Committee on Assembly Electoral Reform
Consultation on Electoral Systems and Boundaries
ERS Cymru response
February 2020

At ERS Cymru we welcome the opportunity to respond to this consultation on electoral systems and boundaries.

Our view is that the work of the Expert Panel on Assembly Electoral Reform was comprehensive and we fully endorse its main recommendations. We remain frustrated that the implementation of these recommendations has not been taken further and are disappointed that the opportunity to legislate to increase the Senedd's size and change its voting system has been missed in this parliament.

We hope that the Committee can build on the recommendations of the Expert Panel and can influence the political parties in the Senedd to commit to urgent reform.

It is more apparent than ever that the size of the Senedd is not fit for purpose and, alongside an increase in the number of members, we must consider how elections could work in the future.

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;

The Expert Panel did extensive analysis of multiple systems during the course of their work. Our preferred option has always been consistent with their recommendation of STV alongside an integrated gender quota. We have long been advocates of STV but believe it would be particularly appropriate in the Welsh context.

STV

The Single Transferable Vote scores very highly across most criteria against which to evaluate an electoral system, in particular proportionality, voter choice, diversity and member accountability. Voters are more likely to have representatives they want and the overall result is likely to be broadly proportional to the number of votes cast for each party. Each area will almost certainly be represented by a number of people from different parties.

Unlike a list system, STV maintains the link between an elected representative and a local constituency area. The constituencies are much smaller than the regions under the current AMS system and the direct link is there as members are chosen, as individuals, by the voters. In addition, voters who did not get their first choice of candidate may see their second or third preference candidate succeed. This increases the number of voters who have given their support to their representative.

In terms of how STV would work in practice, the Expert Panel considered options including pairing the current 40 constituencies to develop 20 new multi-member constituencies. The number of members elected for each of those 20 constituencies would range from 4 to 5 depending on the size of the Senedd agreed upon and the number of electors in each constituency. This method could be used to elect a Senedd of 89 to 90 members.

They also modelled this using 17 multi-member constituencies based on local authority areas (with smaller authorities becoming one constituency, e.g. Ynys Mon and Gwynedd). This method could be used to elect an Assembly of 83 to 84 members.

Our view is that the right size for the Senedd should be towards the higher end of the bracket and electing members based on pairing existing constituencies as detailed by the Panel could be relatively simple and would ensure a relatively consistent number of electors per Members of the Senedd across Wales. As the Expert Panel argues, going towards the higher end of the bracket ensures "the benefits would be greater, providing a more meaningful difference in the ability of many Members to specialise, with consequent benefits for scrutiny and representation".[1]

This does create larger constituencies than are currently in practice. In urban cases this will be a lot easier for elected members as, for example, Cardiff Central and Cardiff South and Penarth are both relatively small geographic areas. However, STV would still encourage a local link between a member and their constituency even in rural areas. Furthermore, STV would ensure more voters have actually voted for one of their local Members of the Senedd and that votes are far more proportional across the country, which must be prioritised over concerns around geography.

Flexible List system

The Expert Panel's second preference for a voting system for a larger Senedd was the Flexible List system. This system is perhaps much less familiar to voters across the UK but list systems are the most commonly used worldwide.

The Flexible List scores highly on some of the indicators of a good electoral system, especially proportionality and diversity.

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[1]
https://www.assembly.wales/NAfW%20Documents/About%20the%20Assembly%20section%20documents/Expert%20Panel%20on%20Assembly%20Electoral%20Reform/A%20Parliament%20that%20Works%20for%20Wales.pdf

In Party List systems, seats in a parliament closely match how many votes each party receives. Countries with Party List PR tend to have lots of parties as list systems are highly proportionate, though thresholds can be applied to prevent parties with very low levels of support from gaining representation. Unlike AMS (including the list boost proposed by the Expert Panel), where constituency candidates elected under FPTP reduce proportionality, the Flexible List returns representatives in proportion to their share of the vote.

The Flexible List is an improvement on FPTP and closed list proportional systems as it allows electors to either vote for a party's list of candidates or vote for their preferred candidate within a list, depending on the flexibility of the system. But as a non-preferential voting system, the Flexible List reduces voter choice, compared with STV, as electors cannot express more than one preference and nuance their choice. In addition, under List PR systems, there is often a weaker constituency link, as a slate of candidates is elected to represent a larger area than under other electoral systems. Reducing the size of a constituency might improve member accountability, though this would affect proportionality.

