

Cyflwynwyd yr ymateb hwn i [ymgyngoriad y Pwyllgor Biliau Diwygio](#) ar [Fil Senedd Cymru \(Aelodau ac Etholiadau\)](#).

This response was submitted to the [Reform Bill Committee consultation](#) on the [Senedd Cymru \(Members and Elections\) Bill](#).

SCME(P)22 Ymateb gan: | Response from: James Gilmour

Senedd Reform Bill Committee
Senedd Cymru (Members and Elections) Bill
Consultation Response from Dr James Gilmour

1. This submission addresses only one aspect of the draft Bill: the voting system. While this is a narrow focus, it is fundamental because the voting system directly determines the representation of the voters and also has major effects on some important aspects of the operation of the Senedd.

Proposed Closed-List Party-List Voting System

2. The Senedd should not be elected by the closed-list party-list voting system proposed in the Bill. Such a voting system restricts the voters to choosing only among the political parties and gives the voters no choice among the candidates nominated by the parties. This restriction is undesirable and unnecessary in a system of 'representative democracy', where the objective should be to make the elected assembly (the Senedd) as representative of the voters as possible. Adopting a closed-list party-list voting system would be particularly inappropriate at the present time because, as Professor Alan Renwick said in oral evidence at the Committee meeting on 26 October 2023 (69, 70, 71), "there is a public perception that politicians are out of touch" and that "to remove that ability for voters to vote for individual candidates would create a significant danger of increasing public disaffection with the system".

3. The voting system will also have a significant effect on how the elected members operate in the single-chamber Senedd, particularly in their functions of scrutinising the policy and actions of the Government and of representing the interests of their electors. The proposed closed-list party-list voting system would reinforce the elected members' dependence on their respective parties for their election and re-election as Senedd members and would diminish the influence of the local voters who the members are elected to represent. Such a change would be detrimental to the effective operation of the 'checks and balances' that are essential in a unicameral assembly.

Open-List Party-List Voting System



4. Electing Senedd members by an open-list party-list voting system would allow voters to determine, to a limited extent, which candidates of their favoured parties would be elected. This would improve the representation of the voters compared to the proposed closed-list party-list system prescribed in the Bill. However, it would offer only limited choice and, importantly, would not provide proportional representation **within** the parties. It is not unusual for proportional representation **within** a party to be almost as important as proportional representation among the parties. It should be for the supporters of a political party, the voters who vote for that party, to decide the balance of representation of the differing views **within** that party, for example, on economic or social policy or in attitudes to coalition with other parties in the Senedd should a coalition be necessary or desirable.

Single Transferable Vote System of Proportional Representation

5. The members of the Senedd should be elected by the Single Transferable Vote System of Proportional Representation (STV-PR). STV-PR would provide the required proportional representation of the registered political parties and in addition, give PR within those parties, both as determined by the wishes of the voters. Uniquely, STV-PR would give voters a truly effective choice of representative, making all Senedd members more personally accountable to their constituents and thereby shifting the balance of power from the political parties to the voters. That would help to ensure that the elected members could hold the Government to account effectively in the unicameral Senedd.

Filling Casual Vacancies

6. The Bill provides for casual vacancies to be filled without holding by-elections which could have distorting effects on the proportionality of representation in the Senedd. With STV-PR casual vacancies should be filled by counting again the ballot papers from the ordinary election that preceded the casual vacancy. This 'count again' approach has been standard practice for filling casual vacancies for many decades in Malta and Tasmania, both of which use STV-PR for public elections. When political parties and other nominating groups know that at each ordinary election they have to make provision against the possibility of a casual vacancy occurring, they have a very positive incentive to nominate more candidates than the number they might expect to be elected in the ordinary election. When larger teams are nominated there is more incentive to broaden the diversity of the candidates within each team.

Gender Quotas and Diversity Measures

7. The Committee has given consideration to a requirement for gender quotas in future Senedd elections. It is clear from the discussions that 'gender quota' here means electing equal numbers of women and men, as would result from 'zipped' closed lists. If such equality of numbers is what will be required, that can easily be implemented with STV-PR by specifying that half of the elected candidates in any constituency must be women and half must be men, i.e. 3 and 3 in a 6-member constituency. If a more flexible quota is envisaged, e.g. at least 2 men and at least 2 women in a 6-member constituency, that can be implemented equally easily with STV-PR. The political parties would undoubtedly respond appropriately to any such requirements when nominating their candidates. It must, however, be recognised that specifying a quota for any one 'protected characteristic' will unavoidably restrict the

effectiveness of the choices of voters who wish to express preferences for candidates with other 'protected characteristics'.

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James Gilmour

3 November 2023