

Report of the Independent Commission on the Voting System: Volume 2

Submissions from political parties / fora

Conservative Party

Conservative Party Submission
to the
Independent Commission on
Voting Systems

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Summary

The case for keeping our current electoral system is compelling.

First, it is *accountable*: the electorate can remove the governing party if it no longer retains their confidence. This verdict is, under the British system, decisive: an unpopular government cannot be kept in office by a minor party against the will of the people.

Second, it promotes *stable government* by avoiding coalitions and preventing minor parties from bringing down an administration. It also tends to give the governing party a working majority in the House of Commons, allowing it safely to run the course of a Parliament.

Third, it is *fair*. The most popular party almost always gets a majority in the House of Commons and then goes on to form a government; it cannot be kept out of office by minor parties. First past the post also ensures that the most popular candidate in a constituency is elected; he cannot be beaten by an opponent on the basis of fourth, fifth or even lower preferences.

Indeed, the British system meets the Government's own four criteria - of broad proportionality, voter choice, the need for stable government and the constituency link - much better than the alternatives.

We should not change a system which works so well.

1. Introduction

- 1.1 The Government intends to hold a referendum on the method used to elect Members of Parliament (MPs). Voters will be asked to choose between the current 'first past the post' system and a single alternative.
- 1.2 This alternative will be chosen by the Independent Commission on Voting Systems, which began work earlier this year and is to report within twelve months. Its membership was announced in December.
- 1.3 Its terms of reference were published on the same day:

‘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 MPs and geographical constituencies’ (Home Office Press Release 346/97, December 1st 1997).

- 1.4 The Conservative Party is submitting this paper to the Commission to aid its deliberations. We outline the case for first past the post and argue that it meets the criteria set down by the Government better than the alternatives. The Commission must consider our current electoral system, and its many advantages, if it is to make a fair assessment.

2. The Case for First Past the Post

2.1 Introduction

2.1.1 There is a compelling case for our current electoral system, which

- (i) promotes accountability at both constituency and national level;
- (ii) provides for stable and effective government;
- (iii) helps expose MPs and parties to a range of interests;
- (iv) produces fair results both at constituency and national level; and
- (v) is easy to understand and transparent in its operation.

2.2 Accountable

2.2.1 Our current arrangements promote accountability at both national and constituency level.

2.2.2 *Accountability of the governing party.* The electorate can remove the government if it no longer retains their confidence. This verdict is, under the British system, decisive: an unpopular administration is very rarely kept in office by a minor party against the will of the people.

2.2.3 This is a vital requirement of any electoral system. A democracy must, if nothing else, give the people the right to remove an unpopular government. Without such accountability there is no guarantee that ministers would further the interests of the governed - nor any incentive for an unpopular party to reconnect with the people and provide an attractive alternative to the incumbent at the next election. Under the British system, parties have to be sensitive to the public mood if they are to survive.

2.2.4 *Accountability of Members.* MPs are representatives rather than delegates: they are entitled, if not obliged, to use their own judgement once elected. This approach is of great benefit, but it is equally important that MPs are accountable to their constituents for the decisions they have made.

2.2.5 The British system provides a clear chain of accountability from an individual MP to his constituents: the electorate can vote directly to remove him if they wish at the next election. Moreover, in being the sole representative for his constituency, an MP cannot avoid responsibility for any issue that Parliament may be dealing with.

2.3 Stable and effective

2.3.1 The principal role of the House of Commons once elected is to provide an administration that it will support but also hold to account. To do this effectively, all opinion must be considered - but this is not compatible with the idea that all shades of opinion should be represented in government.

2.3.2 In avoiding coalitions, the British system promotes stable government: minor parties are prevented from bringing down an administration and extremist groups are marginalised. It also tends to give the governing party a working majority in the House of Commons, allowing it safely to run the course of a Parliament.

2.3.3 Governments can get their business through the House of Commons, as the winning party tends to enjoy a healthy majority. First past the post is thus conducive to effective government and, subject to the normal rigours of parliamentary scrutiny, means that the victorious party can implement its manifesto commitments.

