calculation gains the first additional member. The calculation is then repeated for the second to fourth additional members, but dividing the number of constituency seats plus one and plus additional member seats allocated in previous rounds. This is a straightforward application of the d'Hondt formula. Appendix I gives a simple example of the calculations using this formula.

Therefore a party which won 30 per cent of the vote, which had already won 30 per cent of the seats available in the region in terms of constituency seats would win no more additional seats. A party which won considerable numbers of votes in the electoral region but had not

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<sup>52</sup> A Voice for Wales Cm 3718 July 1997

<sup>53</sup> see Welsh Grand committee 18.11.97

<sup>54</sup> *Devolution Votes: PR Votes in Scotland and Wales* Democratic Audit Paper no 12 September 1997



achieved a constituency seat would be compensated with additional members in proportion to vote share. Parties which had won more constituency seats than their proportion of the share of the vote would justify do not lose their constituency seats. There is no formal threshold or level of support which a party must achieve to be allocated an additional member seat; nevertheless, an informal threshold will operate defined by 100 per cent, divided by the total number of seats in each electoral region (100/12) translating as nine per cent. There seems little chance of fringe parties gaining a seat under this informal threshold.

**Assembly members** may be British, Irish or EU citizens, and may include peers and ministers of religion, local councillors and MPs (**Clause 13**). Otherwise the normal disqualifications applicable to MPs<sup>55</sup> under Section 1(1) of the *House of Commons Disqualification Act 1975* and to local councillors will broadly apply. (**Clause 12**) Lords Lieutenants, lieutenants and High Sheriff are disqualified from representing an area in which they hold office. (**Clause 12(4)**) An Order in Council may make provision for additional disqualifications. It is intended that this Order will list membership of public bodies as disqualifying offices; the current list under the 1975 Act is not necessarily appropriate for the Assembly.

The Bill provides for parties to be registered under relevant statutory procedures (**Clause 4(8)**) but separate legislation to be introduced this session will set out the details of the registration process. Any registered political party may submit a list not exceeding 12 persons to the Regional Returning Officer. Independent candidates will be able to form a 'party' and submit lists, provided it is properly registered. Candidates can only be on one regional list. Individuals may also stand as candidates for a single electoral region, but only if they are not candidates on a list submitted by a registered party, or standing as a constituency candidate for a registered party (**Clause 5**).

The introduction of a system of party registration required for this Bill, as well as for the European Parliamentary Elections Bill and the forthcoming Bill to introduce a Scottish Parliament will mean that a new system of maximum election expenditure will need to be developed. The details are expected in secondary legislation under the Bill.

By election procedures are set out in **Clause 8**. By elections will only be held when there is a vacancy in an Assembly Constituency seat (**8(1)-(2)**) where a simple First Past The Post system will be used, and no by election will be held where a vacancy exists within 3 months preceding a full election of the Assembly. If a vacancy occurs for an Assembly electoral region the Regional Returning Office will notify the presiding officer of the name of the next highest eligible<sup>56</sup> candidate on the relevant party list. The list applicable is that submitted for the full election. However, the regional returning officer must establish that the candidate is

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<sup>55</sup> see *Parliamentary Practice*(21<sup>st</sup> ed 1989) chapter 3 for details

<sup>56</sup> in terms of electoral law

## Research Paper 98/47

"willing to serve" as an Assembly member, so the candidate may decline the seat. Note that it is the candidate who decides on his availability, not the registered party (although the party may wish to influence the decision). There is no provision for alternative procedures to come into play if the relevant candidate is no longer a member of the registered party. If there is no eligible candidate left on the list the seat is left vacant until the next full election.

The **franchise (Clause 10)** is as expected, those eligible to vote in local government elections, that is the Parliamentary franchise minus overseas voters, plus peers and EU nationals who fulfil the residency requirements.<sup>57</sup> Electors will not be able to vote in more than one electoral region or Assembly constituency at a full [ordinary] election. More detailed provisions on the conduct of elections will be made under **Clause 11**, including regulations on election expenses, and combining polls, and will draw on existing regulations governing the conduct of parliamentary, European parliamentary, or local government elections. Part III of the *Representation of the People Act 1983*<sup>58</sup> will apply to disputed elections (**Clause 11(5)**). Regional Returning Officers will be designated to organise the election (**Clause 11(6)**) so there is no provision for an independent electoral Commission to supervise the conduct of the election.

The Parliamentary Boundary Commission for Wales will be required under **Schedule 1** to review Assembly electoral regions whenever it recommends alterations affecting Parliamentary constituencies in Wales. The Commission is required to have regard to rules set out in para. 8 of Schedule 1: briefly that Assembly constituencies should be wholly included in one Assembly electoral region, and that the ratio of electoral seats to the Assembly constituency seats will remain at 1:2, so that the total number of electoral region seats will be as close as possible to half of the number of constituency seats. The schedule also ensures that the number of electoral regions seats should be divided equally between individual electoral regions; one fifth of the total number of electoral region seats should be given to each electoral region, or as nearly as possible to one fifth.

**Schedule 1** provides for the PBC to publish its provisional recommendations, take into account representations, and hold local inquiries in line with its usual procedures for reviews into Parliamentary constituencies. Such procedures will not be necessary where the PBC is merely recommending changes in the number of seats for an electoral Region, and the proposed or revised number of seats for the Regions is divisible by five. An Order in Council will give effect to the PBC's recommendations, in line with usual procedures for the redistribution of Parliamentary seats.<sup>59</sup>

The Assembly will be subject to fixed term elections, held every four years on the first Thursday in May, subject to modification for a month either way by the Secretary of State in line with his current powers in relation to Local Government elections. Elections for

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<sup>57</sup> for background see Appendix to Research Paper 97/92 *Scotland and Devolution*

<sup>58</sup> election petitions and courts

<sup>59</sup> See Research Paper no. 95/74 *The Parliamentary Boundary Review for England*

community councils may be postponed for three months where the Assembly poll would otherwise be held on the same day.

At Committee stage of the Bill the Liberal Democrats proposed amendments to substitute the Single Transferable Vote for AMS, supported by Plaid Cymru, arguing against voting systems which required electors to vote for parties..<sup>60</sup> The Conservatives introduced amendments to replace AMS with First Past the Post arguing that the constituency/Member link was of prime importance. (c892-896) Denzil Davies and John Marek expressed concern about the closed list aspect of AMS and asked for the open list variant used in Bavaria to be considered. (c896-900) In response Win Griffiths, for the Government, said that AMS had been endorsed in the September referendum (c904)

The Liberal Democrats, supported by Plaid Cymru also proposed amendments to increase the number of members to 70, by adding 10 additional members<sup>61</sup>. Ted Rowlands raised concerns about the role of the additional members, and possible overlap between Westminster MPs and Assembly constituency members given the coincidence of constituency boundaries. (c1024-1030). In response Win Griffiths argued that with the passing of time conflicts would diminish as relationships develop within parties. (c1051)

The Conservatives have outlined in their document *The Fresh Future* proposals for selection of candidates based on their procedures for European Parliament candidates. A regional selection college will interview prospective candidates and draw up an approved list; party members will then select candidates and rank them in a series of rolling final selection meetings. Candidates for the list will be required to stand also for a constituency seat, apart from those who fill the last four places, as there will not be sufficient constituency seats for all list candidates Selection for the constituencies is expected to be completed by July.

Labour Party have produced proposals to twin constituencies for the selection of candidates so that one man and one woman would be selected for the two constituencies. A selection board appointed by the Welsh executive will interview prospective candidates for an all-Wales list of candidates to be drawn upon by the constituency parties Constituencies would be twinned so that a shortlist is drawn up of two men and two women for both constituencies. The joint shortlist would then be put to the combined membership of the two constituency parties. All individual members would be eligible to vote, including by postal ballot. Each member would vote for one woman and one man on separate ballot papers using a preferential vote.(1,2,3,4) The count would use an eliminating ballot and the votes for the women and men candidates will be counted separately. The female candidate and the male candidate with the highest vote in the ballot would be the two successful candidates for the paired constituencies. It is proposed that the choice of which of the two constituencies each

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<sup>60</sup> HC Deb vol 304 c 881-889

<sup>61</sup> HC Deb vol 304 c1018

## Research Paper 98/47

candidate will contest will be decided by agreement between the successful candidates and the chairs of the constituency parties.<sup>62</sup> Following some disquiet from Welsh Labour party members the twinning proposals are now under further consideration.<sup>63</sup> Final decisions are expected in late April. There are press reports that a legal challenge to the twinning policy will be made, if implemented.<sup>64</sup>

Final decisions on the ordering of lists for the additional member aspects will be taken after the selection of constituency candidates but the candidates will be taken from the all Wales list. Presumably the list will be drawn up to represent all types of area- urban and rural- within each region. As part of the pack on candidates for the Assembly the Labour party have introduced a requirement that candidates show evidence of their commitment to devolution. So far three Welsh Labour MPs have applied to be a candidate for the Assembly - Ron Davies, Rhodri Morgan and Gareth Thomas.<sup>65</sup>

The Welsh Liberal Democrats have finalised their procedures for selecting candidates; there will be an approved list of candidates, and each shortlist will have gender equality. Each constituency will then select its choice using postal ballots. The ranking of the list will also be carried out through one member one vote using a computer system to calculate the result.

