

Submission of Written Evidence by



1. My expertise is in sub-state political behaviour, including public opinion, voting and civic engagement, including the civic engagement of young people. In a UK context this is based on multiple surveys of public opinion and behaviour in Scotland before and after the 2014 independence referendum, and every subsequent devolved and UK election in Scotland since then, as well as various other surveys of political behaviour. The observations and recommendations that follow are primarily based on this original research. I am also the Deputy Chair of the Local Government Boundary Commission of Scotland. Some of the observations are from my experiences in this capacity but only insofar as they connect with my wider research. Such views do not represent any official position of the LGBCS. All of my comments relate to Part 1 (Elections) of the bill.

Extension of franchise to 16 and 17 year olds.

2. The 2014 independence referendum extended the franchise to 16 and 17 year olds and it has been extended for devolved and local elections. This provides us with an opportunity to examine the consequences of extending the franchise to younger voters. The results from our Risk and Constitutional Attitudes Survey, the Scottish Referendum Survey and various Scottish Election Surveys show that younger members of the electorate have lower levels of subjective and objective knowledge but that this also varies by education and income.
3. That said, the youngest voters are, by some measures, more engaged in democratic processes. In the 2014 referendum, for example, we found that older voters tended to seek information from governments or campaigns that aligned with their particular preferences: No voters were more likely to seek information from the Better Together campaign and the UK government; Yes voters did the same with the Yes Scotland campaign and Scottish government. Younger voters, by contrast, including 16 and 17 year olds, sought information from a greater list of sources (including social media, family and friends, print and broadcast media, campaigns and governments) but from sources that offered views different to their own, including both campaign teams and both governments. They were, in this sense, the ideal deliberative citizens of the 2014 referendum.
4. In the UK, students can vote in a first election or referendum after they have left secondary education, the setting in which they are most likely to discuss their rights and duties as democratic citizens. In a Scottish context, we know that many 16 and 17 year olds discussed the independence referendum in their secondary school courses and were taught about the various sources of information to make decisions. Providing the franchise to students while their political participation can be discussed in real time offers real benefits to democratic decision-making.

5. We know also that while attitudes typically precede behaviours, the causal arrow can be reversed. If opportunities to vote are extended to young people, particularly while they are in school, and if the importance of participation is reinforced in schools, then the behaviours can lead to positive attitudes to engagement in the medium-term and long-term.

Recommendation 1: Extend the franchise to 16 and 17 year olds.

Variation in electoral system by principal council

6. Allowing councils to select their own electoral system is consistent with a principle of subsidiarity. Electoral systems have far reaching consequences for voters and councils, and so the possibility that these might vary across Wales and vary over time within councils raises the possibility that other fundamental features of democratic life, including voter access to diversity of representation, ward sizes and councils working practices. I examine each issue in turn. In some cases it is less serious if things vary across Wales but more of an issue if they vary frequently over time. In other cases variation across Wales is something that should be considered carefully.
7. Different electoral systems obviously have different mechanisms by which votes are translated into seat but they have more wide-reaching consequences. First Past the Post leads to a greater number of false winners, false majorities, wasted votes and offers greater incentives for strategic voting. Each is less present in STV. The possibility that some councils might use STV, which almost inevitably leads to coalition governments, while others might be governed by majorities elected by FPTP, suggests that some councils would have more dramatic changes in policy (when majorities from different parties win elections at subsequent elections) and that voters in those councils would have access to a more restricted range of partisan opinion in their representatives. Likewise, parties winning equal proportions of support and in similar geographic clusters could find themselves in coalition in some councils and unelected in others. Wards with larger numbers of councillors are also better for the representative of women and minority groups. The result could be that councils using different electoral systems would develop markedly different political and working cultures over time. This level of variation is neither good nor bad, but it is worth determining whether in any of this there are first principles that are seen to be sufficiently valuable that they should apply across Wales as a whole.
8. Local wards serve as useful building blocks for electoral constituencies in Welsh and UK elections. Different electoral systems, however, would necessitate wards of markedly different electoral sizes. Compare for example a single-member FPTP ward with a six-member STV ward in an area of low population density. This is relevant because wards interact with local communities in different ways, and elected representatives coping with different ward sizes would have very different roles. Indeed we know from research in other contexts that as the number of representatives per ward increases (in other words as the size of the total electorate to be represented increases) councillors tend to engage more in symbolic policy change at the expense of workload as it offers greater chances of maximizing visibility to voters. The two different electoral systems can therefore change the way the politicians pursue their council work and manage the caseload generated by voters.
9. Different electoral systems can affect the perceived equality of voters and politicians. Within mixed member systems, we know that member allowances can vary depending on whether one represents constituencies or list seats, and that the workload of politicians and

their relationship with voters can vary dramatically. Likewise, different electoral systems can affect the number of votes required to win an electoral seat. Admittedly this varies even within STV when ward sizes vary dramatically. Representatives need approximately 1/3 of the votes in a 2-member ward to win a seat but 16% of the vote in a 5-member ward.

