Electoral Reform Society Briefing for the Committee on Assembly Electoral Reform

Introduction

The Electoral Reform Society welcomes the establishment of the Committee to consider the recommendations of the Expert Panel and appreciates the opportunity to provide further information on the workings of different electoral systems.

As the Committee is aware, the Expert Panel recommended that the Assembly should be elected by Single Transferable Vote from 2021, if gender quotas were adopted. If not, the Expert Panel recommended that the Assembly should be elected through the Flexible List system of proportional representation.

This briefing draws upon and supplements the Expert Panel’s findings by considering: how the different systems work; voter experience; the systems’ effects – including their strengths and limitations – on democratic outcomes; effects on voter behaviour; and effects on party behaviour.

The Electoral Reform Society campaigns for the adoption of proportional representation for elections at all levels in the UK by the method of the Single Transferable Vote (STV). For this reason, we are able to offer much more and in-depth evidence on the operation of this particular electoral system.

Choosing an electoral system is a complex decision which usually involves trade-offs among competing criteria – no voting system is perfect. The fundamental premise of any system is to convert the preferences of voters into as accurate a representation as possible, with the business of government subsequently flowing from that. In their considerations, the Expert Panel were guided by the following principles against which they evaluated different electoral systems:¹

1. Government accountability and effectiveness: the system should encourage the return of effective, accountable and stable governments, whether majorities or coalitions.
2. Proportionality: the system should be no less proportional than the Assembly’s current electoral arrangements, and preferably be more proportional.
3. Member accountability: the system should ensure that all Members are clearly accountable to voters and able to represent them effectively and appropriately in the national interest.
4. Equivalent status: as far as possible, the system should ensure that all Members are elected with broadly equivalent mandates which afford them equal status.
5. Diversity: the system should encourage and support the election of a body of representatives which broadly reflects the population.
6. Voter choice: where appropriate within its design, the system should allow voters to select or indicate a preference for individual candidates.
7. Equivalent mandates: the system should reflect the general principle of electoral system design that votes should have approximately the same value, with seats apportioned taking electorate numbers and geography into account.

8. **Boundaries**: the system should be based on clearly defined geographic areas which are meaningful to people and take into account existing communities of interest, and existing electoral and administrative boundaries.

9. **Simplicity**: the system should be designed with simplicity and intelligibility for voters in mind.

10. **Sustainability and adaptability**: the system should be able to be implemented in 2021, and subsequently respond and adapt to changing political, demographic and legislative trends, needs and circumstances without requiring further fundamental change in the near future.

While we have done our best to outline changes under different electoral systems, estimating party and voter behaviour, and election results under different electoral systems is a complex endeavour, as changes are contingent upon the specific context in which they occur. In the case of Senedd reform in particular, changes to the electoral system should go hand in hand with an increase in the size of the Assembly (and as a corollary, the question of which boundaries to use). While the Electoral Reform Society has traditionally favoured increasing the number of AMs to 100, we back the Expert Panel recommendation of having 80-90 AMs.

It is worth noting that the Expert Panel did explore three boundary models; the existing 40 Assembly constituencies, the 29 proposed Westminster constituencies and the 22 local authority areas. Each system discussed here would lend itself to a particular boundary system, which we have referenced below.

Regardless of the electoral system that is ultimately chosen, an effective awareness-raising and information campaign, publicity and voter education will be essential to ensuring that Welsh citizens are familiar and comfortable with how their democracy works.

**Single Transferable Vote (STV)**

![Single Transferable Vote](image)

**Key decisions for voters under STV:**

- Under STV electors face just one question with multiple possible answers, the question of what their preferred rank order is of the candidates on the ballot paper?
Key decisions for parties under STV:

- How many candidates to field in each constituency
- How much freedom to give candidates to run their own campaigns and raise their personal profile independent of their party, while maintaining a coherent party brand and policy platform
- Strategies for ensuring that they maximise the number of seats they win (see details below)

What is STV?

The Single Transferable Vote (STV) is a form of proportional representation created in Britain. Scotland, Northern Ireland, the Republic of Ireland, Malta and Australia use this system for some or all of their elections.

The basis of STV is to give voters a choice of candidates and fair representation for their views. Although STV tries to give voters what they want, it is also fair to candidates and parties in how they can obtain representation.

Rather than one person representing everyone in a small area, as under First Past the Post (FPTP) for example, bigger areas elect a small team of representatives. Given that each constituency will elect more than one member, parties will often stand more than one candidate in each area. These representatives reflect the diversity of opinions in the area.

Voter experience

Under STV, each voter has one vote, but they can rank candidates in order of preference. On election day, voters are presented with a ballot paper which lists the names of the candidates from each party, or of independent candidates. In some cases, candidates are listed on the ballot paper alphabetically – either within or outwith a party, in the case of partisan candidates. Voters vote by putting a ‘1’ next to the name of their favoured candidate, a ‘2’ next to the name of their next favoured candidate and so on. Voters can rank as many or as few candidates as they like. The numbers tell the people counting to transfer one’s vote if their favourite candidate already has enough votes to be elected or stands no chance of winning.

