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Written Evidence to the Senedd Cymru Committee on Assembly Electoral Reform

1. My expertise is in electoral systems and administration. I have written widely on the introduction of the single transferable vote (STV) in Scotland and have recently given evidence on aspects of its operation to the Scottish parliament's Standards, Procedures and Public Appointments Committees (http://www.ncl.ac.uk/gps/staff/profile/alistairclark.html#background). In this evidence, I concentrate primarily on the potential implications of introducing STV. I write in a personal capacity.

Key Points

- Voter choice and proportionality should be the key factors guiding electoral system choice;
- STV is a highly democratic system which enhances choice and representation for voters;
- Scottish voters have adapted well to STV, using it in a similar way to voters elsewhere;
- STV is likely to require changes to party nomination and campaign strategies;
- STV may necessitate additional electoral administration requirements and costs;
- A public information campaign regarding any new STV system may be helpful for Welsh voters.

Principles

2. The Expert Panel set out 10 principles to guide electoral reform. These were: government accountability and effectiveness; proportionality; member accountability; equivalent status; diversity; voter choice; equivalent mandates; boundaries; simplicity; sustainability and adaptability.

3. These are all important principles. I would argue that voter choice and proportionality be foremost in informing such a choice. This should permit voting for individual candidates even within and beyond traditional party blocs. It should also ensure that the outcome is as close a representation of public opinion as possible.

4. It is important however to recognise the limits of what might be achieved by electoral systems. While they certainly structure political opportunities, they cannot, of themselves, guarantee particular outcomes.

5. Diversity is often held to be something that electoral systems can provide. Political parties are ultimately responsible for selecting their candidates. Research shows party selectorates reluctant to prioritise diversity in their selections. Careful design of aspects of the electoral system and electoral law are therefore crucial in focusing party minds on selecting diverse candidates. Both should place the onus firmly on political parties to select diverse candidates in winnable seats, for instance by setting quotas as recommended by the Expert Panel.

Implications of recommendations

6. The Expert Panel's preferred system was the single transferable vote (STV), with multi-member constituencies of between 4-6 members, allowing for between 80-90 members to be elected.

STV is highly rated by electoral systems experts.[1] Since it allows voters to rank all candidates on the ballot, rather than just choose parties, it is 'a highly democratic system'.[2]

7. There is a trade-off between the number of candidates to be elected in a constituency (the district magnitude) and proportionality. The fewer elected in a multi-member constituency, the lower the proportionality. In a four-member constituency, a candidate will need to get approximately 20% of the vote to be elected, for example. The higher the district magnitude therefore, the greater the proportionality.

8. The optimal district magnitude for achieving proportionality with STV is thought to be around 5-6.[3] Thus, the panel's recommendations should achieve a relatively proportional outcome. However, even with magnitudes of 3-4, STV in Scotland has led to relatively proportional outcomes as measured by standard political science indicators of proportionality.[4]

9. STV provides both proportionality, and direct links to constituency representatives. With multiple representatives, constituents arguably have greater access to representation under STV. STV was recommended in Scotland by the Renewing Local Democracy Working Group because it allowed for proportionality, a councillor-ward link, fair provision for independents, geographical diversity and a close fit between council wards and communities.[5]

Public Use and Voter Choice

10. Voters have handled STV well in Scotland. The key implication of STV for voters is that they are asked to rank candidates in order of preference. Thus, they are required to complete the ballot paper with numbers (1,2,3,4 etc) rather than with an X. Voters are reminded by polling station workers of this when handed their ballot, ballot papers have clear instructions on the top of them, and there have also been public information campaigns to inform voters.

11. The introduction of STV has increased voter choice at the local level in Scotland. Under the pre-2007 first-past-the-post system (FPTP), the average number of candidates standing in a local ward was just over three. The introduction of STV saw this rise sharply, more than doubling to just over seven candidates per ward between 2007 and 2017.[6]

12. There has been some suggestion in Scotland that STV is associated with poor turnout. While turnout can always be higher, local election turnout has not been driven by the introduction of STV, but whether local elections were held concurrently with those to a higher level of institution (Table 1). In 1999, 2003 and 2007, local elections coincided with those to the Scottish parliament. Consequently, turnout was higher. While the average local turnout for STV between 2007-2017 is slightly lower at 46.8 than that for FPTP between 1995-2003 at 51.2, this is accounted for by a particularly high interest election in 1999, the first election for the re-established Scottish parliament.

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[1] Bowler, S., Farrell, D. M. and Pettitt, R. T. (2005) 'Expert opinion on electoral systems: So which electoral system is "best"?', *Journal of Elections, Public Opinion and Parties*, 15, (1), pp.3-19.