Plaid Cymru will have a national panel to vet candidates and constituencies will select candidates from this list. Once constituency candidates have been selected the national executive will examine the gender balance to redress any imbalance and a selection conference will be held for each of the regional electoral areas on a one member one vote basis; each member will vote separately for male and female candidates using STV. The gender order will be determined by the national executive committee.<sup>66</sup>

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<sup>62</sup> Wales Labour party *Selection procedures for the Welsh Assembly* 1998

<sup>63</sup> *Guardian* 13.3.98 "Equality plan for assembly hits trouble"

<sup>64</sup> *Western Mail* 3.4.98 "Ruddock enters the twinning fray"

<sup>65</sup> *Western Mail* 7.4.98 "Gareth Thomas wants to swap Westminster seat for Cardiff"

<sup>66</sup> Plaid Cymru *Procedure for the selection of Assembly candidates* 29.11.97

## IV The Scottish Parliament

Research Paper 98/1 *The Scotland Bill: Devolution and Scotland's Parliament* gives full background to the new electoral system.

The Additional Member System is also to be used for election to the Scottish Parliament as set out in the Scotland Bill. The provisions are unchanged from the White Paper<sup>67</sup> proposals for **AMS** with 73 Members for individual constituencies - one for each Scottish constituency and one each for Orkney and Shetland - with 56 additional Members - 7 from each of the eight new European constituencies set out in the *European Parliamentary Constituencies (Scotland) Order 1996*.<sup>68</sup> (**Clause 1**) The European constituencies will no longer exist if the *European Parliamentary Elections Bill* is passed<sup>69</sup> and so these areas will be known as regions (in Wales electoral regions), but will retain the same boundaries for the present.

**Clause 2** provides for elections to take place every four years, unless the Presiding Officer proposes an earlier or later dissolution within one month of the four years. The first election is expected to be in 1999 but Clause 2(1) enables the Secretary of State appoint the day by day, and it may or may not coincide with local government elections on the first Thursday in May. Donald Dewar has announced that 6 May is the intended date for the first election.<sup>70</sup> Thereafter elections are to be held on a four yearly cycle on the first Thursday in May; local government elections are on a three year cycle and so elections will only rarely coincide.<sup>71</sup> **Clause 3** provides for earlier dissolution if Parliament so resolves on a two thirds majority or where the Parliament cannot agree on a First Minister under Clause 43.

The calculations for the **AMS** are set out in **Clauses 4-7**. Clause 4 provides for a list of candidates to be submitted by a registered political party and for independents to stand for a region as long as it is an individual region and the candidate does not appear on a party list and has not been elected for a constituency seat. Independents will also be able to form a group to contest a region but they would first need to register as a party. Clause 5 gives the elector two votes, one for a constituency member and one for the region. The calculations are set out in Clauses 6 and 7. Firstly the constituency members are selected through the usual First Past the Post, then the total number of regional votes for each party and independent candidate is counted in the individual regions and additional seats allocated according to share of the vote. The seven additional members for each region are identified by calculating the number of constituency seats won by each party in the region, and dividing the number of each party's list votes by the number of constituency seats plus one. The party with the highest number of votes after that calculation gains the first additional member. The calculation is then repeated for the second to the seventh additional member, but dividing the

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<sup>67</sup> *Scotland's Parliament, Scotland's Right* Cm 3658 July 1997

<sup>68</sup> that is, not the European constituencies used for the 1994 European elections.

<sup>69</sup> for details see Research Paper 97/120 *The European Parliamentary Elections Bill*

<sup>70</sup> Scottish Office Press Release 21.12.97 "500 days until Scottish Parliament elections"

<sup>71</sup> *Local Government etc (Scotland) Act 1994, s.5*

## Research Paper 98/47

number of constituency seats plus one and plus additional member seats allocated in previous rounds. This is a straightforward application of the D'Hondt formula, and mirrors the provision for Wales, except that there is a greater proportion of additional members. See Appendix I for a simple example of the d'Hondt system in operation.

A party which won 30 per cent of the vote, which had already won 30 per cent of seats in the region in terms of constituency seats would win no more additional seats. A party which had won considerable numbers of votes but had not achieved a constituency seat, because its candidates had come second or third, would be compensated with additional members in proportion to its vote share. Parties which had achieved more constituency seats than their proportion of the share of the vote would justify will not however lose their seats.

An example of how the system would work has been given by the *Campaign for a Scottish Parliament* website:<sup>72</sup>:

### Example 1 - Lothians

This Euro region comprises 9 individual constituencies (6 in Edinburgh, the two West Lothian seats and Midlothian) plus the 7 additional members to be elected from the lists, producing a total representation of 16 in the Scottish Parliament.

In 1992 Labour won 7 of the individual seats. Its total vote in the Euro region of 37.74% entitled it to a total of 7 of the 16 seats representing Lothians. Labour would therefore not have anyone elected from its list of additional candidates for the Lothians but would hold on to the seven elected in the individual constituencies.

The Conservatives won 2 of the individual constituencies but their overall vote of 27.30% entitles them to a total of 4 of the 16 available seats. The Conservatives would therefore have the top 2 people on their list of seven elected, bringing their total representation in Lothians up to 4.

The SNP failed to have anyone elected in an individual constituency, but their overall vote of almost 19% entitles them to three of the 16 available seats. Therefore the top 3 people on the SNP list of seven would be elected.

Like the SNP, the Liberal Democrats failed to have anyone elected in an individual constituency but their overall vote entitles them to 2 of the 16 seats available. Therefore the top 2 people on the Liberal Democrat list would be elected.

The total result for the 16 seats representing Lothians would then be:

Labour	7 MSPs	all elected in individual constituencies
Conservative	4 MSPs	2 in individual constituencies
SNP	3 MSPs	all from the list
Lib Dem	2 MSPs	both elected from the list

No formal threshold - level of support - which a party must win to achieve is proposed in the Bill, but Democratic Audit<sup>73</sup> note that an informal threshold will operate, this is defined by 100

<sup>72</sup> <http://www.cybersurf.co.uk/cscoparl/briefing> 10 Electing Scotland's Parliament

<sup>73</sup> Democratic Audit *Devolution Votes* 1997 p9

per cent divided by the overall number of seats in each Region (100/15) effectively a threshold of over six per cent. Democratic Audit also note that Scotland's AMS system is much more proportional than Wales, with 43 per cent of elected members being additional members against 33 per cent for Wales. The choice of the D'Hondt formula, rather than the St Lague formula may tend to favour larger parties.

**Clause 81** of the Bill repeals Rule 1(2) (Scotland to have not less than 71 constituencies) of Schedule 2 to the *Parliamentary Constituencies Act 1986*. It is important to note that if the Parliamentary Boundary Commission for Scotland reduce the number of Westminster constituencies in Scotland this will also affect the overall number of constituencies for the Scottish Parliament. However separate constituencies for the Shetlands and the Orkneys are specifically provided for in Schedule 1 so these two sets of islands are guaranteed separate seats each for the Scottish parliament, even after a reduction of seats for the rest of Scotland.

**Clauses 8-9** set out provisions for **vacancies in regional and constituency seats**. By elections will only be held when there is a vacancy in an constituency seat where a simple First Past The Post system will be used, and no by election will be held where a vacancy exists within 3 months preceding a full election of the Parliament. If a vacancy occurs for a regional seat the Regional Returning Office will notify the Parliament's Presiding Officer of the name of the next highest eligible<sup>74</sup> candidate on the relevant party list. The list applicable is that submitted for the full election which has a maximum of 12 names. However, the regional returning officer must establish that the candidate is "willing to serve" as an Parliament member, so the candidate may decline the seat. Note that it is the candidate who decides on his availability, not the registered party (although the party may wish to influence the decision). There is no provision for alternative procedures to come into play if the relevant candidate is no longer a member of the registered party. If there is no eligible candidate left on the list the seat is left vacant until the next full election.

**Clause 10** deals with the **franchise** and is, as expected, confined to those eligible to vote in local government elections, that is, British and Commonwealth citizens and EU nationals who fulfil the residency requirements, but minus overseas voters eligible to vote in Parliamentary elections. This is the same franchise as for the referendum in September.<sup>75</sup> Voters will not be able to vote in more than one constituency or in more than one region.

More detailed provisions about the conduct of elections will be made under **Clause 11**, as well as procedures for questioning elections, dealing with registration of electors, combinations of polls and limitation of election expenses. The clause provides that existing legislation or rules made under the Representation of the People Acts may be applied for these purposes. The

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<sup>74</sup> in terms of electoral law

<sup>75</sup> for background see Appendix to Research Paper 97/92 *Scotland and Devolution*

## Research Paper 98/47

question of the deposit is expected to be dealt with using powers under this clause; as yet there is no official indication of the amount of the deposit, whether for constituency or for regional MPs.

**Members of the Scottish Parliament** may be British, Irish, Commonwealth or EU citizens under **Clauses 14-15** and may include peers, ministers of religion, Members of the Westminster Parliament and local councillors. Otherwise the normal disqualifications applicable to Westminster MPs under s.1 of the *House of Commons Disqualification Act 1975* will apply. There is provision for an Order in Council to make further disqualification and it is intended that this Order will list membership of public bodies as disqualifying offices; the current list under the 1975 Act is not necessarily appropriate. It is also intended to apply the disqualification for senior local government officials.