Unlike AMS, STV uses a less complicated single ballot paper. The ballot paper must allow electors to exercise their single votes for their preferred candidates by expressing their first preferences. It must also permit them to indicate, if they desire, their subsequent orders of preference for any of the other candidates. The number of preferences which may be expressed bears no relation to the number of places to be filled. A voting paper is valid providing that a first preference is clearly

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2 A more in-depth analysis of ballot paper ordering can be found in Gilmour (2018) ‘Comparison of Within-Party Voting Patterns in Recent STV Elections in Scotland, Northern Ireland, Ireland and Malta’, pre-conference paper for a presentation to the EPOP conference 2018.
https://www.researchgate.net/publication/327702499_COMPARISON_OF_WITHIN-PARTY_VOTING_PATTERNS_IN_RECENT_STV_ELECTIONS_IN_SCOTLAND_NORTHERN_IRELAND_AND_MALTA
expressed. Later preferences are contingency choices only, which may or may not be expressed, and, if expressed, may or may not be considered.

There is no evidence to suggest that voters find any of the electoral systems currently used (including STV) too complicated to understand. Sometimes the instructions for those running and scrutinising the election are highly detailed, but the instructions to voters are not. Voters more often experience problems when faced with two different elections using different systems on the same day (such as when the 2007 Scottish Parliament and local elections were held on the same day).

Sample STV Ballot Paper for Edinburgh City Council.

How it’s counted

To be elected, a candidate needs a set amount of votes, known as the quota. At the count, the quota is calculated by dividing the total number of valid ballot papers by the number of people to be elected plus one. For example, with 100 valid ballot papers and 3 places to be filled, the quota would be 25.

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The ballot papers are sorted into piles according to the first preferences. Once the counting has finished, if any candidate has more first preference votes than the quota, they are immediately elected. But, rather than ignore extra votes a candidate received after the amount they needed to win, these surplus votes for elected candidates are transferred to each voter’s second favourite candidate. To avoid the problem of deciding which of the votes are surplus, all ballot papers are transferred but at a reduced value so that the total adds up to the number of surplus votes.

If no one reaches the quota after the first round of counting, then the least popular candidate is removed. People who voted for them have their votes transferred to their second favourite candidate. This process continues until every vacancy is filled.

This process of transferring surpluses and excluding candidates continues until enough candidates have reached the quota to fill all the places to be elected.

Although the counting process is more complex than with FPTP, it can be done by, or with the help of, a computer and it is a small price to pay for improving the voting power of every single elector.

**Effects**

**Democratic outcomes**

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.

**Voter choice:**

- STV maximises voter choice, allowing voters to express as many or as few nuanced preferences as they wish. Voters are able to rank all the candidates in order of preference, which means few votes are wasted. It also removes the incentive for tactical voting, thus enhancing voter choice. With STV, a voter can safely give their first preference vote to their favourite candidate in the knowledge that, if that candidate cannot win or already has sufficient votes to be elected, the vote will be transferred according to their instructions.
- Unlike AMS and List PR, STV gives voters, rather than parties, power to choose which candidates represent them.

**Proportionality:**

- STV gives fair representation to political parties in proportion to their support. Under STV, minor parties with a significant degree of support will have a voice. Arguments that ‘X can’t win here, so vote for Y’ no longer apply. Whereas a party’s support may be significantly understated under FPTP due to tactical voting, STV ensures that latent support becomes apparent. A party whose vote has in the past been squeezed for tactical reasons can bounce upwards because people are now free to cast first preferences for the party they support, rather than a negative vote to stop the party they like least from winning.
- Two-horse races and safe seats are virtually eliminated. Under STV, parties are incentivised to campaign in all seats, as – depending on their level of support – they might stand a
chance of being elected. In turn, this leads parties to pay more attention to the local issues affecting voters as a way of obtaining their preferences. Further, it also changes parties’ campaigning techniques – being overtly vitriolic about other candidates/parties is unlikely to be helpful in attracting second and lower preferences, and in forming a coalition post-election.

Diversity:

- Parties have an incentive to put up a team of candidates who reflect the diversity of society.
- Because each party typically puts up a number of candidates and voters can choose between them, the voter is not stuck with the party’s favourite. They can choose who they think will work hardest; or on the basis of gender or age; or for people they agree with on a particular issue.
- STV with an integrated gender quota could ensure even greater diversity and, in the words of the Expert Panel, ‘could therefore be the most appropriate electoral system for Wales.’

Member accountability:

- Unlike List PR, STV maintains the link between an elected representative and a local constituency area. The constituencies are much smaller than the regions used for list seats and the direct link is there as members are chosen, as individuals, by the voters.

In addition, there will be voters who voted for an unsuccessful candidate with their first preference but for a winner with their second or subsequent preference.

_Voter behaviour_

STV is an electoral system designed to maximise voter choice, as electors can rank candidates in order of preference, rather than just being able to express one preference as currently happens under FPTP.

The main change for voters under STV is that they need to decide on how they would like to rank the candidates on the ballot paper. STV allows voters to express much more nuanced preferences than FPTP – for example, voters can decide to rank a candidate from party A as their first preference, but a candidate from party B as their second preference, and so on. Evidence from Scotland and Ireland suggests voters use it in quite sophisticated ways.

