

**Commission on Boundary Differences and Voting Systems
Inquiry into Boundaries, Voting and
Representation in Scotland**

CITIZEN CENTRAL!

Response from Fairshare Scotland's Campaign for a Better Democracy

“We place the citizen at the centre of our concerns.” There can be no better cardinal principle to guide the Commission's inquiry. The Commission has a unique opportunity to make this a reality for the political process in Scotland. If the Commission grasps this opportunity it will blow a wind of change through the political culture of Scotland. And the people of Scotland want that change.

There is no doubt that the Scottish Parliament, elected by the Additional Member System (AMS), has in terms of registered political parties, been broadly representative of those who voted in the 1999 and 2003 elections. We believe that the proportionality already achieved can be maintained under different PR systems. Our recommendations therefore focus on all the other benefits that a change of voting system would bring.

There can equally be little doubt that the Additional Member System has also been the underlying cause of a persistent criticism of the way much parliamentary debate and business has been conducted. Individual electors and representatives of organised civic society alike, have since quite early days, expressed their disappointment that MSPs have too often allowed their parties' interests to displace the interests of the voters. This has undoubtedly contributed to the more general disaffection with formal politics, to the disengagement of many electors from the political process and to a decline of trust in the political system.

It should, however, be no surprise that MSPs, nominated by political parties and elected by a voting system that entrenches the power of those political parties, should behave primarily as party politicians. The AMS voting system does not give them sufficient incentive to place the citizen at the centre of their concerns, but rather it reinforces their dependence on their respective parties for their election and re-election as MSPs. This is equally true for both Constituency MSPs and Regional MSPs. The Commission has the opportunity to change this – to redress the balance and to make the MSPs more directly accountable to their constituents and less beholden to the party machines.

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In setting out its principles, the Commission concurs with the view of the Jenkins' Commission that **“A primary duty of an electoral system is to represent the wishes of the voters as effectively as possible.”** That effectiveness of representation must, however, extend beyond simple fairness of representation as measured by the numbers of seats allocated to registered political parties. Public opinion polls have repeatedly shown that electors do regard fairness of representation by political party as important (broad proportionality). But electors also want effective local representation and the opportunity to choose among candidates from the same party.

Local Representation

Under AMS each elector can claim to be represented by eight MSPs, but only one of these eight has clear local ties. The voters have no opportunity to vote for regional candidates on a locality basis within their region and so cannot secure local representation in any real sense. As many regional MSPs also stand as constituency candidates, it is purely a matter of chance whether a constituency area within a region has one, two, three or even four locally-based MSPs. Over-representation of one locality within an electoral region can only be at the expense of the voters in other localities within that region. The Commission has the opportunity to change this and give the voters an effective say in determining their local representation as they wish.

Lack of Choice

AMS allows the voters no choice among the candidates nominated by their preferred parties. In the constituency election the voter is presented with a party list of one candidate only. If the voter does not want to see that candidate elected as the local MSP, that voter must vote against his or her preferred party. In the regional election the voter is presented with a list of candidates by most parties, but the use of closed lists in that election prevents the voters from determining which candidates should take the seats allocated to the parties. No matter what procedure a party may use to order its list of candidates, the supporters of that party, those who vote for it, have no say whatsoever in deciding which of those candidates they will have as their representatives. Until the voters can choose freely among candidates of the same party as well as among parties, the electoral system will fall far short of the declared objective of representing the wishes of the voters as effectively as possible.

The overall effect of the voting system has been to entrench confrontational party politics in the business and discourse of the Scottish Parliament. This in turn has entrenched the adversarial approach in the political cultures within the parties. But this is an inevitable consequence of a voting system that is centred on the parties. To change that political culture we must elect our MSPs by a voting system that is centred on the voters – a voting system that will “place the citizens at the centre of our concerns”.

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Fairshare believes that these issues, and the problems arising from differences in constituency boundaries, will best be resolved by adopting the Single Transferable Vote system of Proportional Representation (STV-PR) for future elections to the Scottish Parliament.

STV-PR is uniquely different from **all** other systems of PR: its objective is to secure PR of the views of the electors, not PR of the parties.

