

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

Submissions from commentators

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The Rt Hon Lord Jenkins of Hillhead OM  
The Independent Commission on the Voting System  
6<sup>th</sup> floor  
Clive House  
Petty France  
London SW1H 9HD

28 May 1998

Dear Lord Jenkins

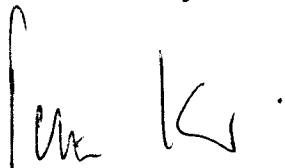
I appreciate that your commission will have received large numbers of submissions; I hesitate to add to your reading matter.

However, I have been following (and writing about) the debate over electoral reform for two decades. My approach - unlike, I suspect, that of the authors of some of the submissions you have received - is that there is no perfect, "one size fits all", voting system that can be applied in all circumstances. Rather, I believe that each of the main systems has both merits and drawbacks, and that the best system for one kind of election may be inappropriate for others.

I therefore submit the enclosed paper for your commission's consideration. Naturally I would be willing to expand on any of the points I make, in writing or in person, if this would help.

In any case, I look forward to meeting you again on 11 June at the lunch for journalists.

Yours sincerely



Peter Kellner

**SUBMISSION**  
**TO THE**  
**INDEPENDENT COMMISSION**  
**ON THE VOTING SYSTEM**

**Peter Kellner**

*28 May 1998*

## **1. The purpose of general elections**

### **1.1 General elections have a number of purposes:**

- to choose an executive
- to elect a legislature
- to choose MPs who will act on behalf of their constituents

1.2 These purposes are reflected in the Commission's terms of reference. The key point, however, is there is no single system that can be guaranteed to fulfil each purpose with complete precision. This is especially so in a parliamentary system, in which the executive is elected indirectly. Were the UK to adopt the French or US system of separation of powers, with separate votes for the executive and legislature, then the choice of voting system for the legislature would be (slightly) easier. However, such ideas are currently off the agenda. We must live with a situation in which a single vote contributes to the creation of both the executive and the legislature. This fact imposes the need for trade-offs among the various purposes of the election process.

1.3 The fact that trade-offs are inevitable means that honest democrats are liable to differ in their choice of voting systems, even if they agree on every piece of technical and historical evidence. Someone whose paramount objective is a clear-cut decision on who should govern the country will support a different system from someone whose overriding aim is the accurate reflection of votes in the distribution of parliamentary seats.

1.4 It follows that those who take part in the debate about voting systems should make clear their own priorities regarding the purpose of general elections. These are mine, in order:

- To choose a Government that commands the support of a majority of voters
- To ensure, as far as reasonably possible, stable government
- To ensure that all significant minorities have reasonable access to Parliament, without being able to exert disproportionate influence on the choice or operation of the executive
- To elect MPs who represent local constituencies and who command majority support from local voters.

1.5 (That list applies specifically to general elections. Other contests - for local councils, or the European Parliament, or for the new devolved institutions for London, Scotland, Wales and Northern Ireland - have different purposes. It follows that they may justify a different choice of voting system. Horses-for-courses is a better approach to follow than one-system-fits-all.)

## **2. First-past-the-post**

2.1 First-past-the-post enjoys a number of advantages. It normally produces stable governments; it also ensures a clear link between individual MPs and local constituencies of manageable size. (Multi-member-constituency voting systems, such as STV, may well have merit for small countries, such as Ireland, or for electing local councils in the UK; however were such a system to be introduced for UK general elections, the result would be constituencies that many would find unacceptably large.)

2.2 There are, however, three defects to FPTP, in terms of the four priorities outlined above:

- It does not ensure that the Government of the day enjoys majority support (although this point should not be overstated: see para 4.8 below)
- It is extremely harsh in its treatment of minority parties with geographically dispersed support
- It allows many MPs (301 in last year's general election) to be elected to Westminster with the support of less than half of all local voters.

## **3. Proportional voting systems**

3.1 There are, of course, significant differences among the various PR systems; however, the points made here relate to all of them (except where specific comments are made about particular systems).

3.2 PR, by definition, is designed to ensure a close relationship between votes cast and seats won. To achieve this end, it sacrifices - to a greater or lesser extent, depending on the system chosen - the link between MPs and local constituencies. The importance of this sacrifice depends on the view taken of the importance of the link.