Outside of the winner-takes-all mentality of FPTP, voters are no longer incentivised to vote tactically in certain seats and opt for the least-worst option as a way of ensuring the candidate they dislike does not get elected.

Being able to express more than one preference and to vote for independent candidates means that voters are incentivised to find out more about candidates’ positions, rather than relying on party heuristics, and engage more actively in politics, as they know their vote will be heard and make a difference.

_Party behaviour and campaigning under STV_

STV by and large rewards parties in proportion to their support among the electors. As mentioned above, smaller parties have the chance of securing representation in proportion to their share of the
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 ward under FPTP where, say, Labour poll 50-55% or so 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 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 non-Labour seat or seats, and to persuade supporters of other parties to transfer their lower preferences in the right direction.

There are some aspects of campaigning which will be affected by STV and merit consideration by parties.

First off, there is information gathering. On top of familiar campaigning issues (such as local issues and general pattern of support), parties will need to pay attention to the following considerations when deciding on their campaign strategy and, in particular, how many candidates to stand:

- How many people are strong supporters of the party?
- How many people might vote for one of the party’s candidates because of personal or other factors?
- How is support for the party, and for individual candidates, distributed throughout the area?
- Are supporters of other candidates and parties prepared to give your candidates transfers? If so, which candidate is most attractive to transfers?

In Ireland, political parties take information-gathering very seriously. In general elections it is considered normal for the party to reach out to a majority of voters. The key, first question to ask voters during the campaign is to whom they will give their first preference. Between general elections the major political parties are able to conduct detailed opinion surveys in important constituencies. Although these are carried out by volunteer party members, mainly door to door on Saturdays, the surveys are conducted by random sampling and in numbers (perhaps 400 in a constituency) which allow statistically significant findings. The high level of political activism in Ireland makes gathering this sort of information possible at a reasonable cost.

STV does not necessarily require all the sophisticated information and campaigning techniques that are used in Ireland – though if resources allow these methods are of course useful. What it does mean is that well-organised parties that have taken care to listen to the electorate and communicate with it are rewarded for their efforts.

Second, under STV choosing how many candidates to run is one of the most important decisions to be made by a party. There will be very few cases in which a party can expect to win all the seats on offer in a ward. There is no single, simple answer to the question of how many candidates a party should run in a particular ward. Much depends on one’s assessment of local circumstances and
personalities. However, there are several arguments and considerations that should affect the decision.

Arguments for running fewer candidates include:

- **Keeping a party’s vote intact**: Running too many candidates means that some will be eliminated early in the count and, because of vote ‘leakage’ (where a voter’s second and lower preferences are transferred to candidates from other parties/independents), fail to pass on the full strength of their votes to their running mates. This means that parties can at times mount a better challenge with one or few candidates. This is especially the case with small parties. The longer the ballot paper, the more leakage will take place, as voters may not wish to go through all candidates to ensure they are voting for the same party. Keeping nominations down means that one’s voters will have less work to do when they try to vote for all of a party’s candidates.

- **Internal party management** might influence how many candidates are put forward in a ward, given that parties might wish to protect the chances of incumbents or leading figures.

Arguments for running more candidates include:

- **Making full use of a party’s support**: A party might experience a surge in support during the campaign or miscalculate its levels of support, and thus fail to stand enough candidates.

- **Broadening a party’s appeal**: Running more candidates allows the party to poll more first preference votes.

- **Insurance**: If a party is running only one candidate and they are hit by a scandal or some other serious problem, the party’s support can sink. If the party has more than one candidate, it can still hope to elect the untainted running mates.

- **Managing transition**: In a transitional situation, running a large number of candidates might be better for party management than easing out sitting councillors, particularly in areas where, say, four incumbents are being reduced to perhaps two.

Provided that voters attracted to a party’s candidates place at least some importance on the party label, and that rivalries between candidates can be contained by a framework of party discipline, the balance will tend to be tipped towards running more candidates rather than fewer. In Ireland, a rough rule of thumb (varied depending on local circumstances) is that a party will run one more candidate than it expects to see elected.

The extra party activity that comes with having several candidates can stimulate voter interest and turnout. A party with one seat it thinks it can take for granted is exposed to the risk of differential turnout in favour of parties that campaign harder, offer voters a genuine choice, and have two or more motivated candidates in the field.

There are different options under STV for dealing with by-elections/casual vacancies. In Scotland local government, where there is only one vacancy, the by-election is carried out under AV. Where there is more than one vacancy, which happened in a by-election a few weeks ago, the election is carried out under STV. An alternative approach would be to go back to the result from the previous election and re-distribute the votes, so that the next person that would have been elected takes their place as a councillor.
Expert Panel model

STV is the Expert Panel’s preferred option, subject to the implementation of an integrated gender quota. They argued that STV would be sufficiently flexible to elect an Assembly increased in size as it would provide increased proportionality, high member accountability, equivalent status of all members, while maximising voter choice. They also outlined ways that multi-member constituencies could provide a degree of familiarity and local identity for voters.

In terms of how this would work for elections the 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 assembly agreed upon and the number of electors in each constituency. This method could be used to elect an assembly 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.