PR of the political parties will be the outcome of an STV election when that is what the voters want, but “party PR” is never the objective of STV-PR. Unlike the party PR voting systems (including AMS), STV is centred on the voters and the candidates as individuals. In contrast, party PR voting systems are centred on the registered parties. This difference determines the fundamental balance of power within the political system and can have a profound effect on the political culture. Some political parties and some established politicians do not want STV-PR introduced, but that is because they do not want the balance of power shifted from the parties in favour of the voters.

With STV-PR all MSPs would be elected on the same basis. This would remove at a stroke the problems of having two very different types of MSP. These problems can be particularly acute where a locally dominant party wins all or most of the constituency seats within an electoral region and the regional seats are then allocated to the opposition parties. This party difference exacerbates the difference between Constituency MSPs and Regional MSPs. Electing all MSPs on the same basis by STV-PR would also remove the perception that AMS allows the election of “constituency losers” through “the back door” of the regional lists. Having full equality among all MSPs can only be of benefit to Parliament and people alike.

Voter Choice Becomes Possible

Political parties that expected to win more than one seat within an STV constituency would nominate a team of candidates. That would give the voters choice among candidates of the same party. When consulted about this feature of STV for council elections, a large majority of electors (61% to 19%) said it would be good to be able to choose among several candidates of their preferred party. We believe that electors would equally welcome the opportunity to choose among parliamentary candidates of the same party. Such competition can only make the elected MSPs more attentive to the electors in the communities they are elected to serve. That strengthens democracy and fosters engagement as can be seen where STV-PR is already in use.

With STV-PR each elected member is elected because he or she obtained the support of a personal constituency of voters. Those voters voted that member in and those voters can just as easily vote that member out at the next election *without having to vote against their preferred party*. That greatly increases the accountability of the elected members to their local electorates.

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By empowering the voters in this way, STV-PR creates stronger local links between elected members and their constituents than exist within geographically defined single-member constituencies.

No Safe Seats

Under AMS the Scottish Parliament has, by conservative definition, at least 40 safe seats. With STV-PR there would be no safe seats. The increased competition would be a major benefit for the citizens' interest. Candidates and parties would have a real incentive to campaign everywhere as election would depend on winning sufficient support for every seat. They could no longer take any constituency for granted and would have to place all citizens at the centre of their concerns.

[A seat may reasonably be considered "safe" if the winner's margin over the second placed candidate (the so-called 'majority') is 15% or more of the total vote in the constituency. This 15% margin was exceeded in no less than 40 of the 73 constituencies in the 2003 elections to the Scottish Parliament. With STV-PR these 40 elections would become competitive as the electors could choose freely among candidates of the same party as well as among candidates of different parties.]

Diversity and Plurality within Parliament and within Parties

In its statement of principles the Commission has welcomed the diversity and plurality of views represented in the Scottish Parliament through the operation of the present PR voting system and has given a commitment to maintaining this benefit of PR in any proposals it may bring forward. **Fairshare** welcomes this commitment and strongly endorses the view that diversity and plurality should be maintained.

We would, however, go further and say that these benefits should be extended to include diversity and plurality of views **within** the political parties. That diversity and plurality within the parties should, like the diversity and plurality among the parties, be determined by the voters. This is a benefit that only STV-PR can give, through extending voter choice.

Implementing STV and Constituency Size

The present PR system used to elect the Scottish Parliament operates through "PR constituencies" that return 15, 16 or 17 MSPs. While these large numbers appear to be acceptable with AMS, there is a general view that constituencies of these sizes would not be acceptable if STV-PR were adopted. Indeed, such large constituencies are not necessary with STV-PR to achieve similar levels of overall proportionality.

It is instructive to compare the results of the most recent elections to the Scottish Parliament (elected by AMS) and to the Dáil Éireann (elected by STV-PR). Full details are given in the tables at Annex 1.

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These results show that **both** voting systems:

- give broad proportionality of the political parties.
- give a very similar degree of party proportionality.
- allow small parties to win their fair shares of seats.
- allow independent (non-party) candidates to win seats.

