

**ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672**

**7261 HOUSE STATE AFFAIRS**

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS  
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### MEMORANDUM

To: Representative Eugene Kubina, Chairperson  
House State Affairs Committee  
Alaska State Legislature

From: Charlot E. Thickstun, Director  
Division of Elections  
Office of the Governor

Subj: Status of Primary Rule Changes

Date: January 17, 1992

Since the House State Affairs Committee hearing on November 12, 1992, the Division of Elections has been working closely with the political parties regarding implementation of the semi-closed primary system.

The Alaska Democratic Party (ADP) Alaska Independence Party (AIP) and the Green Party of Alaska (GPA) were sent letters requesting that they indicate to the Division how they would proceed regarding any primary rule changes. The House State Affairs Committee was sent copies of these letters.

The ADP informed the Division in late December that it would send its September primary rule changes to the Department of Justice for preclearance. As you recall the Democrats adopted a rule change which would allow any voter, regardless of registration to vote for its candidates in the primary as long as the voter had not voted in another primary or at a convention.

The Green Party contacted the Division last week. Its Chair, Joni Whitmore requested information on preclearance by Justice and the Division sent out the information that day. We expect the Green Party to also submit its rule changes for preclearance in the very near future. The Green Party adopted a rule change that would allow only registered Greens and nonpartisan and undeclared voters to vote for its candidates in the primary.

The Division has not heard from the AIPs as yet, but has been informed that the party will meet in February to discuss primary rule changes.

The Division still maintains that political parties should

finalize any rule changes that affect the conduct of the primary by March of this year. If possible, we would like this date to include preclearance by the Department of Justice.

In addition to working with the parties, the Division has been reviewing all its operations to determine what changes will need to be made to implement the new party rules.

The following is an analysis of what operational changes must occur to implement the party rule changes for the 1992 primary. These procedures have been designed with the intent to minimize confusion and election worker discretion at the polls.

#### ABSENTEE BALLOT APPLICATIONS

The Division is required by statute to send absentee ballot applications to all those who request one so that the voter can receive a ballot for all elections occurring in a calendar year. The Division has normally sent this form in January to all voters in our database who have sent in requests for application.

The primary rule changes will require the Division to ask the applicant to indicate which ballot type he or she wants in the primary election. Since only one election is scheduled in January for which we have already sent out the absentee ballots, and no elections are scheduled for February, the Division will postpone sending out its applications until late spring of 1992.

#### ELECTION WORKER TRAINING

The Division typically trains all of its 3,500 poll workers every two years in all precincts in the spring of an election year. This year the Division will add about 50 new precincts to its current total of 438 due to reapportionment. New instruction material will need to be developed to explain the differing procedures for the primary and general. This material will be color-coded for each election process. Additionally, election workers will be instructed not to discuss with voters who is on what ballot because this would constitute a form of electioneering at the polls. The workers will tell the voter which ballot type they are eligible to receive based on their current registration and then also instruct the voter that they may change their affiliation in the Questioned Ballot line and receive a different ballot type.

#### BALLOTS

Since the Democrats, Greens and Republicans have changed their primary rules and have either had them sent to DOJ or intend to, the Division anticipates that there will be four candidate ballots for the primary election. The AIP will receive a separate party ballot by default.

The addition of three extra ballots will cost the Division \$180,000 over its usual expense of ballot printing.

#### PRECINCT REGISTERS

The precinct registers used by the election workers at the polls will be redesigned to allow for accounting of ballot type given to the voter. An additional column will be added with the symbols, "AI," "D," "G" or "R." The election worker will circle the ballot type given the voter. The number of each type will be accounted for when the polls close.

Additionally, the Voter Registration and Election Management Systems (VREMS) will be reprogrammed to print out what ballot type each individual voter is eligible to receive based on their current registration and the political party rules. This should help alleviate election worker error when giving a particular party ballot to a voter.

#### VOTE COUNTING EQUIPMENT

The Division will need to modify its vote counting computer program to count multiple candidate ballots. This will increase the usual cost of programming by about \$20,000.

#### VOTER EDUCATION

When the Division opposed the RPA's motion to implement its 1990 party rule change, the Division testified that rural voters would be disenfranchised because they would not know about the primary rule changes. This concern was also expressed to the Department of Justice. The Division will conduct a voter education program in order to inform voters about how the primary will be different. We anticipate that this will increase our usual advertising costs by about \$25,000.

#### REGISTRATION FORM

The current registration form is being updated to inform voters that their party affiliation may effect who they can vote for in the primary election. Currently, party affiliation choice on the form is optional. About 45% of the 287,071 registered voters have indicated a party choice. Fifty-five percent are either nonpartisan or undeclared.

The Division will instruct voters to contact the political party of their choice to determine whether they can vote in the party's primary election.

THE PRIMARY THREAT

APR 23 1981

- I. Thank Jean and Bill for their invitation to join the Bartlett Democratic Club today.
- II. As a 30-year Democrat, it's always a pleasure to address a Democratic Club--you know you are talking to the heart and soul of the party in the community. The heartbeat of the party, so to speak
- III. As a recent candidate for office under the Democratic banner--let me say that I was proud to be on the ticket! I would have been even prouder had we won!
- IV. I will not speak on the performance of the party and characters now in power--I think their performance speaks for itself! (What do you think??)
- V. Today I would like to talk about a subject that has not had the kind of notoriety as say, the Exxon Oil Spill Settlement or the ATU sale--yet this subject has the potential of rearranging our entire primary election system in Alaska.
- VI. The issue is the Republican Party's pending effort to return to a closed primary system for their party--which they abandoned in 1967 (Actually, they call it an "open" primary - open to the independents and no party voters).