**Schedule 1** defines both the constituencies and the regions. It provides for the boundaries to be altered following a future review of Westminster constituencies by the Parliamentary Boundary Commission for Scotland. When the commission undertake a review, it will also be required to include within its report recommendations for alterations in the regions and in the number of members returned for each region following the rules set out in paragraph 7: Constituencies must fall wholly within a region, but in addition, if the number of constituency seats is reduced there must be a proportionate reduction in the number of regional seats so that the ratio of 56 to 73 is maintained as far as possible. Thus if the number of constituency seats fell to 60, the number of regional seats would also need to be reduced to 46 to maintain that ratio, giving a Scottish Parliament of 106 members. If the number of constituency seats fell to 57 the number of regional seats would be 44 giving a total of 101.<sup>76</sup> The Commission is required to ensure that each region receives the same number of seats but where this is not possible, since the number of regions has to be maintained as eight, it will ensure that the number of seats will not differ by more than 1. Thus for illustration, if there were to be 46 seats, some of the regions would have 6 seats and some 5 seats.

The usual Commission procedure with regard to provisional recommendations and local inquiries would apply. Any changes in the number of constituencies, to be implemented by Order in Council under the *Parliamentary Constituencies Act 1986*<sup>77</sup>, would not come into effect until the dissolution of the Parliament. The Scottish Parliament will not be able to determine its own composition.

Professor John Curtice has argued that although the Bill will initially reduce the number of Scottish MPs at Westminster and therefore at the Scottish Parliament<sup>78</sup>, following the first

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<sup>76</sup> *Scotsman* 22.12.97 "Anger at plan to cut MSPs" reported that Mr Dewar had indicated privately that the number of MSPs was likely to be reduced to 112. The final number will be decided by the Parliamentary Boundary Commission, which is independent of the government. There has been some concern at the prospect in the reduction of numbers of MSPs expressed by the SNP.

<sup>77</sup> The Parliamentary Boundary Commission for Scotland is governed by powers which are to be reserved under Schedule 5

<sup>78</sup> The issue of Westminster representation for Scotland is discussed in Research Papers 98/1 and 98/3



review of Westminster seats by the Parliamentary Boundary Commission, numbers of seats at the Scottish Parliament will gradually increase once more as the commission reverts to existing rules which take as a starting point the number of constituencies already in existence in Scotland.<sup>79</sup>

There have been recent press reports that the Government is considering options to stabilise the number of MSPs at 129 following a reduction of numbers of Westminster seats, perhaps by creating more additional members.<sup>80</sup>

During Committee stage of the *Scotland Bill* the Conservatives proposed amendments to remove AMS in favour of FPTP, arguing that the creation of two classes of members was a dangerous innovation.<sup>81</sup> The Conservatives also supported amendments to introduce an open list for the additional member aspect of the election, proposed by the Liberal Democrats. Dennis Canavan also proposed amendments to create an open list so that the names of all candidates would appear on the ballot paper. He argued that voters in Europe had learnt to master long lists and big ballot papers, and that at the very least Michael Ancram's suggestion that the names of the candidates for each party should be displayed in a prominent place in the polling station.( c425-426) In response Henry McLeish, for the Government, argued that the purpose of the additional member was to reduce the imbalance of the current FPTP and that the list would be scrutinised very closely. Once elected, a regional member would have the same rights and responsibilities as any other member, and amendments for open lists would make the poll too confusing for voters, who in any case had the chance to vote for an individual member in the constituency part of the ballot.(c440-445)

The Conservatives in Scotland issued a consultation document<sup>82</sup> in December 1997 which recommended that there should be an approved panel of candidates, and that only candidates successful in securing nominations for one of the 73 constituencies should be eligible for the regional list. A joint consultative committee would be established to operate on a regional basis to identify the ordering of the list, which would examine each region in turn, augmented by the chairmen of the local constituency association to prevent control being exercised by the centre. There has been some criticism in the press that the Conservatives will not field sufficient candidates by restricting themselves to those selected by constituency associations.<sup>83</sup> Former MPs Lord James Douglas Hamilton and Phil Gallie are expected to be candidates.<sup>84</sup>

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<sup>79</sup> Professor Curtice's arguments are summarised in *Scotsman* 14.2.98 "The flaws that mean that bill has to be changed". His arguments are fully developed in a forthcoming article in *Representation* April 1998

<sup>80</sup> *Scotsman* 7.4.98 "Tories, SNP unite to attack MSP 'U turn'"

<sup>81</sup> HC Deb vol 305 c413 -419

<sup>82</sup> Strathclyde Commission *Made in Scotland; the way forward for the Scottish Conservatives and Unionists* December 1997

<sup>83</sup> *Scotsman* 28.1.98 "Tories must learn from Labour"

<sup>84</sup> *Scotsman* 9.3.98 "Scots Tories turn backs on Holyrood elections"

## Research Paper 98/47

Approved candidates for the Liberal Democrats will be able to apply for both constituency and region seats, but constituency candidates will be selected first, constituency by constituency through a ballot of the members, including postal votes.<sup>85</sup> An approved list of candidates is being developed but decisions over the ordering of the list have not yet been taken.<sup>86</sup> There have been press reports that the party has had difficulty in attracting female candidates to stand in rural seats.<sup>87</sup> There are proposals to allow a special committee to order the additional member list to offset gender imbalance.<sup>88</sup>

The Labour party have set up a panel of 20 to vet candidates, made up of five members of the UK executive, five from the Scottish executive, five senior figures from the Scottish party and five independent experts who will not have a formal vote to advise on areas such as personnel management. It is planned to twin constituencies so that at a joint selection meeting a man and a woman will be selected. Constituency selection procedures are expected to start in the spring. Donald Dewar, Henry McLeish, Sam Galbraith, Lord Sewel, Malcolm Chisholm, Ian Davidson, Michael Connarty, John McAllion and Dennis Canavan are expected to apply to become candidates.<sup>89</sup> There have been press suggestions that a loyalty test will apply but this has been denied by the Labour party.<sup>90</sup>

The Scottish National Party is to finalise its candidate selection at a special conference in June 1998. An list of approved candidates is being created. Mike Russell, SNP chief executive is expected to stand.<sup>91</sup>

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<sup>85</sup> Scottish Liberal Democrats *Selecting a First Past the Post PSPC* 14.1.98

<sup>86</sup> *Herald* 16.3.98 "Left wingers press on with seats campaign"

<sup>87</sup> *Scotsman* 16.3.98 "Lib Dems struggling to attract women candidates"

<sup>88</sup> *Scotsman* 28.3.98 "Grass roots revolt over gender plan"

<sup>89</sup> *Scotsman* 16.1.98 "London handed key role in picking Labour list for Scottish parliament"

<sup>90</sup> *Financial Times* 6.3.98 ""Scots dissent on Blairite lists *Herald* 26.3.98 "Labour axes 200 from MSP candidates' list"

<sup>91</sup> *Scotsman* 19.2.98 "Salmond faces new row over candidate choice"

## IV The Greater London Authority

The 1993 Plant Commission on electoral reform<sup>92</sup> did not make any recommendation on possible voting systems for a London assembly; Labour did not reach any agreement with the Liberal Democrats before the 1997 election over the voting system to be used for elections for a London mayor and the proposed London assembly. The report of the Labour/Liberal Democrat Joint Consultative Committee on Constitutional Reform (March 1997) noted both parties' commitment to a referendum on the establishment of an elected assembly, and the Labour commitment to an elected Mayor. Policy documents issued by the Labour party before the 1997 elections did not propose alternative voting systems for a Greater London Authority.

The Green Paper *New Leadership for London: the Government's proposals for a Greater London Authority*<sup>93</sup> did not recommend a specific voting system for the mayor or the assembly. It asked which system should be used for the mayoral elections and set out electoral options for the assembly:

### *Electing the Mayor*

#### 3.03

It will be important to ensure that the method of election of the mayor gives the eventual winner a clear mandate from the people of London. There are a number of options, including the system currently used for local government elections, and more representative systems such as the second ballot and the alternative vote system. The first-past-the-post system does not require a candidate to obtain a majority vote over all other candidates, or to obtain a given proportion of the total vote. The successful candidate has simply to secure more votes than the next placed candidate. If more than two candidates were standing for election as mayor, one could win with well under half the vote.

#### 3.04

As the name implies the second ballot system involves two rounds of voting. In the first round, only a candidate who secures an overall majority would be elected. If no candidate secures a majority, then a limited number of candidates would go forward to a second vote. The winner would become mayor.

#### 3.05

Under the alternative vote system, instead of voting for just one candidate, voters select any number of candidates they like, in order of preference. To win, a candidate has to obtain an overall majority. If no candidate secures a majority of first preferences, then the lowest placed candidate drops out and his or her second preferences are transferred to the other candidates. This process continues until one candidate achieves an overall majority.

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<sup>92</sup> *Report of the Working party on electoral systems 1993* For background see Research Paper 97/26 *Voting systems :the alternatives*

<sup>93</sup> Cm 3724 July 1997 Research paper 97/114 *The Greater London Authority Referendum Bill* gives full details of the proposals for a Greater London Authority

## **Research Paper 98/47**

### *Electing the Assembly*

3.06

The method of election to the assembly needs to reflect and support the role of assembly members. Assembly members will be required to think and act strategically, looking at London-wide issues and the long-term interests of the capital. We do not think they need to or should duplicate the local representational roles of borough Councillors, MPs and Euro-MPs.