Additional Member System (AMS)/Mixed-Member Proportional (MMP)

Key decisions for voters under AMS/MMP:

- There are two main decisions for voters under AMS/MMP: which party do they prefer and therefore wish to give their list vote to, and which candidate do they prefer for the constituency. In all MMP/AMP systems, however, an elector may be unable to vote for her/his preferred party in the constituency contest if it does not field a candidate there, making split-ticket voting – i.e. supporting two different parties in the election’s separate components – virtually inevitable.

Key decisions for parties under AMS/MMP:

- How many constituencies to contest
- For smaller parties, whether to focus on a few constituencies or the national list vote.
- For larger parties seeking to govern, the list vote is essential
What is AMS/MMP?
AMS is a hybrid voting system: it combines elements of First Past the Post (FPTP) where voters choose a candidate to represent their constituency, and party-list Proportional Representation. List seats are allocated to parties in a way that partially compensates for the disproportionality associated with First Past the Post elections.

Voters in the UK use the Additional Member System (AMS) to elect the Welsh Senedd, the Scottish Parliament, and the London Assembly. When used in Germany and New Zealand it is called Mixed Member Proportional (MMP).

How AMS works in Wales is different from Scotland. In Scotland, 73 representatives are elected through the constituency seats, and 56 from the party regional list. In Wales 40 AMs are elected through the constituency seats, and 20 on the list. Having only one-third of members allocated proportionally via the list is a relatively low percentage and means that the Welsh version of AMS is inherently less proportional than that used in Scotland or in most other countries and regions that use the AMS system. For this reason, some have called for an increase in the proportion of AMs elected on the list. The Expert Panel found that increasing the number of list seats would be ‘defensible, but not optimal’ and would make any increase in the size of the Assembly beyond 80 members unfeasible in 2020.

Voter experience
Voters have two ballot papers. On the first is a list of candidates who want to be the constituency AM. Like a Westminster election, the voter marks their preferred candidate with a cross. On the second ballot paper is a list of parties who want seats in the Senedd. Each party will publish a list of candidates in advance. A vote for a party is a vote to make more of their list of candidates into regional AMs. Voters can cast both votes for the same party or vote for different parties in their
constituency and regional ballots. In Wales, voters do not have to complete both ballots for their votes to be valid.

Sample ballot paper for Senedd elections

How it’s counted

The Westminster-style ballot papers are counted first. The candidate with the most votes wins, even if most people didn’t vote for them, as is the case under FPTP.

The second ballot papers are then counted, with an electoral formula being applied to allocate the regional seats to political parties. The people counting look at how many seats a party won on the first ballot paper. They then add ‘additional members’ from the party lists to make parliament match how the country voted. The goal is to provide a proportional parliament but also keep a single local AM. In Wales, the D’Hondt electoral formula is applied and each region in Wales returns four AMs.

Effects

The Additional Member System has become popular as some see it as a compromise solution. But, as a compromise, it keeps Westminster’s ‘safe seats’ that rarely change hands. While a significant improvement over Westminster’s system, parties still have a lot of control over who gets elected.

AMS scores highly in terms of proportionality, but lower on the other criteria/principles of a good electoral system, particularly voter choice and equivalent status of representatives.
Proportionality:

- List MPs ensure that every party can potentially win seats in every area and can provide for a fairer representation of the diversity of public opinion. This ensures the government cannot ignore parts of the country. Over the course of five elections now in Wales, AMS has demonstrated itself as a superior voting system to Westminster’s FPTP system, delivering results which have allowed for the inclusion of a far wider range of voices in policymaking and governance in Wales.

Voter choice:

- The problems of safe seats found under FPTP are also a symptom of AMS, and the bulk of votes for constituency AMs wasted (either because they are cast for candidates who aren’t elected or for candidates who are elected with more votes than are needed for a plurality).
- The ‘top-up’ list element of AMS is also problematic. 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 amongst the party, who choose the order of party lists.

Equivalent status:

- The Additional Member System effectively creates two classes of MPs, and this can lead to tension. For instance, there might be increased local recognition for constituency AMs, whereas some list AMs might feel that they are perceived as not doing casework when they often do.

Expert Panel model

The Expert Panel concluded that, if the Assembly were not to implement either STV or a Flexible List, an adapted version of AMS/MMP (with more list candidates, which should not exceed more than 50% of AMs) might be used to elect the Assembly within their recommended size bracket. However, they made clear that this was not their preferred option. They state that it would not be possible to elect an Assembly larger than 80 members and that the system would not provide equivalent status of all members.

The model proposed for this would be to have 40 constituency seats and 40 regional seats using the existing five electoral regions, which would vary in number of members according to the total electors in the region. The panel also suggested you could apportion eight members for each region.

**List PR – Flexible List**
Key decisions for voters under the Flexible List:

- The main question facing voters is whether to vote for a party list, thus accepting their ranking of candidates, or for an individual candidate within a party.

Key decisions for parties under the Flexible List:

- Parties will need to decide which candidates to select for their slate and, especially, how to rank them on the list
- How to ensure diversity amongst the selected candidates

What is List PR/Flexible List?

Party Lists are the most commonly used way to elect representatives in the world, with more than 80 countries using a variation of this system to elect their parliament.