- VII. The Republican Party tried in a vigorous but futile effort last summer to allow only Republicans, independents and no party voters to vote in their primary.
- VIII. This last minute effort was short-stopped only because they ran out of time for the state to implement their idea of what ought to happen in their primary.
- IX. Had it not been for the Democratic Party and the AFN fighting to maintain the status quo in the August primary, a new and virtually undebated system may now have been in place with results not thoroughly understood by the voting public.
- X. Their plan was considered to be a move that would have (1) confused the voters, (2) allowed the GOP to manipulate the other party's nominees, and (3) taken place at a time when many rural Alaskans were out commercial fishing or preparing for the coming winter in scattered camps across Alaska.
- XI. Naturally, in a political system, when politics is the next thing to armed combat to lead society, parties do what they can to gain an upper hand among the electorate. Therefore, one can't blame the Republicans for doing what's in their interest. They were attempting to follow the law as they understood it.

The courts and society permit organizations to freely associate and to select their leadership in their own fashion. At least to the extent that the process, in the case of the political parties, didn't further fragment the dual party system or permit a one-sided raiding of the other party--or in some other fashion inhibit unfairly the right of individuals to vote.

XII. Their party primary plan also had to survive the preclearance review of the U.S. Justice Department's Civil Rights Division to insure that minority groups were not unfairly effected.

XIII. My concern today is not so much the fact that the Republican Party is pursuing its own interests. It is their right. The problem I see is that the public is virtually unaware of the fact that the request of the GOP is not only still pending before the Justice Department--it is being amended to become effective in August of 1992.

XIV. In the event that their proposals are not challenged, they could well become the law of the land and it would be without the benefit of public debate either by a legislative body or other kind of public forum.

XV. As I understand it, once the Justice Department approves the plan it is then up to the Lt. Governor to implement the party primary plan. Is it possible that the plan

would become effective despite being contrary to the state law on primaries? The answer seems to be yes because the state attorney general could simply argue that our law is contrary to federal law.

XVI. In which case, unless the Democratic Party comes up with our own system, the Republicans will be in a position to not only vote in their own primary, they could conceivably participate in the Democratic primary! Their proposed rules would permit this.

XVII. Alaskans are not as enamored with political parties as some of us have been over the years. 56% of the voters are registered as independents or no-party (155,000) while only 21% (<sup>57,000</sup> 5,700) are Republican, and 20% (55,000) are Democratic.

XVIII. Is it not apparent that the independent spirit of Alaskans doesn't want to be straight-jacketed into a two party system that limits their choices - or complicates the election process to the point that they don't go to the polls because of the hassle?

XIX. There is a realistic probability that the Lt. Governor will take the Republican plan and fashion our primary system along those lines. He is after all, philosophically, a fellow traveler of the far right that now controls the Republican Party.

XX. So, what are the Democratic Party's options?

The GOP request is moving through the Justice Department unfettered by opposing briefs.

The State Attorney General will advise the Lt. Governor to comply with Federal Supreme Court decisions.

And if no action is taken by the Democrats, the Republicans will have written the rules for the primary elections.

What will be the effect of such a change?

1. It will likely result in fewer voters as 56% of the registered electorate feel that their choices will have been limited by "Party Hacks".
2. The rural voters will be put in a position where they will have to choose whether to vote for federal office seekers (all Republican) vs. voting for Democratic State House and Senate candidates. Ticket splitting has become a way of life in Alaska - especially the rural areas.
3. A great strain will be placed on the election officials to learn a new system - as to the state - not to mention the confusion among the voters.

XXI. I would suggest the following course of action:

1. The party should scrutinize the Republican plan with a fine tooth comb immediately to determine if in fact they will be "raiding" your membership.
2. There should be a close review to determine whether village voters will be forced to abandon the Democratic Party in order to vote for federal candidates who happen to be Republican;

and

3. I believe it is incumbent on the Legislature to set up a special committee on elections to review the primary process being proposed so that hearings could be held across the state on this important subject. This committee could also review the criticism concerning the "Rent-A-Party" process we witnessed last year.

It is beyond me how such an important aspect of our political system could escape the kind of scrutiny and debate that is a hallmark of a Democratic society.

I would strongly urge this body to request legislative hearings on the subject!

Implementation plan for Primary Election for individual political parties.

Reference Senate Bill Number 297 and House Bill Number 327.

Submitted under the Employee Incentive Award Program,

by Steven Endorf, 465-4881.

*Steven Endorf*

## Background:

In previous elections, the Candidate Ballot card, had each race, for an office, listed separately with the candidate's names rotated on top. The race with the most candidates determines the number of sequences. Each ballot card has an identifying sequence, a three-digit number, punched at the bottom of the card (See Figure 1.). This sequence is used by the ballot counting program to identify which punched hole goes with which candidate's name in which race.

The voter was allowed to select any candidate in a particular race. The Republican primary restriction rule and subsequent changes by the other political parties in Alaska has made a dramatic change in voting for candidates in a primary election. How these changes are implemented by the Legislature and the Division of Elections can be expensive burden or an efficient bargain.

## Proposal:

I am proposing an alternative implementation to the one given by the Division of Elections, whose reported estimate of expenses is \$633,000. Of that \$633,000, Elections estimated about \$64,000 to train additional election workers, \$60,000 to educate voters and \$180,000 to print multiple sets of ballots, among other costs (Juneau Empire, 2/11/92). One of the unreported costs is modifying the vote counting software.

The alternative I am proposing is simple and its implementation and continuous costs should be minimal. It basically consists of putting a fixed area at the top of each Candidate ballot listing

each recognized political party, with a punch spot next to the political party's name (See Figure 2.).

*This punch spot would be punched, corresponding to the voter's party registration, by the election worker who hands the ballot to the voter. If the voter has not previously declared a party then the voter would specify a party to the election worker, who would punch the ballot, prior to the voter entering the voting booth.*

The vote counting software would only count votes for the candidates' of the political party selected on the ballot, depending on the political party's primary rules. If more than one political party was selected then no votes on that ballot would be counted.