2.4 Representative

2.4.1 The British system ensures that both parties and MPs govern in the interests of all the people.

2.4.2 *Political parties.* To win a general election, a political party must seek the widest possible support; it cannot hope to win seats by promoting a narrow, sectional viewpoint (as happens in much of Europe). Accordingly, each party presents to the voter what it regards as a fair settlement between competing interests.

2.4.3 *Members of Parliament.* Under our current arrangements, an MP is exposed to a broad range of views and does not just speak for his party. As the sole representative for an area, he must seek redress for all manner of grievances and take into account the concerns and views of every constituent. Consequently, an MP is encouraged to fulfil the basic requirement of any political system: the reconciliation of a wide variety of interests.

2.5 Equitable

2.5.1 Parliamentary elections serve two purposes: (i) the choice of a governing party and (ii) the selection of a constituency representative. The British system is the most likely to bring about an equitable outcome in each case.

2.5.2 *Governing party.* Under the British system, the most popular party almost always gets a majority in the House of Commons and then goes on to form a government. The only exception for a generation was in February 1974 - and, even then, a subsequent poll was held eight months later. Under proportional systems, the most popular party would only be in government if minor parties decided to form a coalition with it.

2.5.3 *Constituency representative.* First past the post ensures that the most popular candidate in a constituency is elected. There is no possibility that he could be beaten by an opponent on the basis of second, third, fourth or even lower preferences.

2.6 Straightforward

2.6.1 The act of voting is straightforward under the British system: an elector need only indicate his preferred candidate. This cuts down the number of invalid votes and, moreover, there is no danger that supporting a candidate might harm his chances of being elected (which can happen under alternative systems).¹

2.6.2 First past the post is transparent: it produces a clear winner in a way that everyone understands. The electorate can easily see how votes are translated into seats and, consequently, how a party is able to form the next government. Democracy is seen to be done.

¹ Figures from the International Parliamentary Union show that only one in a thousand votes were spoilt at the 1992 General Election - by far the lowest figure in Europe.

3. The Government's Criteria

3.1 Introduction

3.1.1 The Government has set down four criteria for an electoral system:

- (i) the requirement for broad proportionality;
- (ii) an extension of voter choice;
- (iii) the need for stable government; and
- (iv) the maintenance of a link between MPs and geographical constituencies.

3.1.2 The evidence suggests that the British system fulfils these criteria better than any other system.² Accordingly, we urge the Commission to report to the Government in these terms and, consequently, to recommend that no referendum be held.

3.2 Broad proportionality

3.2.1 We are fortunate to enjoy a parliamentary form of government, which promotes ministerial accountability and avoids 'gridlock' between the executive and legislature. This system does, however, require elections to the House of Commons to fulfil two functions: the choice of both a constituency representative and a governing party. The question of proportionality arises only in relation to the second of these choices.

² An annex to this paper gives a brief description of the alternatives.

3.2.2 Neither the French (second ballot) nor Australian (alternative vote) systems are meant to allocate seats according to each party's share of the vote. They are not types of proportional representation (PR).

3.2.3 Indeed, either system would have produced a much larger disparity between a party's share of the vote and its representation in the House of Commons at the last general election, leaving insufficient members to sustain effective opposition in Parliament.

3.2.4 A study by Democratic Audit has shown that the Australian System would have skewed the distribution of seats heavily, increasing the Government's majority from 179 to 213.³ Labour would have received 68·0 per cent of the seats on 44·3 per cent of the vote; the Conservatives would have got 17·2 per cent of the seats on 31·5 per cent of the vote.

	<i>Conservative</i>	<i>Labour</i>	<i>Liberal Democrat</i>
<i>British</i>	165	419	46
<i>Australian</i>	110	436	84

3.2.5 John Curtice and Michael Steed reached similar conclusions, except that the Conservative Party would have received only 16·1 per cent of the seats for its 31·5 per cent of the vote.⁴

³ *Making Votes Count*, Democratic Audit, University of Essex, 1997. The study was based upon two ICM surveys carried out at the last two elections, each of almost 10,000 people.

⁴ Appendix 2 of *The British General Election of 1997*, Butler and Kavanagh, Macmillan, 1997.

