

Scotland Office Consultation

Scottish Parliament Elections May 2007: Ballot Paper Design

Response from Fairshare Scotland's Campaign for a Better Democracy

1. Fairshare welcomes the opportunity to contribute to this consultation on the design of the ballot papers for the Scottish Parliament elections in May 2007 though we should have preferred a consultation on replacing the whole voting system with one that would give the voters real choice.

2. The stated objective of the proposed re-design of the ballot paper is to give effect to a recommendation of the Arbuthnott Commission. The Commission recommended following New Zealand practice by putting both votes onto one ballot paper and by putting the regional vote first, so that the importance of the regional vote would be properly recognised by the electors. This is a commendable objective as it is clear that there has been considerable misunderstanding of the effects of the two votes at the Scottish Parliament elections in 1999 and 2003.

3. The Consultation Letter draws attention to the comment made by the Arbuthnott Commission (para 4.53) that the design of such a combined ballot paper might be more complicated if the Commission's recommendation to change from closed lists to open lists were adopted. (The adoption of open lists is to be commended as it would significantly enhance voter choice.) The Commission expressed the view that a suitable ballot paper could be designed, but did not give any details. However, the Commission also recommended that the version of open list voting should include provision for electors to mark only one party, such a vote being used to elect candidates in the order pre-specified by the respective party.

4. So far as we are aware, all Additional Member Systems that employ open lists use two separate ballot papers. We have also looked at the open list ballot papers used in party-PR voting systems that allow voters to mark a vote for one party, at the "head of the list". All such papers have a landscape orientation, with the parties set out across the paper and the respective lists of candidates in successive columns under each party heading. We do not share the optimism of the Arbuthnott Commission that such provision can be made on one combined New Zealand style ballot paper. Indeed, we cannot see how it could be done.

5. In reaching that conclusion we have taken into account the numbers of parties that have nominated lists of candidates for the regional seats in previous Scottish Parliament elections. In 2003, the number of parties contesting the regions varied from 11 to 14 (see Table 1 below); in 1999 the numbers ranged from 9 to 17. Each of these parties is entitled to nominate 12 candidates [Scotland Act 1998, section 5(6)]. Thus, to give effect to the Arbuthnott Commission's recommendations, there would need to be provision for up to 13 boxes associated with each party. With 14 parties contesting a region, there have to be 182 boxes on the regional vote side of the combined ballot paper, laid out in party groups and with the name of each party or the name of one candidate alongside the appropriate box in a font large enough for easy reading by voters. We note that there is already concern about the size of

font that could be used on a combined ballot paper, such that the Consultation Paper includes the suggestion that the lists of candidates' names might no longer be printed as regional lists for each party on the regional vote side of the combined ballot paper.

6. The Consultation Paper invites comments on the ordering of the parties and the candidates and refers to Annex C as an illustration showing both parties and candidates listed in alphabetical order. But the specimen in Annex C is seriously misleading in two important respects.

7. The combined ballot paper in Annex C shows 9 parties contesting the regional seats and 11 candidates contesting the selected constituency. This balance is completely the wrong way round. Our analysis of the data from the 2003 election [Electoral Commission] shows that the numbers of parties contesting the regions ranged from 11 to 14, but the numbers of candidates contesting the constituencies within any one region ranged only from 5 to 8 (see Table 1 for full details of the distribution). Of the 73 constituencies, 43 were contested by only 5 candidates, and a further 21 were contested by only 6 candidates. Thus Annex C gives a wholly misleading impression that has important implications for assessing reactions to the suggested alignment of parties across the combined ballot paper.

Table 1. Number of Parties contesting each Region and Number of Constituencies in each Region contested by stated Number of Parties Scottish Parliament Elections May 2003

Region	Number of Parties with Regional Lists	Number of Parties contesting Constituency			
		5	6	7	8
South of Scotland	11	6	3	0	0
Central Scotland	12	5	3	1	1
North East Scotland	12	6	2	1	0
West of Scotland	12	7	1	1	0
Mid Scotland and Fife	14	2	4	2	1
Highlands and Islands	14	5	3	0	0
Glasgow	14	6	2	1	1
Lothians	14	6	3	0	0

8. In the constituency section of the combined ballot paper in Annex C, the candidates are listed in alphabetical order of family name, as stated in paragraph 11 of the Consultation Letter. However, in that illustration, the parties of those candidates are also in alphabetical order. With 11 candidates and 11 parties, the probability of such a coincidence is so vanishingly small that we can presume only that this was a mistake. It does, however, give an incorrect impression of what the combined ballot paper might really look like. This may prejudice reaction to the alternative proposals.