In making this comparison it is important to recognise that the STV constituencies in the Dáil Éireann election were very much smaller than the PR constituencies in the Scottish Parliament election. The Dáil Éireann constituencies returned only 3, 4 or 5 members each (average 3.95) compared with 15, 16 or 17 members (average 16.13) returned from the Scottish Parliament PR constituencies. While we would not recommend an implementation of STV-PR in Scotland with such a low average number of MSPs per constituency as in Ireland, the Dáil Éireann results show what can be achieved in practice in terms of proportional representation.

STV-PR can be implemented flexibly, with constituencies returning differing numbers of MSPs. This will allow the design of a scheme of constituencies that will meet the requirements of the varied geography and population distribution across Scotland and at the same time respect the boundaries of existing social, political and economic communities. That flexibility can also be used to ensure that there are no conflicts between the constituency boundaries used to elect representatives to the different levels of government, in particular the constituencies for the Westminster Parliament and the Scottish Parliament.

In summary, the adoption of STV-PR would:

- maintain proportional representation of political parties;
- shift the balance of power from the political parties to the voters;
- elect all MSPs on the same basis, as constituency representatives, and make all MSPs more personally accountable to their constituents;
- allow electors to vote for the candidates of their choice without fear of wasting their votes;
- give voters an effective choice of representative;
- encourage participation by making elections more competitive;
- eliminate campaigning based on tactical voting;
- give PR within parties as well as PR between parties and give PR of other 'communities of interests';
- allow the implementation of constituency schemes that would sensitively reflect differences of geography and population distribution;
- provide the flexibility of implementation that would avoid constituency boundary problems for different tiers of government.

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Fairshare urges the Commission to grasp the unique opportunity it has been given – an opportunity that goes far beyond resolving the problems arising from the different boundaries used to elect representatives to the various tiers of government. The Commission can lay the foundations to change the political culture of Scotland – it can make a reality its desire to place the citizens at the centre of political concerns. The most immediate step towards the achievement of that objective would be to replace the Additional Member voting system with STV-PR for future elections to the Scottish Parliament.

CONSULTATION QUESTIONS

Different Boundaries

Q1. How important do you think it will be, either in voting or for dealing with your political representatives, to have common boundaries for Scottish Parliament and Westminster constituencies?

It is highly desirable these two sets of constituencies should have common boundaries, ie boundaries that do not cut across each other. That does not, however, mean that the boundaries need be identical: given the difference in numbers (59 and 129) that would not be possible for all representatives. It would, however, be relatively easy to ensure that the constituencies at one level fitted wholly within a single constituency at the other level. This would best be done by grouping the 59 Westminster constituencies to form multi-member constituencies for STV-PR elections to the Scottish Parliament. (If Orkney and Shetland wish to remain separate, single-member constituencies for the Scottish Parliament, the two Scottish Parliament constituencies would lie wholly within one Westminster Parliament constituency.)

This arrangement would avoid any confusion in voting or in dealing with local political representatives. More importantly, it would facilitate more effective local organisation of the political parties. Most parties organise on a constituency basis, and if they had to have parallel forms of organisation for different elections it would be unnecessarily complicated for the local volunteers on whom the party political system depends. It is in the interests of all citizens that there should be vibrant local parties as that is where grassroots politics is found. Our suggestion for the two sets of boundaries would ensure the removal of avoidable barriers to effective local organisation.

Q2. Do you currently experience difficulty in identifying who to approach - local councillor; constituency MSP; regional MSPs; MP; or MEPs - to deal with a particular issue? If so, what changes might make this easier?

The members of the Fairshare Campaign Committee have not experienced any such difficulties, but we might not be considered a typical sample of electors! It is, however, our experience that when electors have issues with

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which they believe a local political representative can help, they will use the available facilities to identify the appropriate councillors, MSPs, MPs or MEPs. This would be easier if all the MSPs were elected on the same basis. It would also be advantageous if in the hierarchy of constituencies, none of the boundaries cut across each other.

Q3. If it is decided to keep the same boundaries, or a system of common ones, for Westminster and Scottish Parliament constituencies, what structure would provide the best way of achieving this?