3.3 However, there is a larger, philosophical defect with using PR for elections whose primary purpose is to decide who should form a national

government. Contrary to the claims made by its supporters, *PR offers no guarantee that it will lead to stable governments enjoying majority support*. There are three separate reasons to question this claim.

- a) PR normally requires coalition governments. Coalitions are less stable than single-party governments. Experience from abroad is mixed: PR leads to stability in some countries, instability in others. We cannot be sure whether PR would lead to instability in Britain. The likeliest prospect is that it would lead to stability in some eras, and instability in others, depending on the pattern of party formation and support. All that can be said in advance is that to switch to PR would be to take a risk with stability.
- b) The argument that PR leads to governments enjoying majority support is based on a logical fallacy: that support for party A on election day can be transferred to any coalition that party A chooses to join subsequently. Witness New Zealand's first election following its switch from FPTP to AMS. Winston Peters, the leader of New Zealand First, had declared beforehand that he would not join a National Party-led coalition. Yet that is precisely what he did. It is perverse to add together the votes won by both parties and count the total as "support" for the coalition government. In general, governments can be said to enjoy majority support only when (a) a single party wins more than 50% of the vote, or (b) the coalition partners make clear before polling day their intentions to work together afterwards. PR provides no guarantee that either condition will be met.
- c) The majority-government argument for PR is also based on an arithmetical fallacy. In both Malta and Ireland - the two countries employing STV - more than half the seats have been won from time to time by parties winning less than 50% of the vote. This is less likely to happen under AMS, but far from impossible - especially where thresholds operate. Germany's coming federal election may show this. If the FDP, Greens, neo-Nazis and ex-communists all fail to reach the 5% threshold, then it is possible that less than 85% of all votes cast will count towards the election of members of the new Bundestag. Either the SPD or CDU/CSU could win a majority with as little as 42% of the total vote.

3.4 A general point follows from this analysis. The only way to guarantee that a government commands majority support is to have separate elections for the executive and legislature. As long as we maintain a parliamentary system, in which Governments are formed from majorities within the legislature, then *no voting system will guarantee that an incoming Government enjoys an explicit majority among voters*.

#### 4. Alternative Vote

4.1 Given that no voting system is perfect, and that the choice of system involves trade-offs between different objectives, the Alternative Vote (AV) may be commended as the system that most closely fulfils the particular needs of UK general elections. (The same arguments apply to the Supplementary Vote, or SV, which may be regarded as a variant on AV. The purpose of this submission is not to arbitrate between AV and SV. This involves a separate discussion, which is best held if and when the principle of AV/SV is accepted.)

4.2 AV directly tackles two of the defects of FPTP.

- a) It reduces the handicap suffered by significant minority parties with widely dispersed support; in particular, AV would have ensured more MPs at all recent elections for the Liberal Democrats (and the SDP/Liberal Alliance in the Eighties, and the Liberals in the Seventies).
- b) By its very nature, AV ensures that all MPs command majority support within their constituencies.

4.3 At the same time, AV maintains the constituency link, and also facilitates the creation of stable governments. However, anyone who proposes AV for parliamentary elections must counter a number of criticisms.

A. “AV leads to majority governments that do not command the support of a majority of voters”

4.4 With AV, as FPTP, AMS and STV, there are circumstances in which this can happen. In practice, however, it is likely to happen only rarely.

4.5 At first sight, this may seem counter-intuitive. AV, like FPTP, would have produced a Labour government last year with a landslide majority, even though Labour won only 43% of the UK vote. So 57% voted “against” Labour. However, there can be little doubt that most voters wanted a Labour-led, rather than a Conservative-led government last May. At the beginning of the election campaign, and alongside its normal voting intention, Gallup asked: “If you had to choose, which would you prefer to see after the next election, a Conservative Government led by Mr Major or a Labour Government led by Mr Blair?”