	<i>Conservative</i>	<i>Labour</i>	<i>Liberal Democrat</i>
<i>British</i>	165	419	46
<i>Australian</i>	103	436	91

3.2.6 The German (additional member), Irish (single transferable vote) and Israeli (list) systems are types of PR: they are meant to allocate seats according to each party's share of the vote. However, this does not guarantee a proportionate share of power or influence - indeed, quite the opposite is likely to happen.

3.2.7 A proportional allocation of seats typically excludes a working majority for the most popular party. In the UK, the highest share of the vote achieved by any party since the War is 49.7 per cent (and that was in 1955); none has won more than 43.9 per cent of the vote since 1970. Coalition government is therefore almost inevitable under PR.

3.2.8 Consequently, minor parties would be necessary to form an administration and would exercise a degree of power quite disproportionate to their share of the vote. In Germany, the Free Democrats have almost always been in office since the War and, furthermore, have been able to decide which of the major parties formed a government. This can mean that the largest party, either in terms of its vote or seats, is excluded from office.

3.2.9 There are widely accepted measures of disproportionality, which usually compare a party's share of the vote with the number of seats it has in the legislature. However, they could also compare a party's share of the vote with the amount of time it has been in office and measure what really matters: proportionality of *power* rather than *seats*. This would show that the British system is more proportional than the alternatives.

3.3 Extension of Voter Choice

- 3.3.1 Voters make a dual choice at a General Election, indicating a preference for both a constituency representative and a governing party.
- 3.3.2 *Choosing a governing party.* The British system typically gives the party with most votes a working majority in the House of Commons, enhancing voter choice by offering the electorate real alternatives.
- 3.3.3 The French and Australian systems have a tendency to penalise unpopular parties as much as rewarding popular ones, making it more difficult for them to mount effective opposition and offer a realistic alternative at the next election. For this reason, neither system promotes voter choice.
- 3.3.4 Under PR, a political party could rarely form a government on its own. General elections would not therefore offer any genuine choice to the electorate. Politicians, rather than voters, would make the real decisions as they negotiate to form a governing coalition. In 1982, the Free Democrats in Germany decided to switch their support from the SPD to the CDU - thereby changing the complexion of the government. Moreover, minor parties become indispensable to the governing party, whichever it is, and cannot be removed from office by voters at the next election.
- 3.3.5 *Choosing a constituency representative.* Under the British system, the most popular candidate in each constituency is elected.
- 3.3.6 Proponents of the French and Australian systems argue that a candidate should only be elected if he has the support of more than half of the electorate in his constituency. Yet, despite the claims of their supporters, neither of these 'majoritarian' systems can actually guarantee an overall majority for the winning candidate. Only the electorate can do that.

- 3.3.7 Indeed, the French system cannot even purport to yield an overall majority unless all but the two most highly placed candidates are eliminated after the first round. Yet, even then, the overall majority is contrived: it is achieved only by preventing a free choice of candidates in the second round. For it is precisely *because* no candidate commands over half of the votes in the first, open contest that a further, restricted ballot is required.
- 3.3.8 Followers of the Australian system also claim that it guarantees an overall majority for the winning candidate and, in addition, point out that it avoids a second ballot by allowing the electorate to rank candidates in order of preference.
- 3.3.9 Yet it is again misleading to say that the winning candidate is always supported by a majority of those voting. For, as with its French counterpart, the Australian system can only guarantee an overall majority of votes for the winner at a later stage - once all but one of his opponents have been eliminated.
- 3.3.10 The Australian system differs from that used in France only in the method used to choose the final two candidates: it reallocates preferences from others standing for election, rather than requiring a further round of voting. Yet this process does not legitimise the final contest, as it equates first preferences with fourth, fifth or even lower placed preferences. This is why the Representation of the People Bill, in 1931, and the Plant Commission, in 1993, only gave voters two preferences. But even then first and second preferences are treated as of equivalent value and, moreover, the chances of achieving the contrived overall majority are much reduced.
- 3.3.11 The British system also passes the fundamental test for any electoral system: voting for a candidate increases his chances of winning and cannot make it more difficult for him to get elected. First past the post is 'monotonic'.