There should not be a need to have additional election workers. Educating the voter should not cost anywhere near the \$60,000. All that would be needed would be a poster, in large type, that had wording very similar to the above italicized paragraph. In most cases, the number of different sequences would be reduced and there would be no need for multiple, separate ballots, so printing costs might actually be reduced. The only possible cost increase would be the modifications to the ballot counting software, which might run as much as <sup>\$7,000\*</sup>~~\$15,000~~. All the other costs should be severely reduced or eliminated. The estimated cost savings is approximately \* \$80,000+ \$600,000. Some small changes would have to be made to Senate Bill #297 and House Bill #327 to allow for the above method instead of forcing separate ballots for each political party.

\* based on new estimates by Div. of Elections, Juneau Empire, 2-18-92.

Figure 1.  
 Example of the Current Ballot structure  
 ( Five different sequences )

<hr/>			<hr/>			<hr/>		
Race 1			Race 1			Race 1		
Candidate 1		[ ]	Candidate 2		[ ]	Candidate 2		[ ]
Candidate 2		[ ]	Candidate 3		[ ]	Candidate 3		[ ]
Candidate 3		[ ]	Candidate 4		[ ]	Candidate 4		[ ]
Candidate 4		[ ]	Candidate 1		[ ]	Candidate 1		[ ]
		[ ]			[ ]			[ ]
<hr/>			<hr/>			<hr/>		
Race 2			Race 2			Race 2		
Candidate 1		[ ]	Candidate 2		[ ]	Candidate 5		[ ]
Candidate 2		[ ]	Candidate 3		[ ]	Candidate 1		[ ]
Candidate 3		[ ]	Candidate 4		[ ]	Candidate 2		[ ]
Candidate 4		[ ]	Candidate 5		[ ]	Candidate 3		[ ]
Candidate 5		[ ]	Candidate 1		[ ]	Candidate 4		[ ]
<hr/>			<hr/>			<hr/>		
Race 3			Race 3			Race 3		
Candidate 1		[ ]	Candidate 1		[ ]	Candidate 1		[ ]
<hr/>			<hr/>			<hr/>		
#		2	#		2	#		2
#	#	0	#	#	0	#	#	0
#		1	#		2	#		5

Figure 2.  
 Example of the Proposed Ballot structure  
 ( Three different sequences )

Primary Election	
Political Pty 1	[ ]
Political Pty 2	[ ]
Political Pty 3	[ ]
Political Pty 4	[ ]
Race 1	
-----	
Political Party 1	
Candidate 1	[ ]
-----	
Political Party 2	
Candidate 1	[ ]
Candidate 2	[ ]
Candidate 3	[ ]
	[ ]
Race 2	
-----	
Political Party 1	
Candidate 1	[ ]
Candidate 2	[ ]
Candidate 3	[ ]
-----	
Political Party 3	
Candidate 1	[ ]
Candidate 2	[ ]
Race 3	
Candidate 1	[ ]
-----	
	2
	0
	1

Primary Election	
Political Pty 1	[ ]
Political Pty 2	[ ]
Political Pty 3	[ ]
Political Pty 4	[ ]
Race 1	
-----	
Political Party 1	
Candidate 1	[ ]
-----	
Political Party 2	
Candidate 2	[ ]
Candidate 3	[ ]
Candidate 1	[ ]
	[ ]
Race 2	
-----	
Political Party 1	
Candidate 2	[ ]
Candidate 3	[ ]
Candidate 1	[ ]
-----	
Political Party 3	
Candidate 2	[ ]
Candidate 1	[ ]
Race 3	
Candidate 1	[ ]
-----	
	2
	0
	2

Primary Election	
Political Pty 1	[ ]
Political Pty 2	[ ]
Political Pty 3	[ ]
Political Pty 4	[ ]
Race 1	
-----	
Political Party 1	
Candidate 1	[ ]
-----	
Political Party 2	
Candidate 3	[ ]
Candidate 1	[ ]
Candidate 2	[ ]
	[ ]
Race 2	
-----	
Political Party 1	
Candidate 3	[ ]
Candidate 1	[ ]
Candidate 2	[ ]
-----	
Political Party 3	
Candidate 1	[ ]
Candidate 2	[ ]
Race 3	
Candidate 1	[ ]
-----	
	2
	0
	3



# Alaska State Legislature

Please enter into the record my testimony to the (JNT) STATE AFFAIRS  
 committee name  
 committee on HB 327 / SB 297, dated 02/05/92  
 bill/subject

Per request of the Committee Chair via GPA Spokesperson Jim  
 Sykes, I re submit background materials about the  
 "Preferential Voting," "the Single Transferable Voting" and the  
 "Hare-Clonke" System, as applied by the parliament of  
 Tasmania, in specific, and other states/provinces/territories  
 throughout Australia, and the Australia federal government.

Signed: ANTHONY N WHITWORTH  
 Testifier  
TATIANA-YUKON GREENS, GREEN PARTY OF ALASKA  
 Representing (Optional)  
2284 RAILROAD DR., FAIRBANKS, AK 99709  
 Address  
479-8129 (voice + fax)  
 Phone No.

Topic 194 Preferential Voting Info Sought Response 2 of 2  
peg:fionac  
gpn.green-forum 10:31 pm Oct 30, 1991

Dear Anthony,

Since nobody else has responded yet, I'll give it a go. I am in the South Sydney Greens, but fairly new to politics. I did manage to find some information about the two systems (and variations) in the book named below. I hope it is helpful. I will see if I can dig up any more information over the next couple of weeks. Please let me know if you have any specific questions and I'll try and get them answered. Good luck with your field hearing, and with the whole situation in Alaska - sounds fairly dire.

In Peace

Fiona Campbell

-----  
from The Beginner's Book of Australian Politics  
by Morris Graham (Social Science Press, Aust,86)

### THE PREFERENTIAL SYSTEM

This system ensures that the winner is the most favoured by voters. It really asks voters, 'If your first choice does not win, who will be your second choice, and the one after that till there are no more candidates left?'