[2] Farrell, D. M. (2011) *Electoral Systems: A Comparative Introduction 2e*, Basingstoke: Palgrave, p.151.

[3] Farrell, D. M. (2011).

[4] Clark, A. (2020) 'The Effects of Electoral Reform on Party Campaigns, Voters and Party Systems at the Local Level: From Single Member Plurality to the Single Transferable Vote in Scotland', Working Paper.

[5] Renewing Local Democracy Working Group (2000) *The Report of the Renewing Local Democracy Working Group,* Edinburgh: Scottish Executive.

[6] This section draws on the discussion in: Clark, A. (2020) 'The Effects of Electoral Reform on Party Campaigns, Voters and Party Systems at the Local Level: From Single Member Plurality to the Single Transferable Vote in Scotland', Working Paper.

Table 1: Turnout, Scottish Local Elections 1995-2017

	1995	1999	2003	2007	2012	2017
Electoral System	First Past the Post			Single Transferable Vote		
Turnout	44.9	59.4	49.2	53.8	39.7	46.9
Concurrent with elections to the Scottish Parliament	N	Y	Y	Y	N	N

13. The 2017 local turnout under STV of 46.9% compares well with both the 1995 figure of 44.9% under FPTP, and even the 2003 figure of 49.2% when local elections were concurrent with Scottish parliament elections. The equivalent turnout for English local elections in 2016 and 2017, held under FPTP, was 33.8% and 35.1% respectively.[7] Turnout under STV performs well by comparison, despite a supposedly complex electoral system.

14. STV has however seen an increase in the proportion of rejected ballots. Under FPTP in 1999 and 2003, the proportions were 0.59% and 0.77% respectively. This rose to 1.83% in 2007 under STV, 1.74% in 2012 and 1.95% in 2017. The vast majority of rejected ballots were because voters had failed to make their preferences clear, for example by marking two 1s or two Xs instead of a preference ranking. These figures compare with 1.83%, 1.33% and 1.16% of rejected ballots in the three Northern Ireland Assembly elections between 2011-2017 where the electorate have a longer history of using STV.[8]

15. Preference usage is a further indicator of how voters have used STV. Votes are counted even if the voter only uses one preference. The average number of preferences used in each round of STV elections has been around 3.[9] Figure 1 plots the percentage of voters using more than one preference in each round of STV elections. Second and third preferences have been used by increasing numbers of voters. While 78% used a second preference in 2007, this rose to 81% in 2012 and 85% in 2017. More than half have also used a third preference, with 54% doing so in 2007, 53% in 2012 and 60.6% in 2017. After three preferences however, usage falls sharply, even if a very small number of electors go all the way down to the bottom of their ballot paper. Nonetheless by 2017, the levels of preference usage in 2017 are generally higher than in the previous two rounds.

16. Scottish usage compares well with other STV systems. Northern Irish voters used an average of 3.4 preferences in their 2016 Assembly election, while in the Republic of Ireland voters tend to use between 3-4 preferences on average.[10]

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[7] Data for English local elections available at: https://www.electoralcommission.org.uk/our-work/our-research/electoral-data/electoral-data-files-and-reports [14/3/19].

[8] Data from The Electoral Office for Northern Ireland http://www.eoni.org.uk/Elections/Election-results-and-statistics/Election-results-and-statistics-2003-onwards [15/3/2019].

[9] Denver, D., Clark, A. and Bennie. L. (2009) 'Voter Reactions to a Preferential Ballot: The 2007 Scottish Local Elections', *Journal of Elections, Public Opinion and Parties,* 19, (3), pp265-282; Curtice, J. and Marsh, M. (2008) How Did They Vote? Voters Use of the STV Ballot Paper in the 2007 Scottish Local Elections', *Representation*, 44, (4), pp285-300; Bochel, H. and Denver, D. (2017) *Report on Scottish Council Elections 2017*, London: Electoral Commission.

[10] Ghose, K. (2017) 'Northern Ireland's voting system allows for a more diverse, open politics', *Electoral Reform Society Blog*, https://www.electoral-reform.org.uk/northern-irelands-voting-system-allows-for-a-more-diverse-