The logical way of implementing this would be to elect MSPs from multi-member constituencies that comprised several Westminster constituencies. To achieve the other important objectives identified by the Commission the MSPs should be elected by STV-PR.

Q4. How important is it to have close identification between elected representatives and specific areas? If this is significant, what is the maximum size and population for effective representation?

In our political culture, close identification with a local area is considered valuable, but there is an unavoidable trade-off between local representation (small constituencies) and proportionality, plurality and diversity of representation (large constituencies). This trade-off applies to all voting systems. There is no rule for the maximum size (geographical area) or maximum population for effective representation. Across the world there are examples ranging from very small constituencies with small populations to whole countries as single constituencies with tens of millions of population.

We would recommend a flexible and pragmatic approach, taking into account the constraints of geography (islands, mountains and rivers), local communications (roads), and the population distribution (sparsity and density). So we would be relaxed about having two-member, or even single-member, constituencies for the Scottish Parliament for Orkney, Shetland and the Western Isles. We would recommend smaller multi-member constituencies (4 MSPs) for the less densely populated rural areas of mainland Scotland, and the largest multi-member constituencies (7 or perhaps 8 MSPs) only for the more densely populated city and urban areas. If the constituency areas are chosen appropriately there will be close identification of the MSPs and specific areas. The use of STV would allow the voters to achieve even more local representation within the multi-member constituencies where that is the wish of the voters.

Q5. Would it be useful if other public bodies, such as health boards, also fitted within constituency and ward boundaries?

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It is more important that there is coherence in the boundaries of local authorities and other public bodies that deliver local services. Local authorities now have a duty to initiate and facilitate the Community Planning Process (The Local Government in Scotland Act 2003): this would be easier and perhaps more effective if all the locally based service providers had common boundaries. We would, however, counsel against any attempt to impose such boundaries: changes in local boundaries are likely to be more appropriate to local circumstances and more readily accepted if the recognition of a need for change is allowed to develop organically, based on the experience of partners in the Community Planning Process.

Voting Systems in Scotland

Q6. What impact do you think having four different systems of electing representatives will have on voters, and on how effectively constituents are represented?

It would obviously be better not to have four different voting systems in use for public elections in Scotland. The use of different voting systems for different elections cannot be justified by reference to structures or functions of the different tiers of government. So far as the voters are concerned, there is an increased risk of confusion if different voting systems are in use, especially if two different voting systems are used for elections held on the same day.

The effectiveness of representation of constituents is very different under the four different voting systems presently in use.

First-past-the-post (FPTP) always leaves about half of those who vote without effective representation, ie without a representative of their choosing. In addition, FPTP frequently distorts the wishes of the voters and gives single-party majority control to a party that has the support of less than half of those who voted. Even where this does not happen, party representation often bears little resemblance to voter support. Although this is seen in party terms, it is the voters who are left without effective representation. Because each party nominates only one candidate in each constituency or ward, the voters have no choice among candidates of the same party.

The closed-list party-list system used for the European Parliament elections gives only party PR: it does not give the voters effective representation in any other way. The voters have no say whatsoever in determining which candidates should fill the seats allocated to the winning parties. There can be no sense of local representation for any group of voters other than by chance, ie because a successful candidate happens to live in or near their area of Scotland.

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The hybrid Additional Member System (AMS) used for the elections to the Scottish Parliament brings together the features of FPTP and closed-list party list PR. In addition, AMS introduces two kinds of MSP, with different responsibilities, creating an unnecessary confusion. In the 2003 elections, only eight of the 73 constituency MSPs secured the support of half of those who voted in the constituencies. The 73 constituency MSPs were elected by only 41% of those who voted in the constituencies, leaving 59% of voters without a constituency representative of their choosing. In the 1999 elections, one party took all of the constituency seats in two electoral regions (9/9; 10/10) with 44% and 49% of the constituency votes in those regions. This happened (10/10) in only one electoral region in 2003, but the party involved had only 46% of the constituency vote in that region. Where the Constituency MSPs are exclusively or predominantly from one party and the Regional MSPs are from the various other parties, this inevitably heightens any tensions that may exist between the two types of MSP.