There are three main ways to vote in Party List elections in use around the world, with their main difference being whether or not voters may cast their vote for a party or an individual candidate:

- Closed List: Each party publishes a list of candidates for each area. On polling day the ballot paper just has a list of parties. Voters mark the party they support. This is the system used in Great Britain to elect members of the European Parliament. In this system, a party gets seats roughly in proportion to its vote, and seats are filled by the party depending on the order they choose.
- Flexible/Open List: On the ballot paper, each party has a list of candidates. In some open-list systems voters must vote for an individual candidate. In others, voters can choose between voting for a party or their choice of candidate. Votes for a candidate make that candidate more likely to be in the party’s group of MPs that get elected. A vote for a candidate is counted as a vote for their party when it is decided how many seats each party should receive. This means it is possible for a vote for a candidate to help a candidate a voter dislikes, if that candidate is popular with the supporters of the rest of their party.
- Semi-Open List: in a semi-open list voters are presented with a ballot like that of an open-list system.

Voter experience
In the Flexible List system proposed by the Expert Panel, voters have a single vote and can choose whether to vote for a party (in this case, the party’s preferred candidate order would apply) or for an individual candidate within a party’s list.

Sample Flexible List ballot paper as used in Luxembourg.

Counting the votes

There are a number of stages in counting votes in a List PR system. First, if there is an electoral threshold, this is applied to the total vote shares a party received either in a constituency or at the national level (depending on the type of threshold).

Second, an electoral formula is applied to allocate seats. In all three types of list PR, votes are aggregated across parties to determine the number of seats they receive. There are two main methods of allocating seats in party-list elections. The D’Hondt method, which slightly favours larger parties and the Sainte-Laguë method which does not. Modelling commissioned by the Expert Panel showed that the D’Hondt formula could produce less proportional outcomes than the current electoral system, which led them to recommend that the Sainte-Laguë formula should be used if the Assembly chose to adopt a Flexible List system.

After determining which parties are to be allocated seats, the third step is to determine which candidates are elected. This is another key difference among the three main types of List PR systems. A Flexible List system balances party influence and voter choice over which candidates are elected, though the degree to which one or the other prevails can vary depending on flexibility and the mechanisms used to determine the final ordering of candidates. In terms of flexibility, this can vary from lists that are almost closed (with the party’s order prevailing) to ones that are almost open (with voters’ choice dominating). There are a variety of mechanisms that can be used to determine the final ordering of candidates. The Expert Panel recommended using a threshold: parties determine the order in which candidates’ names appear on the ballot; if no candidate receives enough personal votes to meet a specified candidate threshold, the party’s ordering is used to determine which candidates are elected. But if a candidate receives enough personal votes to meet the threshold, they move to the top of the party list. If several candidates meet the threshold, they are ordered by the number of votes they each received.

Effects
Democratic outcomes

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

Proportionality:

- In Party List systems, seats in 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/MMP (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.

Voter choice:

- 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.

Diversity:

- Party List PR and closed lists, in particular, tend to provide excellent opportunities for the election of more diverse candidates, because parties can balance their candidates over larger areas. Flexible and open lists can also increase diversity by allowing voters to choose candidates from particular backgrounds or with specific skills and expertise.

Equivalent status:

- By removing the distinction between constituency and regional candidates/representatives, List PR is an improvement on AMS/MMP in terms of the equivalent status of members elected.

Member accountability:

- 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.

Voter behaviour

Voters’ experience under the Flexible List is in some ways similar to that of FPTP – voters have only one vote and cannot rank candidates in order of preference. The main decision voters have to make is whether to vote for a party list, thus accepting their ranking of candidates, or for an individual candidate within a party.
There is some potential for voter confusion under List PR – for example, if a voter votes for a candidate from Party A, but also votes for Party B. In this case, it would be hard for those counting the election to figure out who the voter intended to vote for.

*Party behaviour*

Parties’ behaviour under the Flexible List is not too dissimilar as their behaviour with regards to the regional list aspect of AMS/MMP. Their main decision regards which candidates to select for their list and, especially, how to rank them within the list.

In the absence of gender quotas, parties may also wish to ensure diversity amongst the selected candidates.

If thresholds for representation in the legislature are applied, smaller parties may want to concentrate their resources on obtaining a certain percentage of the vote – which might impact the diversity of candidates they select.

*Expert Panel model*

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.

The candidate threshold chosen (where a candidate would be elected in a different order to their party list if there 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.

The Expert Panel concluded this system would retain a direct constituency link, result in equivalent status for members and would promote voter choice due to voters being able to choose to vote for either a party or an individual candidate. However, voter choice would also be limited as each voter only has one vote.

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.

*First Past the Post (FPTP)*
First Past the Post

PROPORTIONALITY: ★★★★★
VOTER CHOICE: ★★★★★
LOCAL REPRESENTATION: ★★★★★

FPTP is not a recommendation of the expert panel but we have included it here for comparison. No country has switched from a proportional electoral system to FPTP.

Key decisions for voters under FPTP:

- Whether to choose the candidate who is best for the constituency or the party that they wish to see in government
- Whether to vote tactically (against their preferred candidate) to ensure the party they want to govern wins over another party
- Whether to abstain from voting because their preferred candidate is so unlikely to win that voting would be a waste or so likely to win that their vote is unnecessary

Key decisions for parties under FPTP:

- Whether to contest every constituency
- How actively to campaign in each constituency/ Whether to focus resources on only marginal constituencies
- Whether to focus on national issues or local candidates in those campaigns

How does first past the post voting work?

