

Committee on Assembly Electoral Reform
Electoral systems and boundaries
ESB 08 United Kingdom Independence Party

UKIP Consultation Response to the National Assembly for Wales Committee on Assembly Electoral Reform Inquiry into Electoral Systems and Boundaries

1. The United Kingdom Independence Party (UKIP) exists as a Political Party registered with the UK Electoral Commission under the PPERA, bearing the Electoral Commission Registration Number PP85. The Party exists as a Limited Liability Company registered with Companies House (Registration Number: 05090691) in accordance with the Companies Act 2006. Copies of the party's constitution are available on the web and the most recent edition of the party rulebook is available on request. UKIP is a democratic and libertarian party. We espouse policies including favouring the ability of individuals to make decisions in respect of themselves; seeking to diminish the role of the State; lowering the burden of taxation on individuals and businesses; ensuring proper control over the United Kingdom's borders; strengthening and guaranteeing the essential, traditional freedoms and liberties of all people in the United Kingdom; and promoting and encouraging those who aspire to improve their personal situation and those who seek to be self-reliant, whilst providing protection for those genuinely in need. UKIP believes that the United Kingdom of Great Britain and Northern Ireland (hereafter "The United Kingdom") should only be governed by her own citizens, and that its governance shall at all times be conducted first and foremost in the interests of the United Kingdom and its peoples, and that the only laws that should apply within the jurisdiction of the United Kingdom are those wholly made by the Parliament of the United Kingdom.
2. In the 2016 Welsh Assembly elections, seven UKIP candidates were elected as representatives by the 'list system'. The current Leader of UKIP in Wales is Neil Hamilton AM.
3. On 7th February 2018, the UKIP group of elected representatives in the National Assembly of Wales (hereafter *the Assembly*) proposed a motion for debate (Motion NDM6645) arguing that: (a) currently, there should be no increase in the number of the Assembly's elected members; and (b) the electorate must demonstrate their consent to any future increase in the number of elected members by way of a referendum. The Labour and Plaid Cymru groups of elected representatives in the Assembly (and the Welsh Government representatives) opted not to speak on the motion at all. The (Plaid Cymru) Presiding Officer spoke on behalf of the Assembly Commission, not her party. The motion was *not* passed, even though two of the largest groups in the Assembly *failed* to advise, at length, in speeches in the Assembly chamber, as to *why* they believed that it was appropriate (or otherwise) to ask the whole electorate, by referendum, whether the number of Assembly Members should be radically increased.
4. The position of UKIP is that there should be no change at all to the number of Assembly members and that the boundaries of Assembly electoral constituencies and regions should not be changed. Consequently, we also oppose any resourcing or costing to consider the implications of reforming the electoral system and Assembly boundaries.
5. Furthermore, given that all of the current political groups in the Assembly, apart from the UKIP group, would not, in 2018, assent to directly asking *all* of the Welsh electorate to consent to one of the prime and most important changes to the electoral system, by way of a referendum, we consider the current proposals of the committee to "[explore] public sentiment and [understand] the Assembly's current electoral arrangements and boundaries and the options recommended by the Expert panel" to be a retrograde step compared to our proposal, and we also oppose it. Further reasons for this are set out more fully later on in this document.
6. We are also opposed to 16 and 17 year-old people voting in Assembly elections and we oppose votes for foreign nationals in Assembly elections. The legislation enabling this was passed by the slimmest of majorities: only one vote enabled the two-thirds majority for the motion to be exceeded, which included the Presiding Officer and Deputy Presiding Officer's own (potentially) self-interested and partisan votes.

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7. In what follows we shall comment on each of the five bullet pointed terms of reference that you asked us to consider in your letter dated 8th January 2020 before, briefly, providing concluding remarks.

Bullet Point #1: “Examining the implications of the electoral systems and boundaries recommended by the Expert Panel ..., and considering how the principles identified by the Expert Panel might be weighted ...”

