Y Pwyllgor ar Ddiwygio Etholiadol y Cynulliad
Systemau a ffiniau etholiadol
ESB 01 Yr Athro Denis Mollison

Response to consultation on Electoral Reform – February 2020

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Thank you for this consultation. I hope that a view from Scotland may help in setting your reform process in a wider context.

CONTEXT

1 I strongly support changing the electoral system for the Senedd to STV, and in particular the option with constituencies based on local authority areas. This response aims to explain why this fits best with the principles for a good electoral system, and to address some of the technical details that can help optimise the scheme. I will be delighted if I can help further, by providing either written or oral evidence.

2 The underlying principles of democracy are universal. While a good system should have some flexibility to cope with particular problems of minorities or geography, these should be justified through a principled approach. It would be good to work towards parallel systems in Northern Ireland, Scotland and Wales that follow broadly the same principles. Scotland in particular is currently reviewing the details of its STV council election system which has been in use since 2007, and it would be good if each country can learn from the other's ideas and experience.

It is suggested here that using STV with boundaries based on natural community areas – one of the options proposed in the Report of your Expert Panel chaired by Professor McAllister – is the best way forward. It would be that much better if accompanied by also using STV for all local authority elections, as is already done in Northern Ireland and Scotland; again, ideally the electoral areas should be based on natural communities, *e.g.* community council or school catchment areas.

I have tried to tie my answers to the five questions posed in this consultation. Most of my answers relate to the first of these, namely:

Examining the implications of the electoral systems and boundaries recommended by the Expert Panel for democratic representation in Wales, and considering how the principles identified by the Expert Panel might be weighted to ensure that the Assembly's electoral arrangements are appropriate to the Welsh context

PRINCIPLES

3 It is encouraging that there is close agreement between the principles identified by the McAllister expert panel and those of the Good Systems Agreement (GSA) launched by Make Votes Matter in July 2019, which has won considerable cross–party support[1]. Among the relatively slight differences, the McAllister principles include 'Equivalent status', which is recognised as a problem of the MMP (aka AMS) system currently used in Wales and Scotland. The GSA puts more emphasis on voter choice, where the McAllister report rather oddly inserts the somewhat unprincipled qualification 'Where appropriate within its desgn'; and the GSA recognises the desirability of minimising tactical voting.

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[1]https://www.makevotesmatter.org.uk/s/Good–Systems–Agreement.pdf

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4 It is also encouraging that the arguments and conclusions of the McAllister report are broadly similar to those of its predecessor, the Richard commission of 2004, which recommended a similar increase in Assembly size (to 80 members), and adopting STV with constituencies of 4–6 seats (or exceptionally 3) based on grouping Westminster seats or on local authority boundaries.

5 In relation to the principles set out by the McAllister report, I do not see any in which STV is inferior to Flexible Lists (otherwise known as Openlists) or MMP. STV is superior to both the alternatives in respect of Voter Choice, Simplicity (in terms of what matters most, meaning that voters can express their real preferences rather than voting tactically, or being concerned that their vote may be wasted), and Member Accountability; and also to MMP in respect of Equivalent Status.
For a more analytic explanation of why STV is better than Openlists, which in turn is better than MMP, see my *Comments on MVM's Good System Proposals* [2].

BOUNDARIES AND NUMBERS OF SEATS

6 Of the options considered, the scheme based on local authority areas is strongly preferable, as representing natural communities to a degree that Assembly constituencies generally do not. I think the Expert Panel may have preferred the latter because of their more equal size: but variation in size is inevitable if natural communities are to be well fitted.
Basing constituencies on LAAs is good for both voters and representatives, minimising overlaps of responsibilities for communities and public services. Also, such a pattern of constituencies can be extremely stable. Changes in electorates over time can usually be accommodated by changing the numbers of AMs for some seats, with no changes in boundaries; this means that the seat allocations can be very easily updated in accord with current voter numbers prior to each election.