3.07

The electoral landscape of London is also relevant. There are approximately five million electors in London, 74 Parliamentary constituencies, 10 Euro-constituencies, 32 (unitary) London boroughs and the Corporation of the City of London. Some Euro-constituency boundaries extend beyond the limit of the area proposed for the new authority.

3.08

We are committed to a streamlined and effective assembly and will consider views on the size, shape and distribution of constituencies and the methods of electing assembly members.

### *Constituencies*

3.09

Several constituency models are available. For example, single-seat constituencies could follow borough boundaries, or 24 constituencies, each made up of approximately 3 Parliamentary constituencies. 32 constituencies would be easily understood by electors, but could lead to a focus on local rather than strategic issues. 24 constituencies would partially overcome this problem.

3.10

Larger multi-seat constituencies would allow constituencies more strategic in nature, perhaps corresponding with existing sub-regional partnerships. They would not have to be of equal size. London could, for example, be divided into between 8 and 10 constituencies, each with three elected representatives. Alternatively, there could be five larger constituencies (each with 5 or 6 members), with a large central area constituency and four based on sub-regional partnership areas or the points of the compass. Larger constituencies might allow assembly members to develop sub-regional identities, perhaps leading to a general strengthening of existing area partnerships.

3.11

A single London-wide constituency would give members a London-wide focus, as for the mayor, and this might encourage a more strategic outlook. Conversely, it may also result in some areas of London feeling under represented if elected assembly members have no obvious link at all with a community. This could also be an expensive option in campaigning terms.

### *Electoral Options for the Assembly*

3.12

In the single seat constituency model, the first-past-the-post and the alternative vote systems are probably the only viable options. In multi-seat constituencies a number of different electoral

systems might be appropriate. These include first-past-the-post and other systems such as the list system, the additional member system and the single transferable vote system.

3.13

In the first-past-the-post system for multi-member constituencies, the candidate with the highest number of votes would be elected (for example, in a three member constituency, the three with the most votes would be elected). In the simplest terms, the list system requires electors to vote, not for an individual candidate, but for a party which provides a list of candidates which might be ranked in the order the party wishes them to be elected. Seats in constituencies would then be allocated amongst the parties according to the proportion of the vote gained in each constituency. This system would more or less cut out the option of independent candidates.

3.14

The additional member system allows a proportion of the available seats to be allocated on the first-past-the-post system, with the remainder allocated to parties on an all-London list, similar to that described above. The single transferable vote system requires voters to put candidates in an order of preference. Candidates have to reach a quota in order to be elected and where a candidate passes the quota, any excess votes are redistributed on the basis of voters' second preferences. If no candidate reaches the quota, the lowest placed candidate drops out and his or her second preferences are transferred. This process continues until the required number of candidates are elected.

The Green Paper favoured simultaneous elections for mayor and assembly with terms of between three and four years; it asked whether it was desirable to limit the number of terms of office of the mayor or assembly members. It would not be possible to be both the mayor and an assembly member. Rules for eligibility should be the same as for a local councillor and the Paper raised the possibility of limiting the number of candidates for mayor to avoid too lengthy a ballot paper. (paras 3.15-3.17)

Finally the Green Paper considered that there needed to be arrangements to control expenditure in relation to assembly elections and mayoral elections. The Paper did not offer any details on proposed schemes to control expenditure. The issue becomes more complex if a PR system were to be adopted for elections to the Assembly since controls on expenditure in Great Britain relate to expenditure by the individual candidate or his agent in a particular constituency rather than spending by a political party. Major changes to the system of election expenses for local elections would therefore be necessary. Equivalent limits for London-wide elections might well be appropriate, for example for the mayoral election. The current election expense limits for local elections are £219 per candidate, plus an additional 4.3p for every entry in the register of electors to be used at the election.<sup>94</sup>

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<sup>94</sup> s.76 of the *Representation of the People Act 1983* as amended by the *Representation of the People (Variation of Limits' of Candidates' Election Expenses) Order 1997*

## Research Paper 98/47

Professor Patrick Dunleavy and Dr Helen Margetts prepared a report for the Government Office for London on possible electoral systems for London, using simulations of the systems.<sup>95</sup> It recommended the Supplementary Vote for elections for the Mayor, and either AMS with 14 or 16 local seats or STV using 5 constituencies or a list PR system as giving proportional results for the Assembly. It considered that it was important to choose voting systems which operated consistently with each other and therefore favoured either SV for Mayor and AMS or list PR for the Assembly or AV for Mayor and STV for the Assembly.

Dunleavy and Margetts also concluded that there was a case for government intervention to guarantee the use of one member one vote procedures in the selection of party candidates for Mayor or for the Assembly. The election for Mayor would not command public support if parties' internal procedures were seen as undemocratic.

The White Paper *A Mayor and Assembly for London* proposed the Supplementary Vote for the election of the Mayor and AMS for the Assembly with 14 individual constituencies and 11 seats taken from a London wide list. The Local Government Commission would be asked by the Secretary of State to recommend boundaries of the new constituencies. The details were set out as follows:

### ELECTING THE MAYOR

4.7 New Leadership for London said that it will be important to ensure that the method of election of the Mayor gives the eventual winner a clear mandate from the people of London. We propose to use a simplified version of AV, the Supplementary Vote System (SV), for electing the Mayor. It is simple and easy to use and can produce a clear winner who would enjoy the support of a large number of Londoners.

#### The Supplementary Vote

4.8 The SV system has similarities with the second ballot system, but does not require two rounds of voting. It is a simplified form of AV, but is quicker to operate and count.

4.9 Under the SV system voters simply mark their first and second choices of candidates on the ballot paper. They do this with an X - as is usual in other elections - rather than by having to number the list of candidates in their order of preference, as is the case under AV. They are not required to make two choices if they do not wish to do so.

4.10 Counting is also simple. Voters' first preferences are counted and if one candidate gets 50% of the vote or more, he or she is elected. If no one gets 50% of the vote, all of the candidates, except the two who received the highest numbers of votes, are eliminated. The second preferences on the ballot papers of the eliminated candidates are examined and any that have been cast for the two remaining candidates are given to those candidates. Whoever has the most votes at the end of the process, wins.

### ELECTING THE ASSEMBLY

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<sup>95</sup> *Report to the Government Office for London: Electing the London Mayor and the London Assembly* 20.1.98 Dep 5941

4.11 The method of electing Assembly members needs to reflect and support the role envisaged for them. Assembly members will be required to think and act strategically, looking at London-wide issues in the round and at the long-term interest of the capital. They do not, nor should they, duplicate the local representational roles of borough councillors, MPs and MEPs.

### Size of the Assembly

4.12 This argues forcefully for a small and effective Assembly. Taking into account the duties, tasks and appointments which Assembly members will have to undertake, the Assembly could do its work effectively with 25 members.

### The Additional Member System

4.13 Assembly members will be elected by AMS, which is the electoral system being used for elections to the Scottish Parliament and the Welsh Assembly. This will produce an Assembly which closely reflects the views of Londoners. There will be 14 members, each representing a specific voting areas, and 11 further London-wide members.

4.14 Under this electoral system people have two votes, one elects a member for a specific voting area and the other vote is for a party or an independent candidate.

4.15 Voters will elect one member for their voting area using the first-past-the-post system. The second vote will be cast for a political party or an independent candidate. The names will appear on the ballot paper. The names of independent candidates will also be on the ballot paper. The remaining 11 Assembly seats will be allocated to ensure that the overall distribution of seats reflects the proportion of the votes cast for each party, or independent candidates. In the case of the party votes, the successful candidates will be drawn in order from the party lists which voters can read before they vote.

4.16 This system will produce an Assembly where more than half of the members have been elected in single member constituencies, and where each party's share of the seats closely reflects its vote share. This will ensure that there are Assembly members with whom the electorate can identify on a geographical basis and that there is a more proportional outcome. Annex C gives more detail on AMS.

### The Constituencies

4.17 If the result of the referendum is a 'yes' vote, the Local Government Commission (LGC) will be directed by the Secretary of State for the Environment, Transport and the Regions to make recommendations about the boundaries of the 14 voting areas mentioned above. We expect these to comprise combinations of contiguous boroughs and respect existing borough boundaries. Where the LGC thinks this is appropriate, boroughs north and south of the River Thames might be combined. The LGC will also be directed to recommend names for the constituencies. It will be for the LGC to propose the most appropriate groupings of boroughs, bearing in mind the need to achieve reasonable electoral equality - ie achieve constituencies covering broadly equal numbers of voters - and to reflect the nature and function of the Assembly.