9. The New Zealand sample ballot paper, reproduced on page 43 of the Arbuthnott Commission report, shows a more realistic picture of what a combined ballot paper might look like. The number of parties presenting party lists greatly exceeds the number of candidates contesting the specimen constituency, as in Scotland. The order of all the names on the ballot paper is determined primarily by the family names of the constituency candidates: these are listed in alphabetical order. The parties that nominate constituency candidates and present a party list are aligned in the party vote column with their position in the list of constituency candidates. The parties that present only party lists are entered the other parties, in alphabetical order of the parties' registered names.

10. In Scotland, this arrangement would have the effect of aligning the two vote boxes for any party that contested both the region and the constituency. This proposal may be predicated on the assumption that most voters will want to vote for the same party with both their regional vote and their constituency vote. In some cases this will be true, but in many cases in Scotland electors will make much more effective use of their votes by voting for different parties with their regional vote and their constituency vote. This would be the situation for any voter whose preferred party won its proportionate share (or more than its proportionate share) of the seats from the constituencies alone. It is a moot point whether such voters would be aided in marking their ballot papers for different parties if the party boxes were aligned. Some might argue that the alignment would make the difference more obvious; others might argue that the alignment carried an implicit indication that the voter should mark both boxes for the same party. (It is one of the defects of the Additional Member System that voters need a great deal of information about the likely voting patterns across the whole of the electoral region and all of the constituencies within that region before they can make rationale decisions about how to mark their two votes most effectively to achieve the result they want.)

11. The suggested alignment of parties contesting both the constituency and the region would have the effect of putting all the parties that were contesting only the region below the other parties in the regional section of the combined ballot paper. This might give the impression to some voters that these parties, contesting only the region, were in some way "second class". This would, of course, be quite wrong. These parties are different from the others, in that they are not contesting the constituencies, but given the well-known effects of the first-past-the-post voting system used in the constituencies, this is a very logical decision. Such parties can win seats through the regional vote and no aspect of the design of the ballot paper should inhibit the electors from making the choices they really want.

12. It is common practice, when preparing specimen ballot papers for illustration, to use fictitious party names, eg fruit in the New Zealand specimen ballot paper, and "Party A", etc in Annex C. This avoids any unintended party bias in the illustration or the description of the specimen ballot paper. However, it is instructive to consider the actual party names that are likely to appear on the ballot papers in Scotland. In the 2003 elections, 27 distinct parties presented lists (Table 2), though there were some variations in the permitted descriptions of these parties from region to region. Some of these parties did not contest all regions, so that the greatest number of parties presenting lists in any one region was 14 (Table 1).

13. The most striking feature of the list in Table 2 is that there are 10 parties with a name beginning with the word "Scottish". These 10 include all of the parties that are likely to contest all of the regions. This will have a significant effect on the appearance of any alphabetical list of parties.

**Table 2. Names of Registered Political Parties
presenting Regional Lists in any Region
Scottish Parliament Elections May 2003**

Adam Lyal's Witchery Tour Party
Am Partaidh Dhuthchail - The Rural Party
British National Party
Christian Independent Alliance Upholding Community Values
Communist Party Peace Democracy Socialism
Fighting Scottish Hospital Closures and Downgrading
Independent
Liberal Party in Scotland
No description supplied
Pensioners Party (Scotland)
People's Alliance
Pro-Life Party
Protect Rural Scotland Party
Save Local Hospitals - Dunfermline, Perth, Stirling
Scottish Conservative and Unionist Party
Scottish Green Party
Scottish Labour Party
Scottish Liberal Democrats
Scottish National Party (SNP)
Scottish People's Alliance
Scottish Senior Citizens Unity Party
Scottish Socialist Party
Scottish Unionist Party
Socialist Labour Party
The Countryside Party Fighting Rural Issues
The Fishing Party
United Kingdom Independence Party