3.3.12 Some electoral systems are not: it is possible to harm a candidate's chances of winning by voting for him, rather than trying to secure a weak opponent for him to face in later rounds. Worse, it is impossible for an individual to calculate how to vote tactically to further that candidate's election. Such systems are inimical to voter choice.

3.3.13 Voting arrangements cease to be monotonic as soon as they eliminate candidates as part of the process of election. For it may then make sense to vote tactically, supporting an opponent whom one's favoured candidate could beat in a later round. Consider a hypothetical election held under the French system.

	Genuine Voting		Tactical Voting	
	<i>Round One</i>	<i>Round Two</i>	<i>Round One</i>	<i>Round Two</i>
<i>Candidate A</i>	60,000	70,000	54,000	74,000
<i>Candidate B</i>	45,000	75,000	45,000	x
<i>Candidate C</i>	40,000	x	46,000	71,000

3.3.14 In the first case, individuals always vote for the candidate they prefer. As nobody receives an overall majority in the first round, C is eliminated and a further contest is held between A and B. The latter wins, as most voters who previously supported C transfer their allegiance to him.

3.3.15 In the second case, most of the electorate continues to vote for their favourite candidate. Some, however, vote tactically: 6,000 who really support A instead cast their ballot for C to ensure that he goes through to the second round, where he will lose.

3.3.16 The Australian system also includes a process of elimination, which can encourage tactical voting - supporting an opponent whom one's favoured candidate could beat in a later round. The Australian system is not, therefore, monotonic and fails to promote voter choice.

3.3.17 Although more than one candidate is elected under the Irish system, the principle is very similar. The process of elimination means it possible to harm a candidate's chances by supporting him, rather than by voting for an opponent whom he could more easily beat in a later round. The Irish system is therefore also inimical to voter choice.

3.3.18 Under the Israeli system, votes are cast for a party rather than a candidate, transferring power from the voter to the politician. At the extreme, closed lists transfer an enormous amount of power away from the individual voter and local party members. Although the Conservative Party would open up the selection process to its membership, we strongly prefer an open system under which all voters could influence the order of candidates on the lists.

3.3.19 Many of these criticisms also apply to the German system. Although the Hansard variant ensures that 'top-up' members have been selected by a local association rather than appointed by the party hierarchy, the electorate have rejected them. In addition, the order of the list is arbitrary as a candidate's share of the vote depends upon the number of opponents he faced.

3.4 Need for Stable Government

3.4.1 The British system provides for stable government as it typically gives a working majority to a single political party. There has been only occasion since the War, in February 1974, when this failed to happen.

3.4.2 In contrast, PR tends not to grant a working majority to any political party. Coalition government is almost inevitable and, as the record of other countries shows, runs counter to stable government. It is well known, for instance, that PR contributed to the instability of governments in the French Fourth Republic (which is why it was replaced in 1958).

- 3.4.3 Italy has also moved away from PR. A referendum in April 1993 showed widespread discontent with the previous system after years of unstable government. The country had experienced over fifty governments since the War (one lasting only twelve days). The minor parties knew they would be included in any coalition and therefore behaved irresponsibly, bringing down governments at will.
- 3.4.4 In October 1996, New Zealand held its first elections under a form of PR, the 'Mixed Member Proportional' (MMP) system, similar to the arrangements in Germany. The people had to wait over two months for a government to be formed, during which time at least one political party switched its allegiance. A recent study showed that, one year on, 82 per cent of the electorate were dissatisfied with the coalition government which MMP had given them. 60 per cent said they wanted to return to the British system.⁵

3.5 Constituency Link

- 3.5.1 Each voter should have a single MP who is responsible for dealing with his grievances. This enhances accountability and ensures that an MP responds to the widest possible range of interests. Regular contact with constituents is vital if he is to keep in touch with public opinion as a whole and understand the needs of real people.
- 3.5.2 The British system is the only one which provides a direct one-to-one link between an MP and a constituency.

⁵ Quoted in *Westminster Forum*, page 3, December 1997.