4.6 Taking the whole sample (that is, including the ‘don’t knows’), this is what Gallup found:

	<i>Voting intention</i>	<i>Choice of govt</i>
	%	%
Labour	46	58
Conservative	27	32
Liberal Democrat	10	--
Other	5	--
		Neither
Don't know	11	4
		5
<i>Labour lead</i>	<i>19</i>	<i>26</i>

4.7 Other Gallup surveys before the campaign detected a similar pattern:

Labour's lead was even greater on the "choice of government" question than the voting intention question. It follows that FPTP and AV would, if nothing else, have given the majority of voters the government they preferred. No PR system could have given the same guarantee.

4.8 Unfortunately, Gallup only started asking its "choice of government" question after 1992. However, I think few political analysts - or honest politicians - would dispute the assertion that most voters wanted a Conservative-led, rather than a Labour-led, government at each of the four preceding elections. Any voting system that might have denied the Tories power in 1979, 1983, 1987 or 1992, would have risked contradicting the majority preference of the electorate. (I write this as someone who has never voted Conservative in his life.)

4.9 Nevertheless, there are some elections that may have produced the "wrong" victor under FPTP - that is consigned the preferred choice of a majority of voters to opposition. 1951 and February 1974 are two possible post-war examples. In both cases, the party that won the most seats, and subsequently formed the Government, won fewer votes than the party it defeated.

4.10 AV would have made the position no worse, and may have made it better. The reason is that AV is a preferential system. It rewards co-operation between parties by giving extra seats to those parties who can persuade their supporters to cast their second preferences for each other. In 1951 the Conservatives and Liberals enjoyed localised pacts on seats; had this been generalised into a mutual second-choice voting recommendation, then the outcome would almost certainly have been clear majority for a Churchill-led government.

4.11 February 1974 is harder to call. The Conservatives won more votes than Labour, but fewer seats. Both parties, however, won less than 40% of the votes cast. Under AV, the Liberals, who won 19% of the UK vote, would undoubtedly have (rightly) won significantly more than the 14 seats they



obtained under FPTP; however how many extra seats, and at whose expense, would have depended on the dynamics of an AV election. Had either of the main parties come to an arrangement with the Liberals, then the outcome would presumably have been some kind of post-election arrangement to work together. In this case, it would have been clear that the new Government commanded majority support, as it would have been based on the co-operation of two parties who had declared their mutual affinity before election day.

4.12 If, however, no such deal had been done, then it is likely that the Liberals would have won 50-80 seats, with the Conservatives suffering far more extra losses than Labour (see Michael Steed's analysis on page 328 of *The British General Election of February 1974* by David Butler and Dennis Kavanagh). This is because (a) the Liberals came a close second to far more Conservative than Labour MPs; and (b) the election results produced clear evidence of tactical voting designed to defeat the Conservatives.

4.13 In this situation - whereby most new Liberal MPs would have won seats from the Tories, and with the help of tactical Labour supporters - the most plausible outcome would have been some kind of Labour-led government with formal or tacit Liberal support. Moreover, such an outcome would probably have commanded majority public approval.

4.14 It may be argued that in this situation, AV would have conferred no advantage over AMS or STV. This is true; but neither would it have been *less* likely to produce a government commanding majority support. The argument here is that, on any reasonable set of assumptions, AV would have produced a majority-approved government in February 1974 - and at every post-war election.

B. "AV is not a 'broadly proportional' system, and would have produced an even more distorted result than FPTP in May 1997."

4.15 It is true that Labour's majority last year would have been greater under AV. This is because the Conservatives were profoundly unpopular, and many voters were willing to vote tactically against the Tories. AV would have accentuated this trend. So does AV fall at the 'broadly proportional' hurdle? I would argue not, for these reasons:

- a) At all recent elections, including last year's, AV would have given more seats to the Liberal Democrats (or their predecessor parties). AV, therefore, would have gone some way to correcting one of the worst features of FPTP.
- b) Last year's distortion was exceptional. At most elections, the outcome under AV would have been more proportional than FPTP, not less.

- c) AV is likely to produce the kind of distortion that occurred last year only when one of the two major parties is exceptionally unpopular. In such circumstances, the distortion will serve to reinforce the majority wish of the electorate. I cannot conceive of circumstances when AV-induced distortion would undermine the majority wish.
- d) In all closely-fought elections, AV would make it harder than FPTP for single parties to form majority governments; as the February 1974 example shows, AV would both promote a more proportional relation of votes to seats, and encourage parties to work together - and so increase the likelihood of a post-election government that could demonstrate explicit majority support.