14. The effects of alphabetical ordering and of list position have been studied in many voting systems. It has been established that an alphabetical order confers advantages on candidates whose names begin with letters in the first half of the alphabet. There are also positional effects, with the top and bottom positions in any list conferring particular advantages. Similar considerations will apply to lists of parties. To avoid the effects of alphabetical ordering, lists of candidates and lists of parties could be ordered randomly. Electoral legislation describing methods for doing this already exists, eg Australia, We would not, at this stage, recommend rotation of the lists to overcome the positional effects although this is practised in some States, eg Tasmania, Australian Capital Territory.

15. The headings on the suggested combined ballot paper convey very clearly the importance of the two votes and their respective contributions to the process. The

suggested heading over the constituency vote column (“Aberdeen Central Constituency Member”) is also clear and appropriate. However, the heading over the regional vote column (“Regional Member”) is not clear or appropriate. That vote is not being used to elect one “Regional Member”; indeed, it may be used to contribute to the election of several Regional members of the voter’s preferred party. And the individual voter will have no direct relationship with any one of those so elected. On the New Zealand specimen ballot paper, this column is headed “Party Vote”, and this is appropriate in the New Zealand context where the party votes are accumulated on a national basis. It would, however, not be appropriate in Scotland where the party proportionality is calculated on a regional basis. Although it is not wholly satisfactory, we feel that “Regional Party Members” would be a more appropriate heading than the “Regional Member” suggested in Annex C.

16. Conclusions

a) A move to one ballot paper, with the regional vote presented before the constituency vote, would emphasise the overall importance of the regional vote.

b) It would almost certainly be impossible to present open party lists for the regional vote on a combined ballot paper. That would either inhibit the adoption of open lists or require a reversion to two ballot papers when open lists were introduced.

c) The proposal to align parties in the regional vote column with their alphabetically ordered candidates in the constituency column has at least as many potential disadvantages for voters as potential advantages and the overall effect may confuse some voters. It should not be adopted.

d) Ordering the list of parties and the list of candidates independently, and both in alphabetical order, would be the simplest approach to a combined ballot paper. However, the well established effects of such alphabetical ordering should be assessed and independent random ordering of both lists considered.

A combined ballot paper incorporating these features is shown full-size on the next page. This realistic example is based on the real data from the 2003 election for the Aberdeen Central constituency in the North East Scotland electoral region.

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Fairshare Voting Reform

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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 all public elections in Scotland. Fairshare is constituted as a not-for-profit company limited by guarantee and maintains a network of Registered Supporters.

Election of the Scottish Parliament

You have two votes

This vote decides the share of the seats which each of the parties listed below will have in the Parliament for the North East Scotland Region. Vote by putting a cross in the box immediately after the party you choose

This vote decides the candidate who will be elected Member of Parliament for the Aberdeen Central constituency. Vote by putting a cross in the box immediately before the candidate you choose

Regional Party Members

Vote once only (X)








	Pensioners Party (Scotland)	
	People's Alliance	
	Scottish Conservative and Unionist Party	
	Scottish Green Party	
	Scottish Labour Party	
	Scottish Liberal Democrats	
	Scottish National Party (SNP)	
	Scottish Socialist Party	
	Socialist Labour Party	
	The Fishing Party	
	United Kingdom Independence Party	
	MATHERS, Steven David Independent	

Aberdeen Central Constituency Member

Vote once only (X)



	ANDERSON, Eleanor addr1, addr2, Aberdeen AB1 nLL Scottish Liberal Democrats	
	BUTLER, Alan Stephen addr1, addr2, Aberdeen AB1 nLL Scottish Conservative and Unionist Party Candidate	
	CUMBERS, Andrew David addr1, addr2, Aberdeen AB1 nLL Scottish Socialist Party	
	LOCHHEAD, Richard Neilson addr1, addr2, Aberdeen AB1 nLL Scottish National Party (SNP)	
	MACDONALD, Lewis addr1, addr2, Aberdeen AB1 nLL Scottish Labour Party Candidate	

**You are entitled to vote in secret
Please do NOT fold this ballot paper**