The Supplementary Vote was the preferred option of the Labour Party's Plant Commission on electoral reform in 1993 for the House of Commons and was a variation of the Alternative Vote suggested by Dale Campbell Savours. If a candidate has over half of the first preferences he is elected. If no candidates have over half all but the top two candidates eliminated, and the

second preferences of those voting for eliminated candidates are counted - those for either of the

## Research Paper 98/47

top two candidates are added to their votes and whoever has the highest number wins. Its supporters favour it above the Alternative Vote as it restricts the voter to two preferences so as to prevent the very weak preferences at the bottom of the ordering scale influencing the result unduly. On the other hand the votes of those using both votes for eliminated candidates are 'wasted'. A version is used in Presidential elections for Sri Lanka. The Dunleavy report<sup>96</sup> noted that the "SV elimination method favours the existing major parties (Conservatives and Labour)..but the second preferences of Liberal Democrats and other voters will be critically important in determining the final result." (para 2.24) Vernon Bogdanor has argued that SV can have capricious effects in a four party system.<sup>97</sup> Dunleavy and Margetts noted:

**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.

The White Paper does not give detail about the allocation of seats under AMS, but presumably the same principles as for Scotland and Wales will be followed, with the d'Hondt formula being used for the distribution of list seats and with closed lists being used for the party list aspect of the ballot.

Dunleavy and Margetts considered the possibility of drawing the list members from the whole of the London area rather than creating separate electoral regions as in Scotland and Wales, finding it an attractive solution, as using a large London wide area for allocating list seats means that it was easier to compensate for imbalances in the parties' shares of local seats compared with their vote shares. On the other hand large ballot papers could be expected if each major party decided to submit a full list of candidates and voters might be confused by the choice to be made. Dunleavy and Margetts grouped boroughs for a 14 seat constituency scheme by creating four three borough seats.<sup>98</sup> They concluded that with ten or more list seats a London wide system would produce highly proportional and fairly stable results. (para 3.34)

The Mayor and the Assembly will both be elected for a period of four years with no limit on the number of terms to be served. If the Mayor dies or is incapable of continuing in office a deputy

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<sup>96</sup> *Report to the Government Office for London: Electing the London Mayor and the London Assembly* Professor Dunleavy and Dr Helen Margetts 20.1.98

<sup>97</sup> *Power and the People* 1998 p69

<sup>98</sup> Kingston Merton and Wandsworth, Hammersmith Kensington and Westminster, Barking Havering and Newham, Hackney Islington and Tower Hamlets would be the four three borough groupings Map 6 of the report gives details of the pairing of other boroughs.



Mayor will take over the office if there is a period of less than six months before the next Mayoral election, otherwise a by election will be held. By elections will also be held in the same circumstances where an Assembly member dies. Where a list Assembly member dies the next name on the party list who is willing to serve will take the seat.

## Candidates

The White Paper was concerned to ensure that frivolous candidates should not be encouraged, through restrictive requirements on eligibility to stand:

### ELIGIBILITY TO STAND FOR ELECTION AS MAYOR

4.23 British, Commonwealth and EU citizens resident or working in London will be eligible to stand for election as Mayor. To be Mayor of London will be to hold a unique, powerful and influential public office. We are anxious, therefore, to ensure that the election itself does not become a platform for frivolous candidates or publicity seekers, who could gain unfair access to public funds simply in an attempt to promote either themselves or obscure causes. Equally we are concerned to ensure that candidates are not discouraged from seeking election because the rules governing eligibility are too prescriptive or that thresholds and costs are set too high. Therefore we have sought to strike a balance in the conditions we intend to impose. Candidates will be required to:

- **demonstrate the seriousness of their intent** by paying a significant deposit to register as a candidate. The level of the deposit will be set by the government. The qualifying threshold for retaining the deposit would be set at 5%; and
- **demonstrate that they have support across London** by providing a list of a significant number of names of people supporting their nominations. Each applicant would need to be nominated by a set number of registered voters, including a set number from each London borough.

The position of peers is not specifically discussed, but presumably they are not excluded as a candidate as would be the case for an election to the Commons. The White Paper stated that candidates for the Assembly could be British EU or Commonwealth citizens; peers will presumably be included if the local government model is to be followed. Candidates will be required to pay a deposit, to be set by the government with a threshold of five per cent, and to be nominated by a set number of registered voters resident within the London boroughs which will be combined to form the voting area they contest. (paras 4.24-6)The White Paper notes that people "appointed to public office " will be required to resign if they stand for election but MPs, MEPs and councillors would not have to resign in advance of elections. It would be for political parties to decide whether to formulate rules about dual mandates.(paras 4.27-8)

The **franchise** is presumably that for local elections although the White Paper refers only to people living in one of the 32 London boroughs or the City of London who are on the electoral register, and who will include Commonwealth and EU citizens. (para 4.29) Presumably the franchise will be the same as for the referendum on 7 May, which was set out in the *Greater*

## Research Paper 98/47

*London Authority Referendum Act.* Briefly this was the local government franchise, including peers, and EU citizens, but excluding voters registered overseas who are able to vote in Parliamentary elections only. Therefore the electorate will be modelled on the same principles as for the National Assembly for Wales and the Scottish Parliament. In addition in the City of London the franchise will be confined to those resident there; i.e. those occupying rateable land over £10 per annum qualified to vote at municipal elections in the City but not resident will not be able to vote in the referendum.<sup>99</sup>

The White Paper noted that there would need to be a limit on the amount of spending on election campaigns, and stated that the legislation establishing the GLA would set the level of those expenses after consultation with the Association of London Government. Final decisions would be taken once the Neill Committee had reported. (paras 4.21-2) There is no direct comparison which can be used for assessing the expenses level for the election of a executive official such as the Mayor for London, and it is likely that an expense limit will be set for the whole of London rather than individual constituencies.

Procedures for the selection of candidates have not yet been discussed in detail by the major political parties, although the Conservatives have proposed that every party member in London would be entitled to take part in a Primary election to choose the Conservative candidate for mayor.<sup>100</sup>

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<sup>99</sup> The bulk of office premises in the City are occupied by limited companies which pay rates but do not have a vote. The *Representation of the People Act 1969* abolished the business franchise for local government elections and so business voters did not have a separate vote for GLC elections. The City is currently consulting on proposals to alter the franchise to include corporate bodies within the franchise. Details are contained in its booklet *Improving the City's Franchise (1997)* This booklet proposes linking voting entitlement to the size of a business, so that additional votes could be gained according to the rateable value of the property of the business. In its policy document *Road to the Manifesto: a Voice for London (1996)* the Labour Party stated that the City Corporation's "present electoral arrangements cannot be defended and must be changed." The Green Paper made it clear that there were no proposals to abolish the City Corporation and stated that the Government looked forward to detailed discussions with the Corporation in autumn 1997 over Corporation proposals on its franchise. (paras 1.10-1.11)

<sup>100</sup> *The Fresh Future: The Conservative Party Renewed* February 1998 p23

## V The House of Commons – The Jenkins Commission

In 1990, following a vote at annual conference, the Labour Party set up the Working Party on Electoral Systems chaired by Professor Raymond Plant (now Lord Plant) a professor of politics at Southampton University. The working party produced an initial document *Democracy, Representation and Elections* in 1991 which identified relevant issues and discussed alternative voting systems without coming to any specific conclusions. The working party then produced a shorter interim report for the party conference in 1992, following the general election, which incorporated a statement recommending the Additional Member System for the Scottish Parliament, previously agreed by the National Executive Committee before the election.<sup>101</sup>

The final report was published in April 1993<sup>102</sup> and recommended by a narrow majority the Supplementary Vote for the Commons. It also recommended regional list systems for a second chamber replacing the Lords and for the European Parliament. The Supplementary Vote is a form of Alternative Vote proposed by Dale Campbell Savours, where voters indicated their first and second choice, and any candidate with more than 50 per cent of first choice votes is elected; if no candidate achieves this, all but the top two candidates are eliminated and the second preference votes are then added to the first preference ones

During the 1992 election Labour policy was neutral on electoral reform,<sup>103</sup> and Neil Kinnock refused to indicate his views in case it would prejudice the outcome of the Plant inquiry.<sup>104</sup> Immediately after the NEC had considered the final Plant Report the new leader, John Smith, made a public statement<sup>105</sup> committing the Labour Party to a referendum on the future of the electoral system for Westminster in the first Parliament of a Labour government. John Smith indicated that he was personally unconvinced of the merits of electoral reform. The policy was endorsed at the 1993 conference by a narrow margin and reaffirmed by Tony Blair in 1994 when party leader and subsequently in policy documents.<sup>106</sup>

Tony Blair remained unpersuaded of the virtues of PR for the Commons:<sup>107</sup>

Effective democracy depends, above all, on the quality of the House of Commons. Electoral reform for the Commons has a totemic status among some of Britain's constitutional reformers. I appreciate the reasons for this, not least 17 years of "elective dictatorship" by Tory governments returned on minority votes, pushing through divisive and destructive policies such as the poll tax and rail privatisation, which is why I have confirmed John Smith's pledge to hold a referendum

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<sup>101</sup> *Second interim report of the working party on electoral systems*

<sup>102</sup> *Report of the working party on electoral systems (1993)*

<sup>103</sup> on which see the *British General Election of 1992* ed. D Butler and D Kavanagh pp 129-30

<sup>104</sup> in December 1992 he confirmed that he supported PR but was not specific as to the form [television interview David Dimbleby]

<sup>105</sup> 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'.

<sup>106</sup> *New Labour, New Life for Britain* (p29) July 1996, *New Politics New Britain* September 1996 *New Labour: Leading Britain into the Future* January 1997. The timing for the referendum was not given. See also Tony Blair's John Smith Memorial Lecture 7.2.96 p13

<sup>107</sup> *Economist* 14.9.96 "Blair on the constitution"

## Research Paper 98/47

on the issue.