The closed lists used to elect the regional MSPs prevent the voters from determining which candidates should take the seats allocated to the parties. This means that the regional MSPs are primarily accountable to their respective parties and not to the voters. The voters also have no opportunity to vote for regional candidates on a locality basis within their region and so cannot secure local representation in any real sense. As most regional MSPs also stand as constituency candidates, it is purely a matter of chance where whether a constituency area within a region has one, two, three or even four locally-based MSPs. Over-representation of one locality within an electoral region can only be at the expense of the voters in other localities within that region.

There is evidence that many electors do not properly understand the purpose of the two votes in AMS. Some electors regard the two votes as first and second preferences, which they most clearly are not. Some electors have used their two votes, voting for different parties in the constituency and the region, in a way that had the opposite effect to their publicly declared intention. It must also be remembered that AMS is open to gross tactical manipulation by collaborating political parties in a way that could greatly diminish the effective representation of more than one-half of the voters. This ploy has not yet been used by any political party, but it has been suggested and there is no defence against it as it is within the law.

It has sometimes been suggested that AMS might be improved by the adoption of preferential voting in the single-member constituencies ("Alternative Vote") and the use of "open lists" for the election of the additional members. Both of these would give marginal improvements, but they would not address the underlying problems inherent in AMS. There would still be two very different types of MSP. There would be minimal choice for the voters among the candidates for the list seats and as a result, there would be little likelihood of PR **within** any party. The system would remain a party PR voting system and would do very little to empower the voters.

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With STV-PR all the elected members are constituency representatives, directly responsible to those who voted for them. Because the voters have the opportunity to choose freely among all the candidates, including those of the same party, and can express their wishes by successive preferences, the relationship is very direct and personal. This maximises the accountability of the elected members to their constituents and strengthens the local link. The electors can choose their representatives on any criteria they wish: by party, within party, by locality, by gender, by ethnic group, by views on issues that are important to individual voters. This brings a completely new dimension to the assessment of how effectively constituents will be represented.

Because STV-PR is a voter-centred system, it will diminish the power of the parties and increase the power of the constituents. This alone will lead to more effective representation of constituents. But STV-PR will also make it possible to electors to change the political culture, towards the more consensual politics they say they want. That too will enhance the representation of the constituents.

Q7. What is your view on the operation of the voting systems used for elections to the Scottish Parliament and the European Parliament?

Both leave a great deal to be desired! Both are designed as party PR systems and both employ closed lists. Both voting systems achieve their limited objective – PR of registered political parties. But there is much, much more to effective representation. The Commission has stated that one its primary aims is to place the citizen at the centre of the process: to achieve that the voting systems for the Scottish Parliament and for the European Parliament must be changed to STV-PR.

Q8. Do you think electors will be confused by having to vote using the new single transferable vote system for local government elections on the same day as using the additional member system for the Scottish Parliament elections?

Not necessarily - it will depend on the effectiveness of the public education campaign mounted jointly by the Scottish Executive (responsible for local government elections) and the Electoral Commission (responsible for the Scottish Parliament elections). However, there is no doubt that it would be better, and much easier for all concerned in every way, if the same voting system were used for these two elections, held on the same day. The solution is to use STV-PR for both elections.

Q9. Does the existing structure of constituency and regional list MSPs generally work to the benefit of constituents, or have you experienced difficulties in the representative roles of these two types of MSP?

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It works to the benefit of constituents in that there is (reasonable) proportional representation of political parties in the Parliament, and in that there is diversity and plurality of representation. But it has **no** other merit, and certainly none that is apparent at the constituency level. It would be much better for constituents and MSPs alike if all MSPs were elected on the same basis. All MSPs should be constituency representatives, directly accountable to the voters who elected them. STV-PR would give us that and solve all the problems of having two very different kinds of MSP.

Q10. Are there improvements that could usefully be made in the way MSPs are elected?

Change to STV-PR! That would bring many benefits and solve most, if not all, of the reported problems. By changing the relationship between the electors and the MSPs it would also be the first, essential step in changing the political culture.