The variant of Flexible List system proposed by the Expert Panel would give voters a single vote, where they could choose to either vote for a party – which would be interpreted as a vote for the party's preferred candidate order – or for an individual candidate within a party's list. This model is similar to the one used in Sweden and improves voter choice as voters can choose to vote for the candidate they prefer.

The candidate threshold chosen (where a candidate would be elected in a different order to their party list if the threshold were to be reached) can have a significant effect on who actually gets elected under the Flexible List.

The Expert Panel concluded a threshold of about 10% would be the most effective in Wales, due to the high numbers of voters already used to voting for individual candidates, but called for it to be reviewed after the first election. This appears to make sense logically given a shift from a mostly First Past the Post system.

In terms of how this would work in practicality the Expert Panel suggested using the method outlined for STV where either 20 constituencies would be developed based on the current 40 constituencies or 17 would be developed based upon the current 22 local authorities.

As we have outlined above, our preferred option would be through pairing the existing 40 constituencies. This would also retain a direct constituency link under the Flexible List system, however we would prefer an STV system as it gives voters the ability to vote preferentially and increases voter choice.

Additional Member System

We share the Expert Panel's reservations around the ability of an AMS system to support the required increase in the number of Members of the Senedd. While the Panel concluded it would be possible to entirely redesign boundaries in order to support a larger Senedd, we believe that this still does not adequately outweigh the downsides in terms of how we elect members.

Fundamentally, the First Past the Post element of the AMS system remains disproportionate and perpetuates problems such as wasted votes, lack of voter choice and 'safe' seats. While the list system acts as a way to mitigate these issues it essentially creates two classes of members. In addition, it also fails to resolve issues around voter choice. Voters who particularly dislike a candidate at the top of their preferred party's list, or like a candidate from a party they otherwise do not support, are unable to express this at the polling station. Power over AMs is once again concentrated within the party, who chooses the order of its list.

Principles for an appropriate electoral system

The ten principles against which the Expert Panel measured each electoral system they reviewed largely overlap with those we used in our 2016 report "Reshaping the Senedd".[2]

The IDEA handbook has criteria for designing an electoral system, which includes areas such as 'providing representation' and 'holding the government accountable', however these are not developed for a specific UK context, so their impact in this case is limited.[3]

Therefore, we believe that the Expert Panel's list of principles offer a sound basis with which to examine the best system for this specific context.

In terms of the areas we believe should be prioritised, those are proportionality, voter choice and an equal mandate. Proportionality is vital as it ensures voters are properly represented and their choices are reflected in the makeup of any parliament. Disproportionate systems, such as First Past the Post, have ensured wasted votes, 'safe' seats and a lack of diversity leading to systemic problems with democracy at a UK level. For example in the 2019 General Election 52.2% of voters in Wales didn't vote for their MP,[4] a figure unheard of in any proportional system.

Systems such as STV maximise voter choice as voters are represented by multiple members and have the opportunity to rank as many candidates as they would like to. Whereas the Flexible List system offers proportionality, it does not offer as much voter choice as STV as it does not allow voters to rank their preferences.

An equal mandate would be our final area to prioritise. One of the major flaws with the current AMS system in the Senedd is that it elects two 'types' of members. We have increasingly seen this cause issues, whether this be through limits in practicalities with the geographical spread of regions or the perception among some Members that Regional Members do less casework. It has also anecdotally led to some confusion among voters about who they can contact for issues within their local area.

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[2] https://www.electoral-reform.org.uk/latest-news-and-research/publications/reshaping-the-senedd/#sub-section-5
[3] https://www.idea.int/sites/default/files/publications/electoral-system-design-the-new-international-idea-handbook.pdf
[4] https://ge2019.electoral-reform.org.uk/region/wales

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

There is a fundamental lack of understanding about the Senedd as a whole in Wales. Our work on political education through our Missing Voices and Our Voices Heard projects has highlighted a major democratic deficit in Wales, which is backed up by low turnout at Senedd elections and a low recognition of Wales' political leaders.[5]

This suggests public understanding of the Senedd's current electoral arrangements is likely to be limited, as would be awareness of the detail in the Expert Panel's report. It is also likely that understanding of boundary changes and voting system changes would also be limited until the implementation of a communication campaign closer to the first election using a different system.

However, all evidence we have points to STV, our preferred choice for the Senedd electoral system and that of the Expert Panel, being very easy to understand for voters. STV is simple for voters – all they have to do is rank as many or as few candidates as they wish in order of preference. The main change that will need to be communicated to voters is that they need to decide on how they would like to rank the candidates on the ballot paper. There is also a need to brief parties and candidates separately about the different requirements and consequences of campaigning under STV.