- 3.5.3 Any form of PR must break this connection. Parties inevitably accumulate large majorities in certain seats under any electoral system that retains single member constituencies. As soon as this occurs, a party's representation in Parliament diverges from its share of the vote.
- 3.5.4 Although the German system preserves constituencies for some MPs, they are very large. In addition, the additional members would be elected from a national or regional list and have no connection to a constituency.
- 3.5.5 The creation of two classes of MP raises questions about their workload and remuneration. In addition, smaller parties have fewer constituency and more 'top-up' members; as a result, their MPs do not deal with constituency matters. This would insulate the smaller parties from public opinion and leave them with less work.
- 3.5.6 The Israeli system destroys the constituency link: all constituencies are abolished and replaced with a national list of candidates. Systems such as those used on the continent, and proposed by the Government in the European Parliamentary Elections Bill, create enormous, diverse regions - most of which are of little cultural or historical relevance. Moreover, electing a number of MPs from each region destroys the one-to-one relationship between a voter and his representative.
- 3.5.7 The Irish system also work on a regional, rather than constituency, basis and elects a number of MPs from each. Both factors destroy the one-to-one link between a representative and his constituency.

4. Conclusion

4.1 Criteria for Constitutional Reform

4.1.1 The Conservative Party does not oppose constitutional reform.

4.1.2 However, any such reform should:

- (i) resolve an identified problem with the current arrangements;
- (ii) form part of a consistent and balanced approach to the constitution;
- (iii) create institutions that can deal with the worst-case scenario; and
- (iv) reflect a consensus among the major political parties.

4.1.3 *Clear improvement to resolve an identified problem.* Reform is appropriate only when existing arrangements are plainly inadequate: that is, it should address a clearly identified problem. The Government has yet to explain what is wrong with our current electoral system.

4.1.4 Any new system is bound to have drawbacks. Moreover, the supposed improvement should be of sufficient magnitude to justify the risk inherent in any change. As it is impossible to predict the effects of reform, caution and restraint must be shown when modifying our system of government.

4.1.5 *Consistent and balanced approach.* Changing one part of our political process inevitably affects other aspects. Any reform of our constitution should therefore consider our system of government as a whole: what sort of politics are we trying to encourage? Altering the electoral system would have profound consequences for other institutions: coalition government might, for instance, place unbearable pressure upon the monarch's role in appointing the Prime Minister.

- 4.1.6 *Dealing with the worst-case scenario.* A political system, and the institutions that comprise it, should be judged by their ability to cope with difficult times. Indeed, the fundamental test of any political system is whether it is able to diffuse conflict and deal with crises. To illustrate: coalition government makes it hard to remove minor parties from office even if there is overwhelming demand in the country.
- 4.1.7 *Supported by a cross-party consensus.* The flexible and evolutionary nature of our constitution carries with it a responsibility to introduce reform on the basis of the national, rather than the party, interest. The best way to ensure this happens is to change our system of government only when there is all-party agreement.
- 4.1.8 None of the proposed alternative electoral systems meet these criteria.

4.2 Introducing Constitutional Reform

- 4.2.1 If a referendum on the voting system is to be held, it should be after a due process of reflection. If the Commission believes that twelve months is an inadequate period for deliberation, it should be allowed to defer its recommendations. Reform should be carefully thought out.
- 4.2.2 If the Commission recommends a change in the electoral system, a bill should be introduced to provide for it. The Attlee Convention must be followed, under which legislation of first class constitutional importance is dealt with on the floor of the House of Commons. An unwritten constitution has no safeguard other than the careful scrutiny of proposed change by every Member of Parliament.
- 4.2.3 Following the precedent of the Scotland Act 1978 and the Wales Act 1978, the referendum should be held *after* the Bill has received Royal Assent. The legislation would then come into effect if, and only if, that were the settled will of the people.