On election day, voters receive a ballot paper with a list of candidates. As only one MP will represent the area, each party only stands one candidate to choose from. Voters usually put a cross next to their favourite candidate. But if they think their favourite has a low chance of winning, they may put a cross next to one they like with a better chance of winning.

How are first past the post votes counted?

During a General Election, 650 constituencies across the country each hold separate contests. To become an MP, a candidate needs the largest number of votes in their area. This means every MP has a different level of local support. In many areas, the majority of people will not have voted for their MP. Even if millions of voters support the same party, if they are thinly spread out they may only get the largest number of votes in a couple of these contests. Tens of thousands of voters supporting the same party and living in the same area will end up with more MPs. This means the number of MPs a party has in parliament rarely matches their popularity with the public.
Effects

Democratic outcomes

Under FPTP, candidates can win even if they do not have an overall majority of the votes cast. This can result in governments being elected even though a majority of voters have supported opposition parties.

FPTP scores quite low on most indicators of a good electoral system, with the exception of member accountability – electing an MP to represent a constituency provides a clear local link.

Proportionality:

- FPTP tends to produce distributions of seats that bear little relationship to the proportion of votes won by parties. In the 2016 Assembly election, the Labour party won 67.5 per cent of the constituency seats from 34.7 per cent of the vote. If FPTP had been used in devolved elections, Labour would have won strong to overwhelming majorities in every Assembly election, despite never approaching a majority of the vote.
- Many swing seats have two candidates where either could get elected. But some have more. The more candidates with a chance of getting elected the fewer votes the winner needs. In 2015 a candidate won the Belfast South election with only 9,560 votes, or 24.5% of the total, a record low. Under Westminster’s First Past the Post system it is common for constituencies to elect MPs that more than half the voters didn’t want. To combat this, voters try to second-guess the results. If a voter thinks their favourite candidate can’t win, they may vote for one with the best chance of stopping a candidate they dislike from winning.

Voter choice:

- Under FPTP, voter choice is limited to a single candidate per party – citizens cannot preferentially rank candidates or choose between different candidates from the same party, who might offer different skills or come from different backgrounds.
- Some constituencies become very safe for one party and therefore campaigning tends to focus on just the winnable seats, excluding voters in some areas from vital, energetic debate which is fundamental to making an informed decision at an election.

Diversity:

- International experience shows that single-member systems provide less of an incentive for gender balance and diversity than multi-member systems. With one candidate to choose there is more likelihood of selecting what is perceived as a ‘safe’ candidate, whereas having more than one candidate can encourage a more ‘balanced ticket’.

Government accountability and effectiveness:

- As the number of MPs a party gets doesn’t match their level of support with the public, it can be hard for the public to hold the government to account. More people can vote for a party’s candidates compared to the last election, but they can lose MPs. The reverse can also happen. In 1951 and 1974, the party that had the most MPs wasn’t the party that got the
most votes from the public. In New Zealand, the Labour Party won more votes than the
National Party in 1978 and 1981, but the National Party remained the largest party and
formed the government on both occasions.

**Voter behaviour**

Unlike the other electoral systems discussed in this briefing, voter behaviour under FPTP is more
restricted as voters can only pick one candidate, as opposed to being able to express more than one
preference or rank candidates. Though voters technically vote for the candidate, as opposed to a
party, under FPTP, party preference is what determines one’s vote – apart from highly exceptional
cases where an independent candidate is well-known and respected locally.

Given the winner-takes-all logic of FPTP, voters are incentivised to vote tactically (thus not for their
preferred candidate) to ensure the party they dislike the most does not win.

In some areas, particularly safe seats, voters might decide to abstain from voting altogether because
their preferred candidate is so unlikely to win that voting would be a waste or so likely to win that
their vote is unnecessary in making a difference.

**Party behaviour**

The idea of ‘safe seats’ and ‘marginal seats’ is central to campaigning in First Past the Post elections.
A key decision for parties under FPTP is whether or not to contest every constituency and how
actively to campaign in those they do contest. The campaign focuses on the marginal seats, where
the work of party activists can make the difference between winning and losing. A party can
depend on its safe seats sticking with it, unless there are strong local factors or a particular tide in public
opinion.

There is no advantage, at least in terms of seats, in piling up a majority of 1,000 when the ward can
just as easily and securely be won with 500 with no work. Similarly, there is no immediate value in
fighting hard in a hopeless seat to gain 17% rather than 7% of the vote.

Another key decision for parties is whether to focus their campaigning (and resources) on national
issues – which may boost the party’s overall standing among the public, but may return little
benefits if support is not sufficiently concentrated – or on local candidates in specific constituencies.
The latter might benefit the party in terms of gaining key seats, but its chances of winning other
seats – which, while not marginal, it could win with a boost in the polls – might be reduced.

**Expert Panel model**

The Expert Panel rejected this system citing it was “less proportional than the current electoral
system” and “Unlikely to adequately encourage diversity of representation”.  
Appendix 1: Evidence from Scottish 2012 local elections regarding transfers

Transfers reflect the nature of the political context. As such this is an example from 2012 in Scotland of how transfers flowed in this specific election.