8. We believe that the Panel’s principle labelled “Simplicity” should be given the highest weighting of the panel’s eight principles: "Simplicity: the system should be designed with simplicity and intelligibility for voters in mind."
9. The Panel’s Principle labelled “Equivalent Status” is not of the *highest priority* to us but it is, nonetheless, a *high priority*: "Equivalent status: as far as possible, the system should ensure that all Members are elected with broadly equivalent mandates which afford them equal status."
10. However, we believe that the *existing* Assembly Electoral system achieves these principles adequately. The feedback from our elected representatives and their constituents is that after many years of experience and practice, the electorate have fully grasped the current electoral system. Therefore, further change to the existing system would do violence to the *Simplicity Principle*, in our view. In our view, it would be wrong to view the *Simplicity Principle* in a historical and temporal vacuum. We believe that the existing electoral system satisfies the *Equivalent Status Principle*.
11. We attach much less weight to the *Diversity* principle: "Diversity: *the system* should encourage and support the election of a body of representatives which broadly reflects the population" (our *italics*)
12. We believe that it is not the role of *an (electoral) system*, nor any formal or informal mechanism or *piece of legislation*, to ensure that their elected representatives broadly reflect certain characteristics of the population such as age, gender, ethnicity, faith and so on. If it is anyone or anything’s role, we believe that it should be that of *the electorate* during the time of an election. We believe that all elected representatives should represent their constituents appropriately. Moreover, we believe that it is for the electorate to express themselves at the ballot box, if they feel strongly about the number and ratios of candidates according to characteristics such as gender, faith, ethnicity and so on compared to those of the general population. Similarly, it is by expressing a preference at the ballot box that the electorate can express whether or not a candidate or party will best represent them or other members of the electorate.
13. We attach no weight to the *Sustainability and Adaptability Principle*: "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.
14. We believe that to implement electoral reform in 2021 and beyond, at this point in time, would be an exceedingly rushed reform: much more thought should be given to the principles and the composition of the current and any future expert panel. Furthermore, it will be difficult to explain any reform of Assembly electoral system in such a short time to the electorate.

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15. We attach some degree of weight to the *Boundaries Principle*: "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." However, we believe that the existing electoral system, where existing constituencies and regions have been used and made clear to the public for two decades, is the best way of satisfying this principle.
16. We attach an intermediate degree of weight to the remaining principles but, again, believe that the existing electoral system satisfies these principles best *when considered conjointly*, given the high weight that we attach to *Simplicity, Equivalent Status* and *Boundaries Principles* - and our opinion that the *existing* electoral system satisfies those principles adequately.

Bullet Point #2: "Exploring public sentiment and understanding of the Assembly's current electoral arrangements and boundaries and the options recommended by the Expert Panel"

17. We consider the issue of expanding the number of assembly members to be a prime issue and one of utmost importance that trumps all other proposed reforms to the electoral system. The issue should be settled prior to consideration of any other reforms.
18. Recall that all of the current political groups in the Assembly, apart from the UKIP group, would not, in 2018, assent to directly asking *all* of the Welsh electorate to consent to expansion of the number of Assembly members, by way of a referendum.
19. Thus, given that all of the current political groups in the Assembly, apart from the UKIP group, would not, in 2018, assent to directly asking *all* of the Welsh electorate to consent to one of the prime and most important changes to the electoral system, by way of a referendum, we consider the current proposals of the committee to "[explore] public sentiment and [understand] the Assembly's current electoral arrangements and boundaries and the options recommended by the 'Expert' panel" to be a retrograde step and we also oppose it.
20. We envisage that such an "exploration" would consist in asking a *very very selected subset of the population* their opinions on these topics. The subset of the population, in our view, will likely consist of 'third sector' organisations and 'stakeholders', some of whom we have observed show favourable bias toward at least one of the Labour or Cymru parties or the Assembly Commission itself (each of whom have tentatively supported changes to the electoral system via their spokespeople). We also believe that at least some 'third sector' and 'stakeholder' organisations in Wales are, at least, in part, funded by the Welsh Government (which has also had the support of the Plaid Cymru Assembly group in passing its budget motions in the Assembly chamber). We believe that the reliance of these organisations on Welsh (Labour) Government funding will further result in them showing favourable bias to the official views of the Labour or Plaid Cymru parties or the Assembly Commission on electoral reform.
21. In our opinion, the options recommended by the Expert Panel are most certainly not *exhaustive* of all of the possible options, nor of the *most sensible, practical and cost-effective* options. Consequently, focussing on the narrow set of options suggested by the Panel, will likely radically skew or contaminate the committee's proposed assessment exercise of public sentiment and understanding of the Assembly's current electoral arrangements. Consequently, we believe that such an exercise should not take place.

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22. We believe that the best and most inclusive exploration of public sentiment would have been to ask all of the Welsh electorate, by way of a referendum, whether or not they wish to increase the number of members in the Assembly. We believe that an increase to the size of the assembly should be a primary issue that is decided before any further electoral reform.
23. We believe that “more politicians” is almost never the answer to many of the hopes, aspirations, frustrations and problems faced by any electorate. We further believe that the fact that there may be no historical precedent for such a referendum would actually enhance Wales and the UK’s reputation as a trailblazing progressive country, if one were held.