If there were three candidates ballot papers could be marked in six different ways:

	I	II	III	IV	V	VI
A	1	1	2	3	3	2
B	2	3	1	1	2	3
C	3	2	3	2	1	1

EXAMPLE - In a ballot of 30,000 formal votes

Primary, ie., '1' votes were

A 11,000 B 10,000 C 9,000

No candidate has an absolute majority, which is 15,001.

C is the least popular.

The second preferences of the 9,000 C voters are distributed between A and B.

If A receives 3,000 and B 6,000

new totals are: A  $11,000 + 3,000 = 14,000$

B  $10,000 + 6,000 = 16,000$ .

B wins the election.

#### ADVANTAGES OF THE PREFERENTIAL SYSTEM

- The winning candidate is the one most preferred.

#### DISADVANTAGES OF THE PREFERENTIAL SYSTEM

- More complicated to mark - more informal votes.
- More complicated to count - more expensive.

#### THE OPTIONAL PREFERENTIAL SYSTEM

This is a modification of the Preferential system and is used in elections for the New South Wales Legislative Assembly (house of reps in USA). It aims at reducing the number of informal votes. Voters must vote for one candidate, but after that can vote for as many of the remaining candidates as they wish.

This system is easier for the voter but may reduce the number of counts in which a vote is considered.

**EXAMPLE** - If 1st, 2nd, 3rd and 4th preferences have to be counted before a candidate gets an absolute majority

**BUT** a voter records a '1' vote only,

**AND** the voter's choice has the lowest total of primary votes and is first to have preferences distributed,

the voter cannot be included in the second preference count.

**LIKEWISE**, if a voter records only a '1', '2' vote, that voter cannot take part in a distribution of '3' preferences to get an absolute majority [ie. the vote is 'exhausted' after the first two counts].

#### THE PREFERENTIAL LIST SYSTEM

For the 1986 Queensland state election (since used more widely) voters will be allowed to mark a full preferential vote as usual or simply indicate a party list of preferences with one mark. Preferences will be allotted by the Electoral Office according to the list of preferences supplied by the political parties.

## THE PROPORTIONAL REPRESENTATION SYSTEM

First-past-the-post and Preferential systems are winner-take-all systems. A total of one more than half the formal votes gets everything. A total of one less than half the votes gets nothing. Over a whole state or federal election it is theoretically possible for one political party to win all the seats with a little over fifty per cent of the votes and for the other party with a little under fifty percent to win no seats.

The PR system ensures representation in proportion to the amount of support candidates get.

It works only where there is more than one candidate to be elected. It cannot be used in single-member electorates.

Tasmania is the only state where the PR system is used to elect members to the lower house. Called the Hare-Clark system, after the Englishman who invented it and the Tasmanian who introduced it,

it was first used in Tasmanian elections in 1907. The five federal electorates are used for state elections but instead of one member being returned for each electorate, as happens in federal elections, seven members are returned for each, making a total of thirty-five state members.

PR was first used in elections for the Senate in 1949 when the Senate was increased from thirty-six to sixty members. In the Senate after the 1946 election there were thirty-three Labor senators and three non-Labor. PR is also used to elect the Legislative Councils [upper house] in South Australia and New South Wales [we also use the proportional preferential voting system for local council elections in NSW].

Voters mark their preferences for individuals or groups. In New South Wales and Tasmania voters mark preferences against individual

candidates, but in South Australia they record one vote for a political group. It is now possible in Senate elections to vote for a political group with one mark but the old system of filling in a full list of preferences is still allowed.

PR does not work on the principle of gaining an absolute majority

for election. Candidates must gain a 'quota'. This is fixed by dividing the number of formal votes by 1 more than the number of seats to be filled and adding 1 more vote.

In the federal election in 1984, there were 3,051,692 formal votes in New South Wales to elect seven senators. The quota for New South Wales was 381,462, the result of the calculation:

$$(3,051,692/(7+1))+1 = 381,462$$

Votes are distributed from both the candidates with most votes and those with the least, but not at the same time.

When candidate A gets a quota, the 'surplus', or the number of votes the candidate has above the quota, is transferred after adjustment by a formula to the next preferred candidate.

**EXAMPLE** - Sibraa (ALP) topped the poll with 1,258,998 votes. Childs was the next on the ALP list with 2,105 votes. Sibraa had a surplus that lifted Childs to 877,897. A similar process was calculated for the Liberal-National list where Publick (Lib) was top with 1,117,071. Candidates of the main parties got quotas in the following order:

ALP - 1st 3rd 5th    LIB/NAT 2nd 4th 6th.

If after the surpluses are distributed no candidate has a quota, candidates are eliminated, beginning with the candidate with the least votes, until a candidate reaches the quota.

The seventh New South Wales Senate seat was won by Mason (Democrats) on the preference of the unsuccessful ALP candidate.

#### **ADVANTAGES OF THE PR SYSTEM**

- Representation is proportional to support.
- Small parties have a better chance of winning seats.

#### **DISADVANTAGES OF THE PR SYSTEM**

- Counting is slow and complicated. It took 3,010 counts and sub-counts to complete the 1984 NSW Senate count. This took about two weeks to complete.
- When numbers of seats held by the main parties are close, small parties can hold governments to ransom, trading support for concessions.

# The Progressive Review

1739 CONNECTICUT AVENUE NW WASHINGTON, DC 20009  
(202) 232-5544

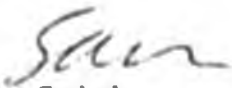
October 29, 1991

Dear Anthony Whitworth:

Concerning your inquiry on preferential voting on Peacenet, you will find it discussed in the enclosed article on approval voting. While these folks favor the latter, it is important to note that almost any of these systems is better than what we have now. Some of these are described in the enclosed.