Figure 1: Preference Usage in STV Local Elections, 2007-2017[11]
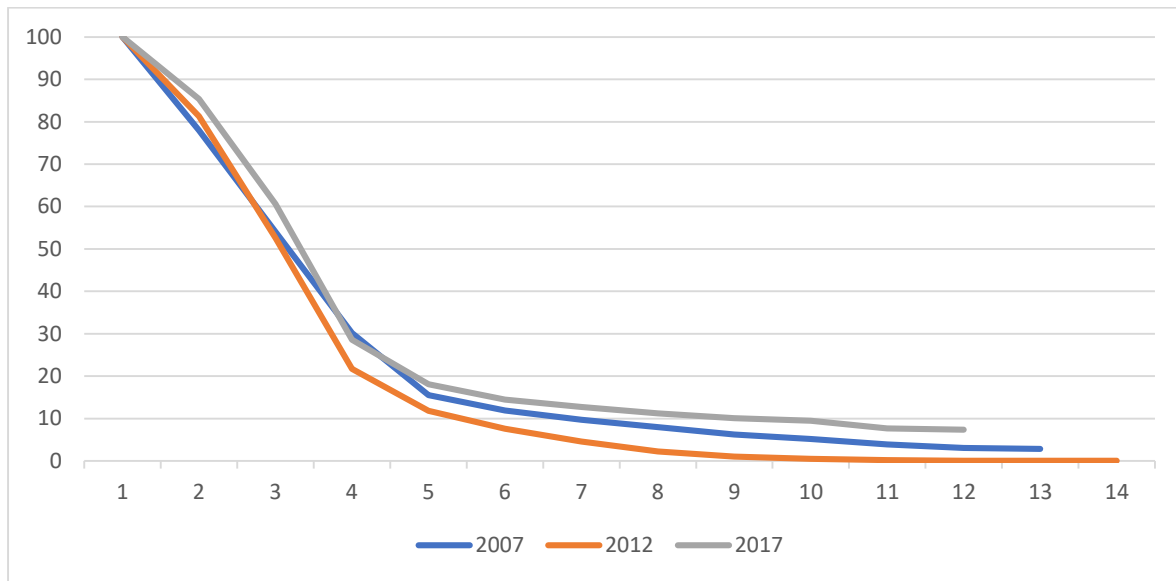
Implications for Political Parties

17. The introduction of STV has had implications for political parties. Although more candidates are standing in local wards, the reduction of wards from 1,222 to 353-354 larger wards has meant that parties have had to find fewer potential candidates in total to offer choice in the form of a single candidate in each ward. Overall candidate numbers fell by around 39% from 2003 under FPTP to 2017 under STV.[12]

18. There are fewer uncontested wards under STV. In 2003, 61 wards (5%) under FPTP went uncontested. In 2007 and 2012 under STV, there were no uncontested wards. While a small handful of wards were said to be uncontested in 2017, these still attracted as many nominations as there were seats.

19. The introduction of multi-member wards for STV has provided parties with an opportunity to offer more than one candidate in a ward where they might have the support to get more than one candidate elected. Typically, only larger parties have tended to adopt such a strategy. In 2007, the Labour Party offered teams of two or three candidates in 51% of wards. By 2012, the SNP offered two or more candidates in 69.6% of wards, with similar numbers seen in 2017. Smaller parties, or those normally opposed to electoral reform, have typically only offered one candidate per ward.

20. STV can require changes to local campaign strategy where parties offer teams of candidates. Scottish practice has been heavily influenced by experience with STV in both jurisdictions on the island of Ireland. This has seen constituencies or wards divided up between party candidates, with each

open-politics/ [7/10/2019]; Laver, M. (2004) 'Analysing structures of party preference in electronic voting data', *Party Politics,* 10(5), pp. 521–541.

[11] Data from: Denver, D., Clark, A. and Bennie. L. (2009) 'Voter Reactions to a Preferential Ballot: The 2007 Scottish Local Elections', *Journal of Elections, Public Opinion and Parties,* 19, (3), pp265-282; Clark, A. (2013) 'Second Time Lucky? The Continuing Adaptation of Parties and Voters to the Single Transferable Vote in Scotland', *Representation,* 49, (1), pp55-68; Bochel, H. and Denver, D. (2017) *Report on Scottish Council Elections 2017*, London: Electoral Commission.

[12] Clark, A. (2020) 'The Effects of Electoral Reform on Party Campaigns, Voters and Party Systems at the Local Level: From Single Member Plurality to the Single Transferable Vote in Scotland', Working Paper.

allocated a specific territory where they are deemed lead candidate. In campaign literature in that part of the ward, voters are advised to give a particular candidate their first preference vote, and any other party candidates their second or even third preference. In other areas that advice is reversed and the other candidate prioritised for first preferences.

21. The intention of dividing up wards in such a way when parties offer candidate teams is to try to maximise the number of candidates elected. The key is to ensure voters' preference transfers remain within the party, voters giving their second, and sometimes third, preferences to running mates of their first preference candidate.