7 The Report very reasonably argues that 4–6 is a good size (meaning number of seats) for a constituency, but gets a little lost in trying to find an overall size of Senedd that gives the best pattern of seat sizes for current electorates (83 or 84 is suggested). It would be more principled, and in particular more stable in the long run, to fix the size of the Parliament first, and then choose seat allocation rules that will give reasonable seat sizes for the long term, accepting that a few seats with either 3 or 7 members should be allowed if necessary.

8 The overall size should be at the upper end of the range considered, *i.e.* 90 seats. The electorate of Wales falls roughly half–way between those of Northern Ireland and Scotland, which have respectively 90 and 129 seat parliaments, neither of which attracts significant criticism for being too large.

9 Beside overall size, and preferred range of seat sizes, any allowance for remote or sparsely–populated areas needs to be fixed. Once these factors are determined, constituencies can be fixed: as the Report shows, most of these will be whole single LAAs, with subjectivity only entering in the few cases where it is necessary to join up or split LAAs. With all this done, seat allocation can be done by straightforward calculation (as the Report's examples show), and can be brought up to date very easily whenever electoral numbers change.

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[2]https://www.macs.hw.ac.uk/~denis/stv/mollison_mvm_27apr18.pdf

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10   Examples showing how nunbers of seats might have varied over the period since 1999 are presented at https://www.macs.hw.ac.uk/~denis/stv/wales2020.html, for two cases: the constituencies proposed in the Report and an alternative allowing slightly greater flexibility in seat numbers. Both alternatives are highly stable, with no constituency boundaries needing to be changed over the period.

IMPLEMENTING STV

11   Experience of e-counting in Scotland has been very positive; combined with the retention of paper ballot papers it provides a reliable and easy to audit system that is valuable in itself, independent of its utility for counts under STV. The cost of the current contract to provide a 'complete solution for infrastructure and services to support Scottish local government elections and by-elections' for the 5-year electoral cycle 2016-21 is £6.5m.[3]

12   The Report suggests using the Weighted Inclusive Gregory (WIG) method as is done in Scotland. This ignores the conceptually simpler Meek STV[4], which has a number of advantages: its results are easier to explain and justify to the voter, and it makes it possible to adjust the quota when votes become non-transferable. WIG was only preferred to Meek for Scotland because it kept open the option of hand-counting. Now that e-counting is well-established this reason no longer applies.

13   The Report proposes that candidates on the ballot paper be grouped by party, ordering parties by lot, proposals I would support. But they do not consider a significant problem of ballot paper order that has been identified in the Scottish review, namely the bias between candidates of the same party favouring whoever's name appears first. The best answer to this is to permute the order of such candidates on the ballot paper. It would also reduce the problem if voters were allowed to express equal preferences[5], as is possible provided e-counting is used.

14   The Report suggests using countback for filling casual vacancies. They do not seem to have considered the very substantial fault of this option, which is that it encourages parties to put forward many more candidates. For example in Tasmania this leads to having about 25 candidates instead of perhaps 10 for its 5-seat constituencies, too many for most voters to consider individually. It would be better to use either by-elections (as in Scotland) or nomination (as in Northern Ireland). None of these solutions is very satisfactory, but then neither are the rules for filling casual vacancies under MMP.

Exploring public sentiment and understanding of the Assembly's current electoral arrangements and boundaries and the options recommended by the Expert Panel

15   Having no local expertise on public sentiment and understanding in Wales, I can only report on the Scottish context, where we also currently use MMP to elect our Parliament. As a first point, there is poor understanding of how MMP works, in particular that winning a constituency seat will – if the system is working as it should – be balanced by losing a

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[3] https://www.cgi-group.co.uk/scotland/en-ca/node/42199
[4] As used in New Zealand and by many public bodies
[5] STV allowing equal preferences is relatively novel, but has been used successfully by a number of bodies since 1998

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list seat. Also, there are incentives to vote tactically at both constituency and list level; one of the advantages of STV is that its system of transfers minimises the incentive to vote tactically.

16 If STV is adopted, then having stable seat boundaries corresponding to local authority areas, and a single–tier system with all AMs on an equal footing, should be attractive to the public. The great majority will have an AM who had their first preference vote.