However, I personally remain unpersuaded that proportional representation would be beneficial for the Commons. It is not as some claim, a simple question of moving from an “unfair” to a “fair” voting system. An electoral system must meet two democratic tests: it needs to reflect opinion, but it must also aggregate opinion without giving disproportionate influence to splinter groups. Aggregation is particularly important for a parliament whose job is to create and sustain a single, mainstream government.

The report of the Labour/Liberal Democrat Joint Consultative on Constitutional Reform<sup>108</sup> 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.<sup>109</sup>

### 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 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.
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

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<sup>108</sup> 5.3.97

<sup>109</sup> This proposed 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 is due to begin an enquiry into electoral administration which may consider the case for an electoral commission. The DETR document (see below under VI) also suggested a review of electoral administration to make local elections more voter friendly.

elected to be decided by the people themselves.

The independent Constitution Unit commented in its briefing *Changing the Electoral System*<sup>110</sup> 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 Constitution Unit briefing also considered terms of reference, status and membership of the proposed commission:

#### Terms of Reference

The choice of electoral system will depend on the criteria it is expected to meet and it may be difficult to draft terms of reference that provide sufficient guidance without predetermining the review's outcome (should the remit, for example, make any reference to the desirability of retaining single member constituencies, which would immediately favour some systems against others?). The Labour Party's Plant Committee experienced similar difficulty, which they described when explaining their working methods: 'We then attempt (ed) 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' (Democracy, *Representation and Elections*, September 1991). This argues for the commission to be set up with very general terms of reference. Drawing on the joint Committee agreement, these could be:

- To consider proportional electoral systems for the House of Commons, and in particular the likelihood of different systems commanding broad consensus among proponents of proportional representation.
- To recommend a single proportional electoral system to be put forward as an alternative to FPTP.
- To report within 12 months.

#### Status

The proposed advisory commission could take the form of a royal commission, or have the status of an advisory committee such as the Nolan Committee on Standards in Public Life. Royal Commissions have traditionally worked very slowly and have not always reached agreement. They may also produce recommendations which are politically unrealistic, so there may be little political interest or support for them. There has been a previous Royal Commission on the Electoral System, which reported in 1910. This Commission recommended the introduction of the alternative vote but its report had little impact: its publication in August 1910 found the House of Commons bound up in struggles with the House of Lords and it was not debated in either House.

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<sup>110</sup> Briefing no 10.1997

## Research Paper 98/47

The approach of any advisory body will depend on the nature of its task and the circumstances in which it is set up. The Nolan Committee was set up with a background of 'sleaze' allegations and was under pressure to work quickly. An advisory commission on an electoral system will be set up in very different circumstances. Nonetheless, the Nolan Committee has shown that where there is a political imperative for results, it is possible for an advisory body to work rapidly and to make clear and robust recommendations. It has been able to be influential because it has had cross-party political support, it has attracted considerable media and hence public interest and its recommendations have been timely. - There is no guarantee that a commission on the voting system will achieve such a high political and public profile. -The extent to which it does attract attention and support will depend on the political backing it is given and on the personality and the working methods adopted by its members.

### A. Membership

The independence of an advisory commission, as signalled by its membership, will be crucial if it is to gain the confidence of those campaigning for electoral reform. As an advisory body, a commission on the voting system would not automatically come within the Nolan procedures for appointments, now embodied within the guidance issued by the new Commissioner for Public Appointments. However, the House of Commons Public Service Committee recently recommended that the Commissioner's remit should be extended to advisory bodies; it seems desirable that in appointing a commission on the voting system the Government should follow the basic principles of merit, openness and transparency. This would imply at the very least drawing up a clear job description for the members of the commission, which would sharpen up thinking about the nature of the commission's task and the kind of people needed to carry it out. In particular the following questions will need to be addressed:

- What should be the overall size of the commission? It is more likely to reach agreement on a single proportional system if it is small rather than large: half a dozen, rather than a dozen, members.
- Should it contain experts? Almost certainly yes; but most experts are well known for their support for a particular electoral system. It may be necessary openly to acknowledge this and attempt to achieve a balance of different views; or to bring in the expertise through the staffing of the secretariat, or by recruiting specialist advisers like the experts who advise Parliamentary select committees.
- Should nominations be invited from electoral reform organizations? It will be impossible for the commission to reach agreement if some of its members consider themselves to be mandated representatives of a particular view or interest. Instead organizations should be invited to submit evidence, rather than have an active presence on the commission.
- Should nominations be invited from the political parties? For the same reasons political parties should be invited to submit evidence.
- Should people be invited to represent FPTP? Logic suggests not, since the commission's task is to find a proportional alternative.
- Should the commission be a closed group of experts, or see themselves as facilitating a consultation exercise?

This last may be the most important consideration in terms of who is invited to serve on the commission and its approach to its task. The commission could not merely invite evidence but

could commission opinion polls and engage in more proactive activities such as citizen's juries and public meetings. Such work would inform the commission's view as to which option was most likely to attract a broad consensus and could lay the foundations for the public education programme which would be undertaken prior to the referendum. This would leave the way open to appoint commission members from non-expert backgrounds, but skilled in facilitating public consultation, perhaps chaired by a non-expert figure such as a judge. The commission's working methods may also need to include detailed modelling of the likely effects of different electoral systems, or at least of the one recommended, to ensure that such information is available to inform the referendum campaign.

The Constitution Unit noted that there was a possibility that the commission would not come up with a single alternative system and might propose a multi-option referendum. It recommended that the referendum should be conducted by an independent commission,<sup>111</sup> probably a full electoral commission,<sup>112</sup> separate from the earlier advisory commission on the appropriate PR system.

The Labour manifesto for the general election<sup>113</sup> 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 a new Cabinet consultative committee was announced, with membership to include leading Liberal Democrats.<sup>114</sup> 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.<sup>115</sup> Robert Maclennan, 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.<sup>116</sup> A study by Democratic Audit<sup>117</sup> 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:<sup>118</sup>

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<sup>111</sup> See the *Report of the Commission on the conduct of referendums* 1996(Electoral Reform Society and Constitution Unit) and background in Research Paper 97/10 *Referendum:Recent Proposals*

<sup>112</sup> see above footnote 7

<sup>113</sup> *New Labour because Britain deserves better* April 1997

<sup>114</sup> *Times* 23.7.97 "Ashdown welcomes Lib Dem role on Cabinet committee".

<sup>115</sup> *Times* 23.10.97 "We vote for the sensible alternative" *Independent* 2.12.97 "Beginning of the end for first past the post"

<sup>116</sup> *Times* 20.10.97 "Spelling out the voting alternative"

<sup>117</sup> *Making votes count:how Britain would have voted in the 1990s under alternative electoral systems* by Patrick Dunleavy et al October 1997

<sup>118</sup> HC Deb vol 302 1.12.97 c 57-8W

## Research Paper 98/47

**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. [18561]

**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 AV<sup>119</sup>, 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, as advocated by the<sup>120</sup> Fisher Commission in 1982 for the two Alliance parties.

The Jenkins Commission has called for reasoned submissions from as wide a range of people as possible, by the end of February 1998.<sup>121</sup> It is conducting a series of public meetings to hear representations.<sup>122</sup>

Legislation to hold a referendum will be necessary after the Commission has reported, and it is unclear when the referendum will take place. Some commentators have expected the referendum to be held in 1999, but this presents a tight timetable and the government may well wish to aim for a referendum at the same time as a general election, following wide public debate. However the Home Secretary, 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.

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.<sup>123</sup>

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<sup>119</sup> *Guardian* 1.12.97 "Blair sets PR ball rolling"

<sup>120</sup> *Independent* 27.11.97 "What can happen when opposing parties co-operate: voting reform"

<sup>121</sup> Home Office Press Notice 19.1.98 "Your say in choosing a method of voting"

<sup>122</sup> *Financial Times* 11.3.98 "Mission to move minds in the vote reform debate"

<sup>123</sup> see Research Paper 96/55 *The Collective Responsibility of Ministers: an outline of the issues* section V



## VI Local Government

There has been increasing debate about the desirability of introducing proportional representation for local government. The Single Transferable Vote (STV) has been used for local elections in Northern Ireland since 1973 and is broadly supported by all the major political parties there.

The Commission for Local Democracy, an independent pressure group supported the Single Transferable Vote (STV) as one of its recommendations in 1995.<sup>124</sup>:

- 3.19 In Europe it appears that countries which use a system of proportional representation in voting at local elections secure a higher turnout. Britain appears to get none of these advantages of proportional representation, while experiencing precisely the uncertain "coalition government" on local councils so deplored by opponents of such electoral reform. Rallings and Thrasher pointed out in research conducted for the Electoral Reform Society in 1991 that the English and Welsh counties and districts show little correlation between the parties in power and the party preference of their voters. In Plymouth in 1987 the Conservatives won an absolute majority on the council with just 38% of the vote. In the London Borough of Islington in 1990 Labour polled 48.9% of the vote and won all but three of the seats. In the London Borough of Richmond in the same election the Liberal Democrats won 92% of the seats with 46.4% of the votes.
- 3.20 Rallings and Thrasher also point out that there is a wide variety in the size of electoral wards. In London in 1986 some three-member wards had electorates of 13,233 while others had electorates of just 4,419. In shire districts some rural wards had as few as 279 electors whereas urban authorities had up to 6,191 electors still in single-member wards. Such gross disparities do mean that some votes are more equal than others.