*More generally, the commission seeks your views on –
How having different boundaries between Westminster and Scottish Parliament constituencies and four different voting systems might affect –*

- *voter participation;*

We would not expect differences in boundaries to have much effect on voter participation in elections or in the political process. We would not expect the fact of using four different voting systems, in itself, to affect voter participation. Changing the voting system might have some effect, but the evidence suggests any effect will be small. We believe that once voters see the power that that STV-PR can give them, they will have a more positive incentive to vote and to participate. With STV-PR there would no longer be any safe seats – all elections would be competitive and that would give the parties and candidates more incentive to campaign in all constituencies.

- *the relationship between public bodies and authorities in Scotland and MPs/MSPs;*

Boundary differences between Westminster and the Scottish Parliament are likely to be much less important than divergences from local authority boundaries (see Q5 above). Differences in the voting systems are unlikely to have much effect in practice, despite the very large differences in the democratic mandates that the different voting systems deliver (see Q6 above).

and

- *representation of constituents by different tiers of elected members.*

The essential requirement is to secure the best representation of the voters for the voters by all tiers of elected members. That will best be achieved by the use of STV-PR for all public elections in Scotland.

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Annex 1

Results of recent elections to the Scottish Parliament and to Dáil Éireann

SCOTTISH PARLIAMENT ELECTION May 2003 Additional Member System

Party	Total Regional Votes	Total Seats	Percent Total Votes	Percent Total Seats
Scottish Labour Party	561,375	50	29.3	38.8
Scottish National Party	399,659	27	20.9	20.9
Conservative Party	296,929	18	15.5	14.0
Scottish Liberal Democrats	225,774	17	11.8	13.2
Scottish Green Party	132,138	7	6.9	5.4
Scottish Socialist Party	128,026	6	6.7	4.7
Scottish Senior Citizens Unity	28,996	1	1.5	0.8
Pensioners Party (Scotland)	28,655	0	1.5	0.0
Socialist Labour Party	21,657	0	1.1	0.0
Independents (2 Const. 1 Reg)	33,763	3	1.8	2.3
Others (15 parties)	58,879	0	3.0	0.0

129 Members: 73 Constituency MSPs + 56 Regional MSPs elected in 8 regions

DÁIL ÉIREANN ELECTION May 2002 Single Transferable Vote

Party	First Preference Votes	Seats	Percent Votes	Percent Seats
Fianna Fáil	770,748	81	41.5	48.8
Fine Gael	417,619	31	22.5	18.7
Labour Party	200,130	21	10.8	12.7
Sinn Féin	121,020	5	6.5	3.0
Progressive Democrats	73,628	8	4.0	4.8
Green Party	71,470	6	3.8	3.6
Socialist Party	14,896	1	0.8	0.6
Christian Solidarity Party	4,741	0	0.3	0.0
Socialist Workers Party	3,333	0	0.2	0.0
Workers Party	4,012	0	0.2	0.0
Independents (Non-Party)	176,305	13	9.5	7.8

166 Members: 42 Constituencies: 16 x 3-member, 12 x 4-member, 14 x 5-member

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Annex 2

FAIRSHARE

Scotland's Campaign for a Better Democracy

Fairshare is a cross-party and non-party organisation set up in February 2001 to campaign for the introduction of the Single Transferable Vote system of Proportional Representation (STV-PR) for local government elections in Scotland. In January 2005 Fairshare extended its objectives to promote reform of the voting systems used for public elections in Scotland and specifically, to reform the voting system for elections to the Scottish Parliament through the adoption of STV-PR. Fairshare is constituted as a not-for-profit company limited by guarantee and maintains a network of Registered Supporters.

Fairshare's Campaign Committee includes Scottish pro-reform activists from the following organisations and political parties:

- The Scottish Conservative Party
- The Scottish Green Party
- The Scottish Labour Party
- The Scottish Liberal Democrats
- The Scottish National Party
- Electoral Reform Society
- Charter88 Scotland
- The Centre for Scottish Public Policy
- The Scottish Council Foundation

All the members of the Campaign Committee serve in a personal capacity.

Fairshare's principal source of funding during its campaign on local government elections was a grant from the Joseph Rowntree Reform Trust Ltd. Additional financial support was provided by the Electoral Reform Society, Make Votes Count and individual Registered Supporters.

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