Non-terminal transfers = when the votes of a candidate are redistributed and a candidate from the same party remains in the count

For non-terminal transfers in 2012, on average the following proportion of votes were transferred to a candidate from the same party. The figures suggest that Conservative and Lib Dem candidates may have been somewhat more reliant on personal votes than party labels. These figures are not dissimilar to those seen at the 2007 election.

SNP = 79%
Lab = 78%
Con = 68%
Lib Dem = 67%

Terminal transfers = when the votes of a candidate are redistributed and no other candidate for that party remains in the count.

Transfers from parties (2012 Scottish local elections) - Looking at first terminal transfers of a major party (Con/Lab/LD/SNP), in a ward, where all the other major parties still had a candidate in the count (Independent or Other candidate may or may not have been left in the count)

Con: 34% non-transferrable; 32% to LD; 18% to Ind/Oth; 8% to SNP; 8% to Lab
Lab: 48% non-transferrable; 17% to Ind/Oth; 17% to SNP; 13% to LD; 6% to Con
LD: 23% non-transferrable; 22% to Con; 20% to Lab; 19% to Ind/Oth; 16% to SNP
SNP: 44% non-transferrable; 18% to Lab; 18% to Ind/Oth; 14% to LD; 6% to Con

On average, 40% of votes were deemed non-transferrable when the first major party terminal transfer occurred. A majority of voters were willing to express a degree of support to candidates of more than one partisan colour.

Lib Dem and Conservative voters were more likely to have voted in a way that allowed transfers to a different party or Independent candidate.

Labour and SNP voters were most likely to have been presented with more than one candidate and thus may well have been more likely to feel it sufficient to confine their preferences to candidates of their preferred party. In contrast most Conservative and Liberal Democrat voters will only have had one candidate for whom they could vote, and thus could only express more than one preference by giving one or more lower preferences to a candidate of a different party. Liberal Democrat supporters may also have been aware that their candidate’s prospects of being elected were much
weaker than five years previously, and that thus they might need to cast a lower preference in order to ensure that their vote was not wasted.

Where votes were transferred to another candidate, some patterns were more common than others. As in 2007, both Labour and SNP supporters were reluctant to give a lower preference to a Conservative candidate, an indication of the degree to which the Conservative party remains marginalised in the eyes of many voters. However, this time this reluctance was less obvious amongst Liberal Democrat supporters. In contrast to 2007, meanwhile, the Liberal Democrats were no longer the most popular next preference of Labour supporters, nor were they, as they had been in 2007, as popular a choice as Labour amongst SNP supporters. These patterns suggest that the formation of the coalition between the Conservatives and the Liberal Democrats at Westminster had an impact on the lower preferences expressed by some voters.

What often appears to have been a relatively attractive option for supporters of all four main parties when it was available, however, was to give a lower preference to an Independent or other party candidate. Here it might be noted that Table 3.3 actually rather understates voters’ propensity to do so as our average rates of transfer to Independents and Others are calculated across all the wards in the relevant sample, in some of which no Independent or other party candidate remained in the count. If we calculate the average rate of transfer to Independents and Others in just those wards where such a candidate was still in the count, we find that no less than 27% of Conservative and Liberal Democrat votes were transferred in that way, as were 24% of SNP votes and 21% of Labour ones. It would seem that for many voters, giving a lower preference to an Independent or Other party candidate was an easier Rubicon to cross.

We can also undertake a similar analysis of what happened when a Green candidate either had their surplus distributed or they were eliminated from the count. Of particular interest are those wards, some 14 in all, where this happened at a stage when at least one candidate from all four of the main parties was still in the count. Two features, are of interest. First, much like Liberal Democrat voters, Green supporters appear to have been relatively willing to give a lower preference to a candidate of a different political persuasion. Just one in five votes cast for Green candidates was nontransferable when all of the principal alternative options remained in the count. Second, Green supporters appear to have been more or less equally inclined to give a lower preference to a Labour, Liberal Democrat or SNP candidate, whereas in 2007 they were most likely to switch to the Liberal Democrats. Only the Conservatives proved to be a relatively unpopular option. Many Green supporters too switched to an Independent or Other candidate when available; in the 12 of the 14 instances included in the table where at least one such candidate was still in the count, as many as 20% of Green votes transferred on average in that direction.

Average Green terminal transfer rate in 14 wards where Green candidate eliminated and candidates from all four major parties were still in the count

Transfers from Green to: non-transferrable (20%); Lib Dem (20%); Lab (19%); SNP (18%); Ind/Oth (17%); Con (5%)

At the 2012 Scottish local elections, 68 candidates who were not in the top 3 places (3 members wards) or 4 places (4 member wards) on first preferences were able to leapfrog other candidates to get elected. This represents 5.6% of all elected candidates.
At the 2017 Scottish local elections, 86% of voters gave more than one preference, the same figure as in 2012. This represents an increase of 8 points on the first Scottish local elections held under STV, in 2007, indicating a greater willingness to make use of their preferences, as they become more familiar with the system - refs: https://www.electoral-reform.org.uk/latest-news-and-research/publications/2012-scottish-local-elections/


In 2017, 61% of voters gave three preferences and 29% gave four preferences, both figures slightly higher than for the 2012 Scottish local elections. The vast majority of voters are using the extra power handed to them by STV - ref: https://www.electoral-reform.org.uk/wp-content/uploads/2019/08/Democracy-Denied-The-2019-Election-Audit.pdf
Appendix 2: How to campaign under STV in detail

Selecting several candidates at once involves different considerations from just selecting a single person and affects important relationships within the party, for example:

- Should the party have the final say over how many candidates are nominated?
- Should there be rules set down controlling the process (e.g. to ensure gender balance)?
- How can the party best ensure that its slate of candidates represents different areas and interests within the ward?
- What voting system should be used in the local party’s internal elections to decide who should be the candidates?