The Commission supported the introduction of STV on the model used for local government in Northern Ireland. More recently Andrew Adonis and Stephen Twigg have outlined the arguments for STV in multi member wards.<sup>125</sup>:

The consultation paper issued by the DETR<sup>126</sup> entitled *Modernising local government: local democracy and community leadership*<sup>127</sup> downplayed the potential of PR as a means of revitalising local government:

### VOTING SYSTEMS

- 3.45 The tradition in this country is for there to be a close link between constituency representatives and the citizens they represent. Our local government voting system delivers just this result with each councillor being elected by the citizens of the ward or electoral district which he or she represents. We believe that such close links between

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<sup>124</sup> *Taking charge: the rebirth of local democracy*

<sup>125</sup> *The cross we bear - electoral reform for local government* Fabian Society 1997

<sup>126</sup> Department of the Environment, Transport and the Regions

<sup>127</sup> February 1998

## Research Paper 98/47

councillors and people are vital to ensuring councils engage effectively with their local communities.

- 3.46 However, in some parts of the country there is virtually one party rule with few, if any, opposition members on a council. Some argue that local democracy does not operate as effectively as it might in such situations, and that this can lead to councils becoming complacent and incompetent. Others say that the problem is not with the democratic system.
- 3.47 The Government believes that changes to the voting system are not a panacea for the current weaknesses in local government. Reforms to the electoral, political, and consultation arrangements discussed elsewhere in this document are of greater importance and urgency. These are the Government's priority and we will therefore seek to carry forward the programme described in this paper which we believe will result in councils more effectively engaging with and leading their communities

The consultation paper for Welsh local government considered the option of annual elections as a way of revitalising interest in local elections but did not look at the case for PR in detail.<sup>128</sup> Hilary Armstrong told the Labour local government conference that PR was off the agenda for the foreseeable future, and did not envisage looking at PR in this Parliament.<sup>129</sup> However there are suggestions that the Scottish Parliament may wish to look at introducing PR for local elections in Scotland.<sup>130</sup> The Commission on Local Government and the Scottish Parliament, which was appointed by the Secretary of State for Scotland, issued a consultation paper on the future of local government under the Scottish Parliament which included comments on the low turnout at local elections:<sup>131</sup>

### Local Democracy

11 The legitimacy of local government depends on the ballot box. It is the fact of being elected that principally distinguishes a local authority from a quango or other agency. And yet the turnout at local elections is notoriously very low - lower than in most European countries, and much lower than at a British general election.

12 There are a number of possible reasons for this, each of which may contribute something to the effect.

13 One factor may be the administrative arrangements for registration and voting how, when and where people are able to vote. These arrangements are largely the same for local elections as for general elections: they cannot therefore entirely account for low turnouts at local elections., but they may be a contributory factor to low turnouts.

Q2 We invite comments on the present election arrangements and suggestions as to how they might be made more voter-friendly.

14 A factor which has been thought significant is that in some areas people may feel that their vote is worthless because of the dominance of a single party. This raises

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<sup>128</sup> *Modernising local government in Wales; local democracy and community leadership* March 1998 Welsh Office

<sup>129</sup> LGC Net 5.2.98 "Armstrong: Old Members 'should stand aside'"

<sup>130</sup> see *Proportional Representation and Local Democracy* by Mark Lazarowicz Centre for Scottish Public Policy January 1998

<sup>131</sup> *The Commission on Local Government and the Scottish Parliament Consultation Paper no 1* April 1998

questions about the present system of election, ie first-past-the-post. Under the devolution legislation, elections to the Scottish Parliament will be partly by a system of proportional representation. Proportional representation is also being introduced for the elections to the European Parliament. Meantime, elections to Westminster will continue under the present system of first-past-the-post, at least until the Jenkins Commission has reported. After devolution, the voting system for local government elections in Scotland does not immediately change; but **it** will be within the power of the Scottish Parliament to legislate in due course for a different system, if it thinks fit.

Q3 Comments are invited on the merits of the various voting systems.

The Commission called for responses by 30 June 1998. It is due to present its final report to the First Minister of the Scottish Parliament, when that person takes office.

## Appendix I : Proportional Representation Formulae

The formulae used in allocating seats is seen as a technical issue, but it is important to appreciate that the use of a particular formula can affect the distribution of seats to individual parties, particularly the one or two in an electoral region. Since the Government proposed to use the d'Hondt divisor for the European Parliament, National Assembly for Wales and the Scottish Parliament the Appendix concentrates on explaining its operation. List PR can be classified into highest averages (divisor) and largest remainder(quota) system, such as the Droop quota. D'Hondt is a highest average method, as is St Lague. The purpose of d'Hondt can be said to be to find a quota which will allow the allocation of all available seats in the first allocation and to disregard all remainders. Under St Lague for each quota of votes that a party has won, one seat is awarded and all remaining votes of half a quota or more are also honoured. The difference is explained in more detail in an extract from *Electoral Systems and Party Systems*:<sup>132</sup>

The pure Sainte-Laguë formula can be interpreted in a similar way. Its quota is twice the last of the 'averages' to which a seat is awarded. For each quota of votes that a party has won, it is awarded one seat, and all remaining votes of half a quota or more are also honoured. If all remainders were so honoured, a strong bias in favour of the small parties would result-just as the d'Hondt rule of ignoring all remainders entails a bias against the small parties. By setting a boundary of half a quota above which remainders do, and below which they do not, qualify for a seat, Sainte-Laguë treats all parties in an even-handed manner. However, the modified Sainte-Laguë deviates from this high degree of proportionality by raising the first divisor from 1 to 1.4 and thereby making it more difficult for small parties to win their first seats. The formula operates almost like d'Hondt as far as a party winning its first seat is concerned, because the distance from 1.4 to 3 is proportionally nearly the same as the distance from 1 to 2; if the first divisor were 1.5, the first-seat procedure would be exactly like d'Hondt. But for winning seats thereafter, modified Sainte-Laguë works like pure Sainte-Laguë.

An example of the operation of d'Hondt is taken from a recent Home Office circular:<sup>133</sup>

### ANNEX

Set out below is an example of how the d'Hondt divisor might work in a seven seat region where one million votes are cast:

#### Stage 1

Labour (total)	380 000
Conservative (total)	300 000
Liberal Democrat (total)	180 000
Independent candidate	140 000

**The first seat is allocated to the candidate at the top of the Labour list.**

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<sup>132</sup> *Electoral Systems and Party Systems: a study of twenty seven democracies 1945-90* by Arend Lijphart p 157

<sup>133</sup> Home Office Circular RPA 418 9.2.98

Stage 2

Labour (divided by 2)	190 000
Conservative	300 000
Liberal Democrat	180 000
Independent candidate	140 000

**The second seat is allocated to candidate at the top of the Conservative list.**

Stage 3

Labour (divided by 2)	190 000
Conservative (divided by 2)	150 000
Liberal Democrat	180 000
Independent Candidate	140 000

**The third seat is allocated to the candidate in second place on the Labour list.**

Stage 4

Labour (divided by 3)	126 666
Conservative (divided by 2)	150 000
Liberal Democrat	180 000
Independent candidate	140 000

**The fourth seat is allocated to the candidate at the top of the Liberal Democrat list.**

Stage 5

Labour (divided by 3)	126 666
Conservative (divided by 2)	150 000
Liberal Democrat (divided by 2)	90 000
Independent candidate	140 000

**The fifth seat is allocated to the candidate in second place on the Conservative list**

Stage 6

Labour (divided by 3)	126 666
Conservative (divided by 3)	100 000
Liberal Democrat (divided by 2)	90 000
Independent candidate	140 000

**The sixth seat is allocated to the-independent candidate.**

Stage 7

Labour (divided by 3)	126 666
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## Research Paper 98/47

Conservative (divided by 3)	100 000
Liberal Democrat (divided by 2)	90 000

**The seventh seat is allocated to the candidate in third place on the Labour list**

An example of the difference which using alternative formulae can make is given in the following two tables:<sup>134</sup>

TABLE A.1. Illustrative examples of the operation of two highest averages formulas in a six-member district with four parties

Seats allocated using D'Hondt divisors of 1, 2, 3, 4, etc.

Party	Votes				Total seats
	(v)	v/1	v/2	v/3	
A	41,000	41,000 (1)	20,500 (3)	13,667 (6)	3
B	29,000	29,000 (2)	14,500 (5)	9,667	2
C	17,000	17,000 (4)	8,500		1
D	13,000	13,000			0

TOTAL 100,000

Seats allocated using modified Sainte-Laguë divisors of 1.4, 3, 5, 7, etc.

Party	Votes				Total seats
	(v)	v/1.4	v/3	V/5	
A	41,000	29,286 (1)	13,667 (3)	8,200	2
B	29,000	20,714 (2)	9,667 (5)	5,800	2
C	17,000	12,143 (4)	5,667		1
D	13,000	9,286 (6)			1

TOTAL 100,000

*Note:* The order in which seats are awarded sequentially to parties is indicated by the numbers in parentheses.