*an article from*  
I've also enclosed a recent issue of the Review which contains an argument for use of proportional representation in electing members of the House. None of the cases involving civil rights discrimination in voting seem to have considered the possibility of using some form of proportional representation. This is probably due to our obsession with the so-called two party system.

Keep the faith,



Sam Smith  
Editor

cases, Housman would have defeated D'Amato by 45,200 votes. (The importance of this particular division became clear when the newly-elected Senator D'Amato was selected to chair the Senate Subcommittee on the District of Columbia.)

James Buckley was elected a United States Senator from New York in 1970 with only 39% of the vote. Buckley, a conservative, was probably no more representative of New York State voters than John Lindsay, a liberal, was representative of New York City voters when he was reelected to a second term as Mayor of New York in 1969 with 41% of the vote. The 61% majority that voted for Buckley's two opponents, and the 58% majority that voted for Lindsay's two opponents, were effectively denied representation, at least in terms of their apparent ideological preferences, for six and four years, respectively.

In the 1977 New York City mayoral election, six candidates received between 10% and 20% of the vote in the Democratic primary. This contest was followed by a runoff between the two top vote-getters, Edward Koch (19.8%) and Maria Chelso (18.5%), which Koch won. The runoff, however, offered no assurance that one of the other four candidates in the 10% to 11% range would not have beaten Koch. Koch may well have been the strongest candidate in the Democratic field, but the primary election, even followed by a runoff, did not offer incontrovertible evidence that indeed he was.

In the Buckley and Lindsay elections, if either candidate had been in a head-to-head contest with just one of his opponents, he would have almost surely lost to him. Because there indeed was another candidate that a majority would have usually preferred, the election system in each case wasted persuasively.

The paradoxical result of a weaker candidate being a stronger candidate in an election occurs when two or more moderate candidates split the common vote, allowing a more extremist candidate to get out a victory with the support of only a minority. The most common attempt to "repair" this defect is plurality voting to add a runoff election between the top two vote-getters in a plurality vote. Plurality-with-a-runoff offers a slight improvement in some instances, but it also introduces a strange phenomenon. In the next example, 27 voters have the following preference order:

#### EXAMPLE D

12	3	1	1	1	1
A	C	B	B	B	A
B	A	A	C	C	B
C	B	C	A	A	C

The runoff would be between A and B, with B receiving 10 votes in the plurality runoff, and A would then beat B by 10 to 10 (C's supporters preferring A). Support, however, that the last two voters changed their minds in the runoff election and decided that they liked A better than B (see crucial preference change).

12	3	1	1	1	1
A	C	B	B	B	A
B	A	A	C	C	B
C	B	C	A	A	C

The resulting runoff would be between A (with 12 votes) and C (with 9 votes), and C would beat A. Paradoxically, the two voters who changed their preference in favor of a candidate A to Paul (the voters both earlier and unidirectionally). Thus, adding a runoff is not a satisfactory remedy for ending the minority candidate, and the case of simultaneous preference makes it untenable.

#### PREFERENTIAL RANKING SYSTEMS AND ELIMINATION SCHEMES

An election returns, called the *New System*, that has been used in a few places in the United States (for example, Cambridge, Massachusetts) shows many of the advantages of approval voting. If no candidate receives a majority of first-place votes, the candidate with the lowest first-place vote is dropped and the second-place vote of his

supporters are given to the remaining candidate. The elimination process continues, with lower-place votes of the voters whose preferred candidates are eliminated being transferred to the candidate that survives, until one candidate receives a majority of votes. (This system is also used in Australia and the Republic of Ireland, among other places, where it is known as the single transferable vote system.)

Apart from the practical problems of implementing a ranking system, the *New System* has a major drawback: it may eliminate the candidate most acceptable to the voters. In hypothetical example C, Washington would have been eliminated at the outset. Yet, in that example, Washington would have beaten both Barry and Tucker in separate two-way contests, and was, therefore, the strongest candidate. However, he would have won with approval voting. A first serious drawback of preferential voting is that the candidate with the most first-place votes originally may be displaced after the transfers have been made to determine the majority winner. This may greatly upset that candidate's supporters (particularly if they are a large minority) and lead to questions about the legitimacy of the system. This challenge cannot be met by requiring approval voting since approval voters are limiting candidates—whether these votes are first-place, second-place, or whatever, it is not recorded, so no portion of the winner's total can be judged "inferior."

Another ranking system is known as *Coombs Elimination*, which eliminates the candidate with the most last-place votes. Assume voter preferences are as follows:

#### EXAMPLE E

12	20	10	10
A	C	C	B
B	B	A	A
C	A	B	C

In this example, C would be eliminated at the outset, but would still receive the most first-place votes. This result would not seem to be any more palatable than the previous example in which Washington was eliminated at the outset.

A voting system that uses points as weighting factors is known as the *Borda System*. In its most common version, if there are three candidates, a first-place vote would receive 2 points, a second-place vote would receive 1 point, and a third- or last-place vote would receive 0 points. For example:

	10 voters	20 voters	10 voters	10 voters
2 pts.	A	B	B	A
1 pt.	B	C	C	B
0 pts.	C	A	A	C

In this instance, the Borda system fails spectacularly because it does not select the first choice of the majority of voters. A. Certainly A's supporters could set up questions (of legitimacy of the system, and likewise they are the majority) that could court serious problems in governing successfully.

A total problem with ranking schemes is the problem of voter education. Where other systems have been used in the United States, as in New York City school board elections where the *Hare System* has been used, the results take several days to tabulate, and voter participation has been reportedly low (1% in the last school board election) in the District, which has a short history of elections, the difficulty in explaining the system to citizens, the difficulty of explaining the system to an already cynical electorate would be enormous. Approval voting, on the other hand, is based on an extremely simple idea and would be a system relatively easy to implement, with results that can be efficiently tabulated.