4.16 In other words, AV may produce more distorted outcomes in some circumstances, but it survives the 'broadly proportional' test in the two senses in which it really matters: in the way it treats minority parties, and in the way it treats the main parties in a closely-fought election.

4.17 One further point may be added. As both the Home Secretary (on Breakfast With Frost, 26 April 1998) and the Conservative Party (submission to The Independent Commission, 21 May 1998) have argued, proportionality has a wider meaning than the translation of votes into seats. If a small party (such as Germany's FDP) consistently holds the balance, it may have its correct proportion *of seats*, but not *of power*.

4.18 One does not need to engage in a semantic dispute about the meaning of the word 'proportional' to recognise that an important issue arises. What is the appropriate role of significant minority parties in an election system that is designed to provide both a parliament and an executive? Under FPTP they are (normally) thrust to the margins of parliamentary life; under pure PR they are apt to wield executive-creating power that is disproportionate to their popularity. AV provides a balance between those two positions: reducing the huge bias against significant minority parties, but not giving them so much influence that they can thwart the majority's preferred choice of government following a clear-cut election.

### C. "AV is not monotonic."

4.19 This argument is advanced in the Conservative Party's submission (paras 3.3.11 - 3.3.15): "The British system.. passes the fundamental test for any electoral system: voting for a candidate increases his chance of winning and cannot make it more difficult for him to get elected. First past the post is 'monotonic'." The submission proceeds to give a theoretical example of how AV fails this test:

	<i>Genuine voting</i>		<i>Tactical voting</i>	
	<i>Round one</i>	<i>Round two</i>	<i>Round one</i>	<i>Round two</i>
Candidate A	60,000	70,000	54,000	74,000
Candidate B	45,000	75,000	45,000	x
Candidate C	40,000	x	46,000	71,000

In this example, if Candidate A maximises his round one support, he loses, whereas if 6,000 of his supporters vote tactically for Candidate C, he wins.

4.20 The arithmetic cannot be denied. However, further examination of this example shows how perilous such a tactical exercise would be. It depends on precise knowledge of the initial support of all three candidates. Suppose Candidate A's initial true support is 58,000, while that of Candidate C is 42,000. In that case, a tactical switch of 6,000 would end up giving C victory over A by 73,000 to 72,000.

4.21 The practical reality is that the kind of tactical exercise illustrated by the Conservative submission is far too hazardous to be implemented in a parliamentary election. Curiously, it stands a far better chance of working in elections for the Conservative party leader: first, because the electorate is smaller and its pattern of support easier to estimate; second because the amount of tactical switching is easier to control (it would be a matter of shifting, say, 10 votes tactically, not thousands); third because voting takes place in rounds, so votes "lent" tactically to another candidate in one round can be reclaimed in subsequent rounds. Were lack of monotonicity a real issue, the Conservatives would surely have abandoned its current system for electing its party leader. That they have not done so is an indicator of the weight that should be accorded to this particular criticism of AV.

## 5. Conclusion

5.1 The case for AV is not that it is the perfect voting system for all elections, but that it is the most appropriate system for UK general elections. This point might have emerged more clearly had the Commission been invited to consider all UK elections. A rational package of reform might well include STV for local government, AMS for devolved regional and national assemblies and AV for the House of Commons. Instead, the Commission has been asked to consider the House of Commons alone. It is when the particular functions of general elections are considered that - in my view - the balance of advantage shifts from more proportional systems to the Alternative Vote.

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28 May 1998

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10 July 1998

Dear Roy

First, many - albeit belated - thanks for such an enjoyable lunch at the Goring Hotel. I, and I think the other journalists, found it extremely useful; I hope you got something out of it too!

Second, I have been reflecting further about the issues you face, and would like to add the enclosed note as an addendum to my submission. It concerns top-up systems - whether AMS or AV-plus.

I hope you and your fellow commission members find that these added points are of some use.

With best wishes,

Peter Kellner

# EVIDENCE TO THE INDEPENDENT COMMISSION ON THE VOTING SYSTEM

## ADDENDUM

This note concerns some consequences of adopting AMS, or some other proportional “top-up” voting system, in a form in which only a minority of seats are allocated on a top-up basis.