17 My personal experience as a consitituent in Scotland has been that STV, as used in our local elections, is a more engaging and responsive system than MMP, as used in our Parliamentary elections. A particular difficulty is having a local MSP most of whose con-situency is in a different local authority, and conversely not being a constituent of the MSP responsible for most of my local authority area.

Considering the implications for political parties in Wales of changing the electoral system and boundary models

18 STV should encourage more cooperation between parties, because of its use of pref–erential voting, so that it is in the interest of parties that agree on some issues to encourage second preferences for each other. A corollary of this is that extreme parties are disadvan-taged to the extent that few voters will help by giving them second preference. Also STV is an inherently positive voting system: you vote for the candidates you favour; you are not put in the position where you feel you must vote for someone other than your first choice in order to stop a candidate you dislike.

19 Because there are no safe seats or no–hope areas, parties will need to engage with voters everywhere, rather than concentrating on marginal constituencies. For the same reason, parties will be encouraged to put up diverse sets of candidates that will appeal across the range of voters.

20 The use of constituencies with boundaries based on local authority areas, and bound-aries that change only very seldom, should be as attractive to parties and AMs as to their electorate.

Exploring the principles and practicalities of establishing boundary review arrangements for Assembly electoral areas

21 If constituencies are based on local authority areas, then as discussed above (paras. 6–7) boundary reviews would be greatly simplified. They would usually require only running a simple calculation before each election, to make any necessary adjustments to the alloca-tion of seats between constituencies[6]. There would need to be provision for a review of any seats whose electorates went outside the range that would allocate them a permitted num-ber of seats (3 to 7). Otherwise, boundary reviews would only be required when changes to local authority areas – amalgamation, fragmentation, or major changes in boundaries – are considered.

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[6]Revised electoral numbers are published by the Office for National Statistics each March, giving numbers of electors as at the previous 1 December

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22   Additionally, there should be a review of the chosen boundaries and allocation methodology after experience of two elections under the new scheme.

Considering the cost and resource implications of reforming the electoral system and Assembly boundaries – **see 14 above**

APPENDIX: LIST OF DETAILED SUGGESTIONS

I have tried to keep technical details to a minimum in this submission. I should be happy to give evidence, written or oral, enlarging on any of these suggestions if required.

a   Seat numbers: allow 3–seat constituencies, especially in sparsely–populated areas. Evidence from Scotland – and the recent election in Ireland – show that systems with 3–4 or 3–5 seat constituencies provide a good degree of proportionality, with parties whose national support is 5% or lower gaining their fair share of seats.

b   Make some allowance for sparsely–populated and remote areas

Geographically, Wales divides fairly sharply between 9 LAAs with under 100 people/sq.km and 13 with over 200 people/sq.km. Also, many of the low–density LAAs are relatively remote from the seat of government, while overall they are distinctly a minority of the population. All this suggest that some modest positive discrimination in seat numbers might be appropriate.

Two international comparisons are of relevance here. In both Norway and Denmark geographical area is taken into account when allocating seats to areas. While in the European parliament, less populous countries are given 'more than their fair share' of seats – there is mathematical justification for this, considering voting power in a collection of independent units of unequal size[7].

c   Seat allocation: use criterion of minimising proportional departure from parity (as is done in allocating Congressional seats to states in the US), rather than Saint–Lague.

d   Use e–counting (see 11)

e   To inform and engage voters, ensure that count information is well–presented both live at the count and subsequently. See *e.g.* presentation of Scottish council election results at https://www.macs.hw.ac.uk/∼denis/stv_elections/SC2017/

f   Use Meek STV rather than Weighted Inclusive Gregory (see 12). Consider allowing voters to express equal preference (see 13).

[See sections 3 and 4 of https://www.macs.hw.ac.uk/∼denis/stv/fine–tuningSTV.pdf]

g   Permute order of candidates on the ballot paper – or as a minimum, reverse order on alternate ballots (see 13).

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[7]Penrose, LS (1946) 'The elementary statistics of majority voting', *J Roy Statist Soc* **109**, 53–57