#### CONCLUSION

Approval of approval voting is not an admission of either past or present election officials in the District. It is merely a simple step that can be taken by the D.C. Democratic party to ensure a more viable majority winner. The assumption can easily be made that such a winner would begin

his or her term of office with not only the good will of the citizenry but also with the public's knowledge that no other candidate was more acceptable.

Approval voting, in itself, would not fundamentally change the formal relationship between Congress and the District; it would, however, serve notice to the Congress that District residents care enough about their local government to take steps to improve it. With a majority and city council elected by the clear preference of the electorate, certain members of Congress (most likely) would be less inclined to second-guess the desires of the constituency than they are today. On the other hand, with a more representative government, local residents may become less predisposed to bypass the District government and direct their attention to sympathetic congressmen on what are essentially local matters.

Approval voting may well become the election reform of the 20th century, just as the Australian system, fully revised by the government with the notion of all authorized candidates, was the election reform of the 19th century. It is being seriously considered in several states, including New York, New Hampshire, and Vermont (where a bill has already been introduced in the state legislature). Could not the District benefit from pioneering the adoption of this far and praised reform?

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#### THE ADVANTAGES OF APPROVAL VOTING

1. *It respects the majoritarian principle in democratic elections.* By making it difficult for candidates who command the support of only a minority of the electorate to win when there is another candidate preferred to the minority candidate, approval voting enhances the idea of majority rule. Unhappily, there have been enough instances, in recent decades, of minority candidates winning elections and thereby flouting the will of the majority, to undermine the credibility of the electoral process. In any election in which the number of significant candidates is large, the election of a candidate without the support of a majority of voters is almost inevitable.

2. *It gives voters more flexible opinions.* They can do everything they can under the present system—vote for a single favorite—but if they have no strong preference for just one candidate, they can express this fact by voting for all candidates they find acceptable. For instance, if a voter most preferred a candidate who had little chance of winning, that voter could vote for both a first choice and a more viable candidate without worrying about "wasting" his or her vote on the less popular candidate.

3. *It elects the strongest candidate.* Today, the candidate supported by the largest minority wins, or at least makes a runoff. Under approval voting, by contrast, it would be the candidate with the greatest overall support—the one most approved of—who would win. An additional benefit is that approval voting would induce candidates to try to mirror the views of the majority of voters, not just cater to special interests whose voters could give them a slight edge in a crowded plurality contest, the kind of contest in which a candidate with only 20% to 30% of the vote can win. The fact that Jimmy Carter won the 1976 Democratic primary in New Hampshire with only 21% of the vote, and Henry Jackson won the Democratic primary in Massachusetts one week later with only 21% of the vote, says nothing about how acceptable either candidate was to the approximately three-quarters of the electorate in each primary who did not vote for them.

4. *It strengthens political parties.* Approval voting would make it much more difficult for candidates who did not command majority support within their respective parties to win the nomination. It would thus tend to fresh in the nomination of the strongest and most viable candidates, thereby restoring credibility to the candidate selection process traditionally performed by political parties. The credibility of this process has been seriously undermined by the perception that it can be actively manipulated by candidates who command support of only a minority of the party.

5. *It gives minority candidates their proper due.* In a typical three-way contest including one candidate from each of the two major parties and an independent or third-party candidate, support for the non-major party candidate often fades as election days approach because many of his or her

supporters think that their candidate has no serious chance of winning. Although positions taken on issues by the third-party candidate may enjoy widespread support in the electorate, the result of the election often substantially underrepresents the magnitude of this support. With approval voting, minority candidates and their positions would receive more appropriate recognition, because voters could support them—along with their preferred major-party candidate—without "wasting" their votes, even though one of the major-party candidates would generally win.

6. *It reduces voters' participation.* Voters would not be forced to make an arbitrary choice if they favored more than one candidate. Nor would they be compelled, as under the present system, to "waste" their votes if they preferred a non-major party candidate and also found one of the two major-party candidates acceptable. And since the political parties would be encouraged to nominate the strongest and most viable candidates, voters would be pressed with more plausible choices. All these reasons are cited by non-voters as factors keeping them from the polls. It seems reasonable to assume that as perceived reasons for not voting are overcome—particularly the restriction of voting for exactly one candidate—more voters will participate in elections.

7. *It is enormously flexible.* It may be thought that, even given the virtues of approval voting, it would make little difference in a real election, since candidates would encourage voters to vote for just themselves (their voters) to keep down the vote totals of their opponents. Yet, such an appeal would probably be ineffective, particularly in a crowded race in which voters had difficulty distinguishing their single favorite. In an approval voting experiment involving several hundred Pennsylvania voters before their 1976 primaries, 72% of the voters voted for two or more of the eight candidates listed on their sample ballots. A similar percentage would have voted for additional candidates in New Jersey gubernatorial primaries in June 1981, as shown in an exit poll of 2,000 voters in that election.

Approval voting can be easily implemented with existing voting machines and would not greatly complicate existing paper ballots where they are still in use. In the District, approval voting in the Democratic primaries can be enacted by the endorsement of the D.C. Democratic State Committee.

#### COMPARISONS WITH OTHER VOTING SYSTEMS

The growing and rapid dissemination of plurality voting in the District is an encouraging development of course (types of voting systems, or the absence of a runoff election in the present plurality system). An examination of some of these systems will be useful in highlighting the benefits of approval voting for the District.

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#### PLURALITY VOTING AND PLURALITY-WITH-A-RUNOFF

It is a sad fact that, under the present system of plurality voting, elections are often rigged against majority candidates. One can think of numerous examples throughout the country in which three or more candidates in a plurality contest divided the total vote in such a way that no candidate received a majority. For example, in the 1980 U.S. Senate race in New York, Altonus D'Amato (Republican) and Conservative) defeated Elizabeth Holtzman (Democrat) 41% to 42%. Also in that contest was independent Jacob Javits (Liberal). An exit poll taken by ABC showed that 44% of Javits' supporters would have supported Mr. Holtzman had he not been in the race, whereas only 22% would have supported D'Amato. If Javits had not been in the

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# APPROVAL VOTING: HOW TO IMPROVE DC'S CRAZY ELECTIONS

Barbara J. Heil & Steven J. Brams

The growing estrangement of the American public from its political system is reflected by the 20-year decline in voter participation. This decline has been attributed in part to disenchantment and cynicism with nonrepresentative choices in large, multi-candidate elections with minority, not majority, support. Such elections have produced some recent alarming failures of government but, in large measure, no candidates' winning with sufficient support to achieve a post-electoral consensus among the various parts of the community.