Bullet Point #3: “Considering the implications...of changing the electoral system and boundary models”

24. We believe that the status quo electoral system (a variant of MMP) strikes the right balance in making a system proportional but neither hyper-proportional, nor under-proportional. Furthermore, the current status quo electoral system allows newer parties to break the stranglehold of the older established parties. We believe that breaking the stranglehold of the older established parties is good for a healthy representative democracy that is proportional but not hyper-proportional.
25. We believe that the variants of the STV system (and the flexible list system) proposed by the expert panel would not benefit newer political parties and favour the older more established parties. This is because we believe that newcomers would get lots of second preference (and lower preference) votes but would get few first preferences in comparison to the older parties.
26. The Expert Panel advocates abandoning the status quo electoral system in favour of a particular variant of the STV system (or flexible list system) because they believe that it best satisfies their *Proportionality Principle* together with satisfying their other proposed principles. We disagree. We believe that these proposed systems frustrate, at the very least, the *Simplicity Principle*, rather than conjointly satisfying it. The *Simplicity Principle* is the principle that UKIP gives greatest weight towards. Furthermore, the reforms proposed by the Expert Panel require increasing the number of Assembly Members, and this is a proposal that UKIP cannot support. In the next three paragraphs we elaborate upon our view.
27. UKIP gives the *Simplicity Principle* the highest weight. The STV variant proposed requires voters to express (potentially) a large number of preferences according to each candidate, and a minimum number of preferences need to be made just for their vote to be judged as valid! This is unnecessarily complicated and far more complicated than the existing system. Consequently, STV frustrates the *Simplicity Principle* in UKIP’s view. Furthermore, the particular version of STV promoted by the Expert Panel recommends, in Sections 13.26-28, that STV be implemented conjointly with 50-50 gender quotas enshrined in legislation: UKIP believes it is not for an electoral *system* or machinery to require such quotas, rather it is for the electorate to make up their own mind at the ballot box on whether they are content or not content with the number and ratios of male and female candidates.
28. In *Recommendation 6* (page 106) the Expert Panel recommend that their proposed variant of STV be implemented in an Assembly with no less than 83 and as many as 90 Member vacancies. This is a substantial increase on the current Assembly’s 60 members. UKIP is opposed to expansion of the Assembly and therefore rejects a STV model requiring at least 83 Assembly member vacancies.

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29. *Recommendation 5* suggests that the Expert Panel recommends implementing STV in multi-member constituencies with at least 4 and at most 6 Assembly Members. UKIP believes that *Recommendation 5* violates – or at the very least frustrates - the *Simplicity Principle* because it produces a constituency system that is more complex than the current status quo of one member per constituency (with 4 additional members per region).
30. Our remarks in the last four paragraphs apply (either *mutatis mutandis* or with suitable emendations) to comparing the Expert Panel’s proposed flexible list system to the current status quo electoral system. Consequently, UKIP reject’s the Expert Panel’s proposed flexible list system in comparison to the status quo electoral system.

Bullet Points #4 & #5: “Exploring the principles and practicalities of establishing boundary review arrangements...” & “Considering the cost and resource implications of reforming the electoral system and...boundaries”

31. We are opposed to establishing boundary review arrangements for Assembly electoral areas. Given that we advocate no such review, there are no principles and practicalities for us to consider.
32. We are opposed to reforming the electoral system and Assembly boundaries. Consequently, we do not support any resources being used for this purpose and we oppose any exercise to *estimate* costs. We believe that the reform exercises should be stopped immediately.

Conclusion

33. UKIP opposes many proposed areas of the Inquiry. We believe that the question of expanding the number of Assembly Members should be settled before any other issues are considered. We oppose expanding the number of Assembly Members. Some of the other items that we oppose include:
- changing or considering changes to the boundaries of Assembly electoral constituencies and regions;
 - proposals to “[explore] public sentiment and [understand] the Assembly’s current electoral arrangements and boundaries and the options recommended by the ‘Expert’ panel”;
 - exploring the principles and practicalities of establishing boundary review arrangements for Assembly electoral areas; and
 - considering the cost and resource implications of reforming the electoral system and Assembly boundaries
34. We attach most weight to the *Simplicity Principle*. We attach high weight to the *Equivalent Status and Boundaries Principles*. However, we believe that the existing electoral system satisfies these principles adequately and that there should be no change to the existing system during or prior to 2021. We attach no weight to the *Sustainability and Adaptability Principle*; and much less weight to the *Diversity Principle*.
35. We believe that the current Inquiry should be abandoned and that the Committee on Assembly Electoral Reform and the Expert Panel should be disbanded and scrapped. We believe that, if they are to be considered at all, these matters should be considered afresh *after* the 2021 Assembly elections, where the composition of any future Committee on Assembly Electoral Reform or future Expert Panel or similar should be given detailed thought and scrutiny before their creation. In particular, the older, larger and more established parties, experts, and the Assembly Commission should give the views of newer and smaller parties more respect and weight than they have done so far.