22. There have been cases of intra-party conflict between candidates supposedly working as teams. A survey of Scottish local party organisations conducted in 2007 found that, aggregating all parties, 48 per cent of local party organisations indicated their candidates campaigned solely within agreed areas while 38 per cent indicated there had been a little campaigning outside agreed areas.[13]

23. Levels of preference transfer solidarity have generally been high. Voters are more likely to use more than one preference where candidates have party running mates. In 2007, between 49-70% of second preferences went to candidates from the same party as voters' first preference candidate. In 2012, levels of transfer solidarity were higher at around 69-77%.[14]

24. Candidates are placed alphabetically on the STV ballot paper. A tendency for alphabetical ballot paper effects has been noted in every round of STV elections, mainly by party candidates who may have lost out to party running mates ranked higher on the ballot paper because of their surname.[15] Parties have tried to combat this. For example, in 2012, the SNP allocated 60% of wards to candidates with lower-placed surnames, 40% to those with higher placed surnames.[16]

25. Noting alphabetical effects is not the same as deciding if anything should be done about it. Most elections have such effects to some degree, even under FPTP. The Scottish government and parliament have consulted numerous times on the issue, considering various forms of randomisation. These have included (but have not been limited to): drawing candidates by lot in each ward; full (Robson) randomisation of each ballot paper; grouping candidates by party; and alternating A-Z & Z-A ballot papers. There are additional logistical and administrative implications for any of these options.

26. Despite numerous consultations, no decision has yet been made to change ballot paper ordering under STV. The danger is any randomisation would introduce considerable voter confusion, and primarily be seen as having been introduced for partisan advantage. There have also been objections from special needs and visual impairment groups.

27. STV has also helped smaller parties such as the Greens get elected, particularly if they are attract transfer preferences from other parties' voters. An increasing number of Green councillors, from 8 in 2007 to 19 in 2017, have been elected, whereas FPTP meant small parties previously had negligible

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[13] Clark, A. (2012) 'Party Organisation and Concurrent Multi-Level Local Campaigning: The 2007 Scottish Elections Under MMP and STV', *Party Politics,* 18, (4), pp603-622.

[14] Clark, A. (2013) 'Second Time Lucky? The Continuing Adaptation of Parties and Voters to the Single Transferable Vote in Scotland', *Representation,* 49, (1), pp55-68.

[15] For example: Curtice, J. and Marsh, M. (2014) Confused or Competent? How Voters Use the STV Ballot Paper', *Electoral Studies*, 34, 146-158; Denver, D., Clark, A. and Bennie. L. (2009) 'Voter Reactions to a Preferential Ballot: The 2007 Scottish Local Elections', *Journal of Elections, Public Opinion and Parties,* 19, (3), pp265-282.

[16] Clark, A. (2013) 'Second Time Lucky? The Continuing Adaptation of Parties and Voters to the Single Transferable Vote in Scotland', *Representation,* 49, (1), pp55-68.

chance of winning seats. The higher the district magnitude, the more likely smaller parties are to have such opportunities.

28. Whichever of the approaches of the Expert Panel to designing constituencies is chosen (pairing existing Senedd constituencies, or pairing local council areas) will determine how party candidate strategies develop. Their electoral strength and ability to potentially win seats in each area will ultimately determine whether they offer teams of candidates, or single candidates. Major parties are likely to follow the former approach, smaller parties the latter, although there will be variation across the country.

29. There has been some recent criticism of the multi-member system between elections. It is difficult to get to the roots of what is motivating this, but the fact that councillors now face competition from members from other parties in representing constituents may be an important factor. Ultimately, changing or dismantling the multi-member system would undermine the STV electoral system. Arguably, that constituents have a number of members representing them should lead to more and better representation.[17]

Cost/Resource Implications

30. The method of counting is a key potential cost implication for electoral administration if STV were chosen. Scotland implemented electronic counting from 2007 onwards. This has speeded up a potentially lengthy count process. Results are known the day after STV elections have been held, thereby meeting public expectations of swift reporting of results.

31. E-counting has involved significant procurement and testing processes to ensure system reliability. Such a process is likely to take time. It will also cost money. A Scottish government FOI reply shows that the cost of e-counting for the STV local elections in 2012 was approximately £5.6m, with £3.7m reimbursed to local councils. Equivalent approximate costs for 2017 were £5.9m, with £3.2m reimbursed to councils.[18] The average spent by Scottish councils on e-counting for 2017 was around £101,000.

32. There may be additional costs if a public information campaign on the operation of the new electoral system is deemed necessary.

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[17] https://www.parliament.scot/S5_Standards/Inquiries/20191128_LCGtoSPPA.pdf
[18] https://www.gov.scot/publications/foi-18-00866/