<sup>134</sup> from Appendix A of *Electoral Systems and Party Systems* by Arend Lijphart

Appendix II Notional Allocation of Seats

Table 1 European Parliament

**Notional allocation of seats on basis of 1997 General Election results by Electoral Region**

	Con	Lab	LD	SNP/PC	Other	Total
<b>% of votes</b>						
East Midlands	34.9%	47.8%	13.6%	..	3.7%	100.0%
Eastern	39.5%	38.6%	17.1%	..	4.8%	100.0%
London	31.2%	49.5%	14.6%	..	4.7%	100.0%
North East	19.8%	64.0%	12.6%	..	3.6%	100.0%
North West	27.6%	53.6%	14.5%	..	4.4%	100.0%
South East	41.9%	29.1%	23.3%	..	5.7%	100.0%
South West	36.7%	26.4%	31.3%	..	5.5%	100.0%
West Midlands	33.7%	47.0%	13.8%	..	5.5%	100.0%
Yorkshire & The Humber	28.0%	51.9%	16.0%	..	4.1%	100.0%
England	33.7%	43.5%	17.9%	..	4.8%	100.0%
Wales	19.6%	54.7%	12.4%	9.9%	3.4%	100.0%
Scotland	17.5%	45.6%	13.0%	22.1%	1.9%	100.0%
Great Britain	31.5%	44.3%	17.2%	2.6%	4.5%	100.0%
<b>Seats won under proposed system</b>						
East Midlands	2	3	1	0	0	6
Eastern	4	3	1	0	0	8
London	3	6	1	0	0	10
North East	1	3	0	0	0	4
North West	3	6	1	0	0	10
South East	5	3	3	0	0	11
South West	3	2	2	0	0	7
West Midlands	3	4	1	0	0	8
Yorkshire & The Humber	2	4	1	0	0	7
England	26	34	11	0	0	71
Wales	1	4	0	0	0	5
Scotland	1	4	1	2	0	8
Great Britain	28	42	12	2	0	84
<b>Share of seats (%)</b>						
England	37%	48%	15%	0%	0%	100%
Wales	20%	80%	0%	0%	0%	100%
Scotland	13%	50%	13%	25%	0%	100%
Great Britain	33%	50%	14%	2%	0%	100%

Sources: House of Commons Library Elections Data on disk

# Research Paper 98/47

Table 2

Scottish Parliament under AMS assuming 1997 general election result (a)

	Con	Lab	LDem	SNP	Other	Total
<i>Votes cast:</i>						
Central Scotland	41,583	236,667	20,624	93,291	6,527	398,692
Glasgow	27,366	193,427	23,352	61,633	14,677	320,455
Highlands and Islands	37,206	61,974	63,362	61,189	5,421	229,152
Lothians	73,363	175,354	56,957	70,353	5,719	381,746
Mid Scotland and Fife	77,495	146,988	46,436	92,901	3,660	367,480
North East Scotland	82,079	113,021	69,164	95,503	6,362	366,129
South of Scotland	86,769	166,354	51,312	73,110	6,147	383,692
West of Scotland	67,198	189,565	34,155	73,570	4,914	369,402
<b>Scotland</b>	<b>493,059</b>	<b>1,283,350</b>	<b>365,362</b>	<b>621,550</b>	<b>53,427</b>	<b>2,816,748</b>
<i>Seats won on first-past-the-post basis:</i>						
Central Scotland	0	10	0	0	0	10
Glasgow	0	10	0	0	0	10
Highlands and Islands (b)	0	2	5	1	0	8
Lothians	0	8	1	0	0	9
Mid Scotland and Fife	0	6	1	2	0	9
North East Scotland	0	5	2	2	0	9
South of Scotland	0	6	2	1	0	9
West of Scotland	0	9	0	0	0	9
<b>Scotland</b>	<b>0</b>	<b>56</b>	<b>11</b>	<b>6</b>	<b>0</b>	<b>73</b>
<i>Seats won on additional basis:</i>						
Central Scotland	2	1	0	4	0	7
Glasgow	1	2	1	3	0	7
Highlands and Islands	2	2	0	3	0	7
Lothians	3	0	1	3	0	7
Mid Scotland and Fife	3	1	1	2	0	7
North East Scotland	4	0	1	2	0	7
South of Scotland	4	1	0	2	0	7
West of Scotland	3	0	1	3	0	7
<b>Scotland</b>	<b>22</b>	<b>7</b>	<b>5</b>	<b>22</b>	<b>0</b>	<b>56</b>
<i>Total seats won:</i>						
Central Scotland	2	11	0	4	0	17
Glasgow	1	12	1	3	0	17
Highlands and Islands (b)	2	4	5	4	0	15
Lothians	3	8	2	3	0	16
Mid Scotland and Fife	3	7	2	4	0	16
North East Scotland	4	5	3	4	0	16
South of Scotland	4	7	2	3	0	16
West of Scotland	3	9	1	3	0	16
<b>Scotland</b>	<b>22</b>	<b>63</b>	<b>16</b>	<b>28</b>	<b>0</b>	<b>129</b>
Share of seats	17.1%	48.8%	12.4%	21.7%	0.0%	100.0%
Share of votes	17.5%	45.6%	13.0%	22.1%	1.9%	100.0%
Seats if exactly proportionate	23	59	17	28	2 (d)	129
<i>Change from current system</i>	<i>1</i>	<i>-4</i>	<i>1</i>	<i>0</i>	<i>2</i>	<i>0</i>
<b>Deviation from Proportionality (c):</b>	<b>2.8%</b>					

Notes: (a) assumes votes cast in both first-past-the-post and additional member sections were as in 1997 general election (no other constituency-level data available on which to base estimates); uses d'Hondt system.

(b) assumes both Orkney and Shetland won by LDem in first-past-the-post section.

(c) calculated as the sum of the difference between each party's % of seats and % of votes (divided by 2); in an electoral system where each party received exactly the same share of seats as votes, this would be zero.

(d) the Referendum Party would have won 1 seat, but many small parties would not be entitled to any seats, even in a strictly proportionate system (the quota at the last General Election would have been 21,800 -- votes cast divided by 129 seats plus 1).

Sources: House of Commons Library Elections database & Rallings and Thrasher *Britain Votes 6*

Boundary Commission for Scotland *Second Supplementary Report of the European Parliamentary Constituencies* (Cm 3289)



Table 3

Welsh Assembly under AMS assuming 1997 general election result results

	Con	Lab	LDem	PC	Other	Total
<i>Votes cast:</i>						
North Wales	85,554	166,144	41,517	49,904	10,765	353,884
Mid & West Wales	63,769	116,151	56,479	61,777	9,378	307,554
South Wales West	42,178	184,464	30,090	15,969	8,313	281,014
South Wales Central	70,502	201,900	41,037	19,382	14,615	347,436
South Wales East	55,142	218,276	30,897	13,998	11,861	330,174
<b>Wales</b>	<b>317,145</b>	<b>886,935</b>	<b>200,020</b>	<b>161,030</b>	<b>54,932</b>	<b>1,620,062</b>
<i>Seats won on first-past-the-post basis:</i>						
North Wales	0	7	0	2	0	9
Mid & West Wales	0	4	2	2	0	8
South Wales West	0	7	0	0	0	7
South Wales Central	0	8	0	0	0	8
South Wales East	0	8	0	0	0	8
<b>Wales</b>	<b>0</b>	<b>34</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>40</b>
<i>Seats won on additional basis:</i>						
North Wales	3	0	1	0	0	4
Mid & West Wales	3	1	0	0	0	4
South Wales West	2	1	1	0	0	4
South Wales Central	3	0	1	0	0	4
South Wales East	2	1	1	0	0	4
<b>Wales</b>	<b>13</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>20</b>
<i>Total seats won:</i>						
North Wales	3	7	1	2	0	13
Mid & West Wales	3	5	2	2	0	12
South Wales West	2	8	1	0	0	11
South Wales Central	3	8	1	0	0	12
South Wales East	2	9	1	0	0	12
<b>Wales</b>	<b>13</b>	<b>37</b>	<b>6</b>	<b>4</b>	<b>0</b>	<b>60</b>
Share of seats (%)	21.7%	61.7%	10.0%	6.7%	0.0%	100.0%
Share of votes (%)	19.6%	54.7%	12.3%	9.9%	3.4%	100.0%
Seats if exactly proportionate	12	33	7	6	2 (c)	60
<i>Change from current system</i>	<i>-1</i>	<i>-4</i>	<i>1</i>	<i>2</i>	<i>2</i>	<i>0</i>
<b>Index of Proportionality (b)</b>	<b>91.0</b>					

Notes: (a) assumes votes cast in both first-past-the-post and additional member sections were as in 1997 general election (no other constituency-level data available on which to base estimates).

(b) calculated as 100 minus the sum of the difference between each party's % of seats and % of votes (divided by 2); in an electoral system where each party received exactly the same share of seats as votes, the index would equal 100.

(c) the Referendum Party would have won 1 and possibly 2 seats, but many small parties would not be entitled to any seats, even in a strictly proportionate system (the quota at the last General Election would have been just under 27,000 votes (votes cast divided by 60 seats, plus one).

Sources: House of Commons Library Elections database  
"A Voice for Wales" (Cm 3718), Annex C