A third consideration for parties is how to run the campaign. In multi-member local government wards in England and Wales, the party’s candidates normally share an agent, campaign as a team and – if any other volunteers can be rounded up – make up a formal or informal campaign committee with the agent. The agent normally has responsibility for the whole borough. This sort of structure would be easily adaptable for use in STV.

Candidates can campaign as a team – leading to less vote leakage – or as individuals – meaning that the party’s overall first preference vote may be higher. Which is more advantageous will depend on the circumstances, though ultimately it will be voters’ choice to determine how the votes fall between candidates. A controlled and regulated system of candidate-centred promotion is more likely to work than an outright ban on personal campaigning, and less likely to lead to divisive internal party discipline cases. A common identity among different candidates from the same party can still be fostered through using the same branding and promoting running mates in campaign material.

One method of regulating personal campaigning is to divide the ward into areas and set rules about what is permitted in each area. Parties would be well advised to ensure that geographical subdivisions are allocated fairly – for instance, that areas of known strength and weakness for the party are distributed equally. Parties may also want to play to the strengths, contacts and local profiles of their candidates.

In Ireland, and indeed in other countries that use STV, it is usually considered a bad idea for the central party to specify the order of preference between candidates. Overt favouritism between candidates – particularly in public campaigning – is almost guaranteed to create bad feeling between the candidates and hinder the party’s effort to present its team. It also may not be successful with the electorate, because people dislike the feeling of being dictated to by party headquarters, and may decide not to follow instructions. Attempting to maximise the party’s representation by telling voters to vote in a particular order can also misfire even if the voters do what they are told. If the party’s calculations about the strength of the party’s vote are even a little inaccurate, it can result in the candidate the strategy is designed to help losing out when the votes are counted.

Parties’ central publicity generally advises ‘vote for all our candidates in the order you prefer’, or a similar form of words. Publicity for individual candidates generally advocates a first preference for that candidate and then, if there are two candidates from the party, a second preference for the running mate. If there are several candidates, the pitch will tend to be ‘vote for me first, and then for all my party colleagues in the order you prefer.’
For reasons of individual popularity or seniority within a party, one candidate might be the leading figure. In that case, one usually works with the leader’s popularity. Although it technically makes no difference, a strong personal vote can be a political virility symbol and strengthen the leader’s hand in coalition negotiations. Electorally, the strategy in this case would be to promote the popular leader as the face of the party, and make the argument that people should vote for the leader and the team. For this approach to work, one needs to have confidence that the leader’s popularity will rub off on the party in general. Campaign techniques can emphasise the importance of supporting the rest of the team, but in some circumstances a purely personal vote will not come across.

A fourth consideration are second preferences. Parties which can make a successful appeal for second preferences can build up enough to win seats even if they do not have many first choice votes, while others that seem just short of a quota may not win a seat. Appealing for second preferences is a tricky area of campaigning, as an overt appeal for second preferences might dissuade people from giving you a first preference. Strategy will depend on whether your party is more or less transfer-friendly than the others in the election. A party that attracts few transfers might be best off consolidating its base. But you need enough first preference votes not to get eliminated during the early stages of the count before you have attracted any transfers.

Perhaps the most important implication of second preferences for campaign strategy is that it is worth canvassing and leafleting in areas which do not produce many first preference votes for your party.

Finally there is the issue of coalition building/alliances. Parties may wish to help each others’ candidates by advising their supporters on where their lower preferences should go once all of their first choice party’s candidates are eliminated. In Ireland there are sometimes formal agreements between the parties about preference transfers. In 1997, for instance, there were two broad coalition options (Fianna Fáil and Progressive Democrat, or the ‘rainbow’ coalition of Fine Gael, Labour and Democratic Left). In forming a government it made obvious sense for the parties to encourage supporters to use lower preferences to help allies rather than opponents.

Minor parties can also benefit from being in alliance with each other and pooling their electoral resources as the count progresses.

It is pointless to discourage people from using their lower preferences. It could make the difference between electing a councillor from another party you can work with, and one you can’t. It is better to encourage voters to make as many sensible choices as they can.

Building coalitions both during the election campaign and after polling day leads parties to embrace a more consensual politics, moving away from the antagonism of FPTP and outdated language of who ‘won’ or ‘lost’ the election. Under STV, parties represent different proportions of the electorate, and have to try to work together for a greater good, as opposed to pursuing overtly partisan objectives on the false premise that they alone have the right to drive policy on the basis of 20%-30% of the electorate that actually voted for them.