10. Within a Scottish context we know that the introduction of STV has had an impact on the working practices of councils, with councils adapting to multi-member wards by, for example, requiring one councillor per ward to attend certain council events. Such practices have become so ingrained that the prospect of 1 and 2 member wards (made possible with the recent Islands legislation) has been met at times with resistance because it suggests a likely deviation from practice as usual. Here, the electoral system has had such an impact on working practices. It suggests frequent changes of electoral system are likely to be disruptive to council practices.
11. The issue is not whether such practices are better or worse than any others, but merely that the electoral system affects the relationship between voters and representatives, affects councillor workload, affects council structure, the diversity of political voice. The ability of councils to select their own electoral system therefore has two knock on consequences: first, that such things might vary across Wales; and second, that within councils they might vary over time. Changing electoral systems would, at a minimum, necessitate a change in ward boundaries; frequent changes would introduce routine disruption in the political geography of wards. **Recommendation 2: Employ STV for all council elections in Wales**
12. The bill states that ministers would have powers to make rules about how each electoral system would work, with the proviso in section 12 that STV wards would vary from 3 to 6 members. If the principle of subsidiarity is seen as important (as is implied in the bill's provisions) then it seems appropriate that councils rather than ministers might wish to select the form of STV that is employed within their council area. A Scotland-wide use of 3 and 4 member wards made clear that rural, remote and island communities were sometimes very large, physically, which in turn posed challenges given the diversity of interests within them. Smaller wards would have helped in this regard. In some urban settings, by contrast, five-member wards would have ensured that entire communities were located within a single electoral ward. Within the nationally-set parameters of 3- to 6-members, councils themselves might wish to identify the ideal mix of members per ward (eg all 3 member wards, a range of 3 to 4, a range of 5 to 6) that best suits their demographic and geographic circumstances. As the number of members per ward increases we know that the proportionality increases, but these gains must be evaluated in the context in which the ward is located, the knock on consequences for councillor workload, as well as the representation of multiple and diverse community interests. If the ability to choose between FPTP and STV was designed to prevent a one-size-fits-all approach with the possibility of councils making meaningful decisions, then such an approach would be possible by allowing councils rather than ministers to design the form of STV that best suits local realities. **Recommendation 3: To the extent that there is variation, it should be in the implementation and design of a single electoral system rather than the use of two electoral systems with diametrically opposed first principles.**
13. The ability of a council to change its electoral system following a resolution suggests that it is politicians rather than citizens who would select the electoral system by which they

themselves are elected. A lack of citizen engagement is not new, as we saw with the introduction of electoral systems other than FPTP for the new devolved legislatures but also with the transition to STV in Scotland. Such changes were, however, polity-wide. The partisan configuration of different councils could, however, create partisan incentives to select one electoral system over another. At the moment the bill identifies a duty to consult with bodies such as communities, and indicates that such decisions must be made by the council as a whole (by 2/3 majority) rather than the executive alone or a sub-committee but there are additional ways to limit possible partisan self-interest. Likewise, the current provisions, by not making explicit reference to the involvement of citizens, also seem to contradict section 46, the duty to encourage local people to participate in local government.

Recommendation 4: Some form of requirement to consult citizens in the process would limit the possibility of electoral systems being selected purely to advantage the largest political party in a given council area.

14. There are obviously strengths and weaknesses to each electoral system, and many of the challenges relate to the particular way that it is implemented and the way this interacts with local political realities. If STV is to be employed, a comprehensive review of its operation, which could in turn lead to changes to its implementation would be useful to establish from the outset. **Recommendation 5: That the introduction of STV be followed, after three electoral cycles, by a review to examine the use of multi-member wards on the relationship between voters and representatives, councillor workload, council structure and operation, communities ties, citizen voice and the representation of under-represented groups.**

15. The legislation refers to the ability to switch electoral systems after two elections. The switch to a mixed-member proportional system in New Zealand for the 1996 elections was followed by a referendum in 2011, so that voters could reflect on the experience after 5 elections. This suggests that it takes more than 2 electoral cycles to identify how an electoral system interacts with a political culture. Switching after two elections would mean routine and dramatic changes to local ward boundaries, and, depending on the timing of the reviews with devolved and Westminster boundary reviews, could facilitate a stronger or weaker relationship between constituencies and their wards. **Recommendation 6: that the use of three electoral cycles be considered standard for boundary reviews as well as possible changes to electoral cycles. If councils are allowed to switch electoral systems, this should be for a minimum of three electoral cycles.**