The great virtue of democracy is regular elections: when one is dissatisfied with an elected official, it is usually only a matter of time until the next election removes the incumbent, if voters are similarly disposed. Unfortunately, citizens of the District of Columbia are not guaranteed another election. Self-government in the District exists under a different premise from that in other jurisdictions in the United States. In the District, home rule is a privilege, not a right, like any other privilege, it can be taken away—as it has in the past. Until that privilege becomes a right, it is the duty of every District citizen to protect the future of popularly elected local government.

Despite this unique aspect of home rule, the District suffers from the same problems that afflict American politics elsewhere: declining voter participation, increasing leverage of special-interest groups, the growing impact of the media and opinion polls, and the trivialization of issues in a protracted primary campaign. Nevertheless, the D.C. Democratic party remains a potent force that has not suffered the debilitation that has occurred in both parties in other parts of the country. Indeed, winning a D.C. Democratic primary is tantamount to winning the election, and this situation is not likely to change in the foreseeable future. Consequently, the impetus for change in the political system will have to come from District Democrats.

Approval voting is a system that increases a voter's options in multi-candidate elections (voted with more than two candidates). It allows each voter to vote for, or approve of, as many candidates as he or she considers acceptable in an election. Thus, a voter might choose to vote for a single candidate, as under plurality voting, or for more than one; a voter may not, however, cast more than one vote per candidate. The system changes the idea of "one person, one vote" to "one candidate, one vote." That is, it permits a voter to make a judgment about whether or not to support each and every candidate, without any restriction on how many candidates the voter can designate as acceptable.

## THE APPROVAL VOTING SYSTEM

The example of the 1978 D.C. Democratic mayoral primary can be used to show how approval voting might have either affirmed or changed the actual outcome. The results of this primary were:

Barry	130	Tucker	120	Washington	112
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What is not shown is the voters' complete preferences. Using 100 as the total number of voters, assume the supporters of each of the three

candidates had the following preference orders (from best to worst):

### EXAMPLE A

1	2	3
Barry	Tucker	Washington
Tucker	Barry	Barry
Washington	Washington	Tucker

If each voter had approved of his two most-preferred choices, the results would have been a total of 200 votes divided thus: Barry—130; Tucker—64; and Washington—12. This would affirm Barry as the actual winner.

### EXAMPLE B

By simply reversing the second and third preferences of the Washington voters, Tucker would have emerged as the most acceptable candidate:

1	2	3
Barry	Tucker	Washington
Tucker	Barry	Tucker
Washington	Washington	Barry

Tucker—100; Barry—64; Washington—12.

### EXAMPLE C

In this example, assume there is a runoff between the first- and second-place finishers when plurality voting shows voter preferences orders of as follows:

1	2	3
Barry	Tucker	Washington
Washington	Washington	Tucker
Tucker	Barry	Barry

Now Barry and Tucker would have made the runoff, but the most acceptable candidate, Washington if all voters had found the top two on their complete list could win. Thus the absence of a runoff under plurality voting due to its diversity over the more acceptable candidate. Moreover, the runoff is both costly and tends to lead to reduced voter participation, as voters believe that many runoff elections has demonstrated.

## THE DC GAZETTE

Published ten times a year. Single copies by mail: \$1. Annual subscription: \$5. The Gazette uses the services of Pacific News Service, 2000 New York Avenue, College Park Station, Cambridge Park Features, Berkeley News Service.

The Gazette welcomes articles, letters and photos as well as short stories and poems, but cannot, unfortunately, afford to pay for them. All submissions should be made with a stamped self-addressed envelope if you wish material returned.

Deadline for editorial and advertising material: 15th of the month.

EDITOR: Sam Bland  
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# Other ways to count votes

**WHAT DOES DEMOCRACY MEAN?** To many Americans (and to most of the media) it's all wrapped up with the two-party system and winner-take-all elections.

But although America considers herself the leading democracy, its electoral system is one of the least representative and the most primitive to be found in democracies around the world.

For example we elect our House of Representatives, state legislatures and many local offices from single-member districts. Not only does this increase the danger of intentional or unintentional gerrymandering, it also means there need be no direct correlation between the total popular vote and the composition of the legislative body. For example, Democrats could hold a slight edge in every congressional district and thus win total control of the House even though Republicans might have gotten 49% of the vote nationwide. This is an extreme case but studies have shown marked differences between popular support and the number of seats won where single-member districts are used.

Here's an example from the recent elections in Quebec, showing the difference between the percentage of the vote received by the leading parties and the percentage of seats won in the assembly:

1975		1976		Party
% of vote	% of seats	% of vote	% of seats	
50%	5%	41%	60%	Parti Quebecois
55%	87%	33%	25%	Liberals

A multi-member district using some form of proportional voting such as the single-transferable vote not only produces results much closer to the actual distribution of feeling in the constituency, it allows significant minorities representation to a degree seldom seen in America.

Even a single-member district election (or presidential election for that matter) would be more representative using a system other than our present first-past-the-post plurality system. Although runoff elections have been found to have serious weaknesses, there are other options including the alternative vote. Under the alternative vote system, the elector casts a ballot marked with candidates in order of preference e.g. 1, 2, 3 etc.