- 4.2.4 Pre-legislative referendums, as provided for in the Referendums (Scotland and Wales) Act 1997 or Greater London Authority (Referendum) Act 1998, are a misuse of executive power. They do not allow the electorate to express their opinion on a fully formulated and debated proposal, but only to give broad approval to an issue. The opinion expressed can then be employed to stifle subsequent debate in Parliament on the detail and its consequences.
- 4.2.5 The effect of changing our electoral system must be subjected to full and open debate before the referendum is held, so that people can make an informed choice. There must be no question of the Government issuing material at public expense which is helpful to one side of the argument, as happened during last year's referendums. There should be a more even-handed approach, such as that followed in Northern Ireland this year (where a free postal communication was provided for each party).
- 4.2.6 The legislation should provide for a further referendum to be held after a specified period, perhaps ten years. For it is only then, with the benefit of hindsight, that the drawbacks of the new electoral system truly could be appreciated. This is why the legislation that introduced PR in New Zealand required a parliamentary review of the new arrangements by 2002.

4.3 The Commission's Deliberations

- 4.3.1 The Commission should have been allowed to draw up its own terms of reference. Current arrangements have allowed the Government to influence the outcome of the inquiry before it has even begun. It is not for a governing party to determine the rules of an independent inquiry in this way, merely in order to further its own political interest.
- 4.3.2 The Commission should be allowed to consider whether our existing system fulfils the objectives laid down in its terms of reference. It should also be

expanded to include a broader range of opinion, including some who are disposed towards retaining the present electoral system. The major political parties could also be asked to nominate individuals.

- 4.3.3 If the Commission's brief included fair consideration of the existing system, it would conclude that the four criteria - broad proportionality, voter choice, the need for stable government and the constituency link - are better satisfied by the present arrangements than any other. Consequently, no referendum should be held on the electoral system.

4.4 No Case for Reform

- 4.4.1 The Government's proposed reform of the electoral system fails to meet the four requirements for constitutional change outlined on pages 18-19. The existing system, first past the post, should be retained.
- 4.4.2 Changing the electoral system would have enormous implications for our system of government. Constitutional reform should be introduced to resolve an identified problem with the current arrangements and offer sufficient improvements to justify the risk involved in such change.
- 4.4.3 No such case has yet been made for reform.

Annex 1. Alternative Electoral Systems

A.1 Second Ballot – the French System

- A.1.1 Under the Second Ballot, a candidate must achieve an overall majority of votes cast if he is to win in the first round. If no candidate receives more than half of the votes, a further ballot is held at a later date.
- A.1.2 This system is used for elections in France. In presidential elections, only the two most highly placed candidates proceed to the second round; in legislative elections, any candidate supported by at least 12.5 per cent of the electorate may remain in the contest.
- A.1.3 The Second Ballot only guarantees the election of a candidate by an ‘overall majority’ if all but the two most highly placed candidates are eliminated after the first round.

A.2 Alternative Vote – the Australian System

- A.2.1 Under the Alternative Vote (AV), each candidate is awarded a number of votes equal to the first preferences he received. If he has more than half the total number of votes, he is elected and the count is over; if not, the candidate with fewest votes is eliminated and the second preferences on his ballot papers awarded to his opponents. This process continues until a candidate has more than half of the votes valid at that stage.
- A.2.2 AV is used for elections to both the federal Senate and House of Representatives in Australia. It was last recommended in this country by a Royal Commission in 1910 and by a Speaker’s Conference in 1916. The latter formed the basis of the

Representation of the People Bill, which would have introduced the Alternative Vote for the existing single member constituencies if it had not faced sustained criticism in Parliament.

- A.2.3 The original draft of the Representation of the People Bill in fact allowed voters only two preferences in 1931. The Plant Commission also recommended this practice in 1993, referring to the variant as the Supplementary Vote (SV). It will be used for electing the Mayor of London.

A.3 Lists – the Israeli System

- A.3.1 List systems, as used for elections to the Israeli Knesset, are the most straightforward way of achieving proportional representation. They are fundamentally different to our existing arrangements, as votes are cast for a party rather than an individual. Seats are then allocated to each party according to its share of the vote. Independent candidates are typically allowed to stand (and are effectively treated as one-man political parties).