According to the work done by the Democratic Audit team, using their surveys to “rerun” last year’s general election, 50-50 schemes (i.e. 50% local seats, 50% top-up) have an important property: both Conservative and Labour receive at least one top-up seat in each of the 18 regions analysed (see page 21 of “Making Votes Count” for AMS; the same conclusion may be inferred for AV-plus and SV-plus from the data on p14 of “Making Votes Count 2”).

This property ceases to apply to, say, a 75-25 scheme. Obviously, the details depend on how constituency boundaries are precisely drawn. However, it seems likely that a 75-25 scheme may well have given Labour no top-up seats last year in 13 of the 18 regions: the East and urban West Midlands, the urban North West, rest of NW, inner London, outer London, urban Yorkshire, North region, central Scotland, Scottish Highlands, south Scotland, South Wales, Mid & North Wales.

This factor introduces a potentially significant distortion into the electoral process. Imagine you are a Labour supporter in any of these 13 regions, anxious both to maximise Labour and minimise Conservative representation. Clearly you should vote Labour for your constituency MP. But there is no point in casting your second, top-up, vote for Labour, for it cannot help elect any more Labour MPs. If you wish to minimise Conservative representation, your rational course is to cast your second vote for the Liberal Democrats. Done on a large enough scale, this could deny the Conservatives many of the seats that they would otherwise win.

A notional example: imagine an area in which Labour commands 50% support, the Conservatives 30% and the Lib Dems 20%. The area elects 32 MPs - 24 for individual constituencies, 8 from a top-up list. Suppose that Labour wins 18 of the individual seats, the Conservatives 5 and the Lib Dems 1.

If all voters backed the same party in both the first (constituency) and second (list) vote, then Labour would win no extra seats (18 is already two more than its proportional entitlement), while the Conservatives would win 4 top-up seats (taking their total to 9) and the Lib Dems would also win 4 top-up seats (total 5). (This calculation assumes d’Hondt counting.)

However, were half of all Labour supporters to cast their second, list vote for the Lib Dems, then the Lib Dems would win all the top-up seats, giving them a total of 9 MPs, while the Conservatives would win no top-up seats, and remain with just 5 MPs - despite having many more "real" local supporters than the Lib Dems.

Would this happen in reality? Perhaps not everywhere. But in the urban Midlands and North, inner London, Scottish central belt and South Wales, I can see no rational reason why *any* Labour supporter should cast his or her second vote for Labour, for there is little chance in any election, other than a nationwide Labour melt-down, that Labour would win any top-up seats in these areas under a 75-25 system. As election day approaches, this is likely to become clear to a growing number of voters - not least because some journalists (!) are likely to point it out.

However, even if such tactical plumping were to be on a small scale, I wonder whether it would be wise to create a system that offered voters such perverse incentives.

Arithmetically, there is one way to reduce such tactical plumping: for voters to cast only one vote, and for this to count towards both the choice of local MP and the top-up. This, however, suffers two disadvantages. First, it would give the party machines total control over their top-up lists; second, it would not eliminate tactical plumping altogether. If you are a Labour voter in a strong Labour area, you might decide to vote Lib Dem, safe in the knowledge that Labour will win the local seat anyway. This would bolster the number of top-up Lib Dem MPs in your area; once again, you would help to reduce Tory representation below its "correct" proportional level.

As far as I can see, the only way AMS or AV-plus can avoid these distortions altogether is if there is a reasonable prospect that all three main parties will win top-up seats in all areas. This seems likely to happen under a 50-50 system, but will not do so if the proportion of constituency MPs rises significantly above 50%.

Peter Kellner  
10 July 1998

home

<b>Date:</b>	Fri, 10 Jul 1998 07:41:52 +0100
<b>To:</b>	votingcom@holis.demon.co.uk
<b>From:</b>	Peter Kellner <peter.kellner@btinternet.com>
<b>Subject:</b>	Message from Peter Kellner

Alternatives: 1 of 2: —
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Please find attached a letter to Lord Jenkins, plus a brief addendum to the evidence I submitted a few weeks ago. I hope this is of interest to the Commission.

I am also sending hard copy by snail-mail.

Peter Kellner

End: Alternatives

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