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

Campaigning under different systems

One of the biggest differences for political parties under a different voting system is that parties need to campaign slightly differently.

Under the current AMS voting system, parties arguably have not really changed the way they campaign from First Past the Post elections. In constituencies at least, we see the same issues during Senedd election campaigns as we do for UK wide elections, where parties put resources into seats they already hold or hope to gain. On the whole, parties with less chance of winning a seat will put less resource and time into campaigning there.

This changes markedly under a more proportional system as we have seen in the recent Republic of Ireland election, where the campaign was very different to the recent 2019 General Election in the UK. We have highlighted this in a recent blog series on our website, where people who have voted in both Irish and UK elections have described their experiences.

In terms of how parties campaign differently under STV, one of the biggest differences is that smaller parties have the chance of securing representation in proportion to their share of the

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[5] https://blogs.cardiff.ac.uk/electionsinwales/2019/07/30/the-new-welsh-political-barometer-poll-party-leader-ratings/

vote, enhancing their willingness to contest seats. Two-horse races and safe seats are virtually eliminated, meaning that all parties have an incentive to campaign as best as they can to secure one or more seats. Both of these contribute to ensuring that elected representatives fairly reflect the diversity of opinion in an area and that voters are engaged in an active and informative contest. Energetic, imaginative campaigning and a popular message will also be good both for the individual candidate and the party.

For example, a FPTP ward where Labour poll 50–55% and the rest of the vote is scattered between the other parties, would be a very predictable Labour seat to which nobody would devote much attention. But if it were within a four-member STV seat, Labour's campaigning efforts might make the difference between winning two seats or three seats. The other parties would also find it worth campaigning, not only to try to deprive Labour of the third seat, but also to come top in the race for the fourth seat, and to persuade supporters of other parties to transfer their lower preferences in the right direction.

This has been highlighted in our blog series where one contributor, Feargal, said:

"In Ireland under STV, the TDs [Irish MPs] know that small shifts in opinion will affect who gets elected. They want everyone's vote, even if it's not the first preference: they all want to be your second and third preference. They can not afford to ignore people."[6]

Another, Martha Shearer, offered her opinion:

"I think the voting system has an impact on the campaign. There's a sense of individual candidates wanting to engage with the electorate on their own terms – not just as part of the party machinery. Partly as they're competing with more candidates. It feels much more politically engaged. The election in Ireland saw disaffection with the duopoly of two big parties. That opinion was reflected in the results, rather than creating anger at politics in general."[7]

Electoral implications of a new system

We are currently in the process of commissioning new modelling to update the Expert Panel's polling on the makeup of a larger Senedd under different voting systems. We hope to have this publicly available by May 2020 and are happy to engage further with the Committee on this.

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

Boundary review arrangements should be included in legislation introduced immediately after the next election, thus giving them the same level of scrutiny as the rest of the changes.

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[6] https://www.electoral-reform.org.uk/in-ireland-under-stv-politicians-can-not-afford-to-ignore-people/
[7] https://www.electoral-reform.org.uk/voting-with-proportional-representation-feels-much-more-meaningful-than-westminsters-system/

The reviews themselves should be undertaken by the Boundary Commission with significant consultation with the public and decision makers. Lessons should be learnt from the introduction of STV for local elections in Scotland in 2007. While the number of those elected in local elections is obviously vastly higher than those of parliamentary elections, the principles of boundary reform should not be hugely different. The Commission could also look to the Republic of Ireland and learn how their constituencies work under their General Elections, which are held under STV.

The principles of new boundaries for a different system should include a relatively consistent number of electors per member in each constituency and also the combination of seats that make practical sense in terms of geography.

Considering the cost and resource implications of reforming the electoral system and Assembly boundaries.

The Expert Panel assessed the potential costs of increasing the size of the Senedd in Annex F of their report. This covered the cost of additional members, staffing, IT and other services which Members of the Senedd have access to, including training and development.

In terms of additional costs around reforming the electoral system and Assembly boundaries, we would anticipate cost to be incurred from the Boundary Commission's work and a public information campaign around the change to the voting system. These would both be one off costs rather than recurrent.

When making the case around incurring additional costs for reform, it is vital we remember that these costs are both relatively small and that improvement in scrutiny (as a consequence of having an increase in members) can deliver real dividends for public services. We should look at these reforms in the round as they will deliver a larger, stronger Senedd with a higher level of accountability to the public. That is a worthwhile investment.

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