- A.3.2 The Government intends to use regional lists to elect Members of the European Parliament (MEPs) in Great Britain.⁶ Constituencies will be replaced with much larger regions, each returning a number of MEPs. Seats will be allocated to each party in a way that reflected its share of the vote in that region, using the d'Hondt method described in the Bill:

‘The first seat shall be allocated to the party or individual candidate with the greatest number of votes. The second and subsequent votes shall be allocated in the same way, except that the number of votes given to a

party to which one or more seats have already been allocated shall be divided by the number of seats allocated plus one' (clause 1).

- A.3.3 The Bill will not allow the voter to express a preference for a particular candidate: that is, it provides for 'closed' lists. Each party will publish a list of candidates before the election, with the most highly placed names receiving any seats to which that party is entitled. The Government ruled out adopting an open list on March 9th 1998.

A.4 Additional Members – the German System

- A.4.1 The Additional Member System (AMS), used for elections to the German Bundestag, requires the election of two types of MP. The first are elected as now, by winning a simple majority of votes in a single-member constituency. The second are elected using a list system, but awarded to each party so that its *total* number of MPs reflects its share of the vote.

- A.4.2 Members of the Scottish Parliament (MSPs) and Members of the National Assembly for Wales (MNAWs) will be elected by this system. Each parliamentary seat will return a member to the devolved chamber, except that Orkney and Shetland will each be entitled to a member. 73 MSPs and 40 MNAWs will be elected in this fashion.

- A.4.3 Further 'top-up' members will be allocated from the current European constituencies, so that the *total* number of representatives a party has in each European seat reflects its share of the vote there. Seven MSPs will be returned by

⁶ Northern Ireland will continue to elect three MEPs by the Single Transferable Vote.

each of the eight Scottish constituencies and four MNAWs from each of the five Welsh seats.

- A.4.4 The system will also be used to elect the London Assembly. Fourteen members will be elected by a simple majority from very large constituencies, with the remaining eleven allocated such that each party's share of the vote across London matches its representation in the Assembly.
- A.4.5 There are two ways to calculate a party's share of the vote. One is simply to add up the votes won by each of its candidates in the constituencies. A different method is to be used in Scotland, Wales and London: voters will indicate their support for a political party in a separate ballot.
- A.4.6 This leaves scope for a party to stand under two different names, with the aim of winning more than its fair share of seats (by preventing its constituency seats being taken into account when additional members are allocated). The Government has acknowledged the potential for such abuse but, unable to resolve the conundrum, merely said that it is up to the political parties not to abuse the system.⁷
- A.4.7 The Government has decided to use the d'Hondt system to allocate these additional members. To ensure overall proportionality, constituency members are taken into account when applying the formula to each region.
- A.4.8 Under the Government's proposals, the additional members would be chosen from closed lists. Allowing the voter to indicate a preference for a particular candidate is the usual way to open up a list.

⁷ HC Deb, vol. 309, no. 146, March 25th 1998, col. 629

- A.4.9 The Hansard Society proposed a variant of AMS in 1976. Under their proposals, each list consists of those candidates who fail to get elected in a constituency. Their position on the list depends upon the share of the vote they received.

A.5 Single Transferable Vote – the Irish System

- A.5.1 The Single Transferable Vote (STV) requires the creation of large multi-member constituencies, in which voters number candidates in order of preference. To win, a candidate must receive a quota of votes.⁸ Once a candidate reaches the quota, any ‘surplus’ votes are redistributed according to the lower preferences marked on his or her ballot papers. If nobody reaches the quota at any point, the candidate with fewest votes is eliminated and his votes transferred.
- A.5.2 The Single Transferable Vote (STV) was last recommended for elections to the House of Commons by a Speaker’s Conference in 1916. Its findings led to the Representation of the People Bill, which would have introduced STV for the existing multi-member constituencies but, in the event, was subjected to enormous criticism in Parliament.
- A.5.3 Northern Ireland has used STV for local and European elections since the 1970s (and will adopt the system for elections to the new Assembly). STV is also used in the Republic for elections to the Dail.

⁸ The Droop Quota is normally used. If n is the number of members to be elected, and v the number of votes cast, the quota is set at $\frac{v}{n+1} + 1$. This is the lowest figure that ensures that no more than the required number of members are elected.