If no candidate wins a majority of first place votes, the second place votes of the candidate with the least number of votes are redistributed among the other candidates. If there is still no one with a majority the process is repeated with the second place votes of the next lowest candidate. Another way of counting second place votes is to count the second choices of the voters for all candidates with no mathematical chance of winning election after the first count.

Example:

Candidate A 800 votes  
Candidate B 700 votes  
Candidate C 700 votes  
Candidate D 200 votes  
Candidate E 100 votes  
Candidate F 100 votes.

In this case candidates D through F would have no chance of winning so their second place choices would be redistributed, after which we find this:

Candidate A 900 votes  
Candidate B 800 votes  
Candidate C 900 votes

The count is gone through a third time with candidate B's second place votes redistributed.

Although this (and other systems like the single transferable vote in a multi-member district) seem complex, the record of spoiled ballots is as low or lower than in our system. Further, in return for a more time consuming counting of the ballots you gain the following advantages:

- a truer consensus of the constituency than in cases where you elect by simple plurality.
- Less chance of vote fraud because in close elections, votes must be counted at least twice and the figures must coincide.
- The opportunity for people to vote their beliefs rather, as is the present case, limiting their choice only to the candidates who they think stand a chance of winning. It seems likely, for example, that Eugene McCarthy would have received a much higher vote under an alternative vote system, because voters would have known that should he not get a sufficient number of first place votes their second choices would be counted.

There are many other systems of voting, many of them preferable to our tyranny of the majority approach. For example a number of stable European countries have thrived on a multi-party system where it is frequently necessary that a government be comprised of a coalition of parties. Here, third parties find it difficult to get on the ballot, let alone into office.

Activists concerned about the anti-democratic aspects of American politics have paid far too little attention to the mechanics of voting, but perhaps some of the openings created by Eugene McCarthy's impressive effort to democratize presidential politics can be widened by actions at the local level. Women, ethnic and ideological minorities and other groups might find it worthwhile to press for multi-member districts in local government with proportional representation. The introduction of the alternative vote at the local level could greatly increase the impact of third parties and change-oriented political forces. At the very least, permitting multiple party nomination of candidates as in New York State (where a governor, for example, can run on both the Liberal and the Democratic line) would increase the clout of third forces.

-SAM SMITH

DR GAZETTE  
1975

than 50 percent longer than untreated rats afflicted with the same cancer.

But shortly after the FDA gave the McLaughlin Foundation clearance to begin human clinical trials in the spring of 1977, it withdrew its clear, citing the

In 1973, the MCI contracted the Southern Research Institute in Birmingham, Ala., to test ayudalin. The report indicated that ayudalin was "statistically significant" in combatting a particularly stubborn type of tumor.

had negative results but I guess I should put it another way and say we haven't had consistently positive results." He points to other Sloan-Kettering tests that he says have not confirmed Dr. Sugrue's tests.

Dr. Sugrue says this: "I don't remember ever doing experiments that were later



*This map shows how many seats blacks and latinos have lost in the House because of the district voting system used to elect members. Voting at large with proportional representation would probably add at least 37 new minority members to the House*

## The safe segregation of Capitol Hill

In the midst of the debate over affirmative action, few noted that the arguments were taking place in one of America's most segregated institutions, the US Congress.

As we have pointed out before, if Congress were a school system it would be under court-ordered bussing. Being a law unto itself, it can proceed happily passing civil rights rules for the rest of the country, from which it is effectively exempt.

Only through a quirk is a black or hispanic elected to the Senate. And thanks to elections by congressional districts, each larger than any state except Virginia at the time the Constitution was written, minority representation in the House is roughly one-third what it should be.

Even when the gross disparity in the makeup of Congress is noted, it has generally been assumed that there is not much that can be done about it short of changing the Constitution. Of course, making DC a state would help, as would Senator Simon's suggestion that Guam, the Virgin Islands and Puerto Rico all be given statehood. But it would take thirteen new states, each with black or latino senators, to bring the Senate into ethnic balance.

In the House, however, there is more opportunity to rectify the imbalance than most realize. While the Constitution prescribes that representatives be apportioned among the states it does not spell out the nature of their election.

Thus nothing would prevent the passage of legislation calling for a dramatically new way of electing representatives, such as by proportional representation or doubling the size of the House to permit smaller districts that better reflect the ethnic diversity of the country.

In fact, the current system of election might not even be constitutional because it effectively disenfranchises two-thirds of America's blacks and latinos as well as other minorities. (For example, California's Asians are under-represented as well as its latinos).

## Weather...

districts so safe they won by more than 75%. Among the recipients were Tom Foley, Les Aspin, and Charles Rangel.

While we think federal legislation ought to specify how public computer access to information generated by the product of that legislation should be made available (much as book information is provided by library computers), CRC not only fills part of the enormous gap between what should be and what is, it goes further by providing software that allows the information to be usefully used by journalists or activists. For information: CRC, 1010 Vermont Ave NW #710, DC 20005 (202-347-5400)

Another organization that is making effective use of computers is the Transactional Records Access Clearinghouse. TRAC, for example, recently used federal data records to do an intensive analysis of how US Attorney and their staffs were distributed throughout the US. TRAC found large variations in staffing per capita, even accounting for workload. For example, Vermont had three times as many US Attorneys per million as neighboring New Hampshire. Wyoming got four times as many as North Carolina. There were similar inexplicable differences in the growth of US Attorneys' offices during the Reagan years. For example, Los Angeles -- despite its importance as a drug center -- barely kept up with population growth while West Virginia was blessed with a 300% increase in staffing. The Washington office of TRAC is at 666 Pennsylvania Ave SE #303, DC 20003 (202-544-8722).

The speaker of the Tennessee House of Representatives has banned liquor on the house floor, as well as popcorn and paperwad fights, pizza parties and naps.

Douglas Wilder is being touted by the Vichy Democrats and their media cronies, but Virginia voters have a lower opinion. A Mason-Dixon Opinion Research poll taken the beginning of May found that

This raises the interesting possibility of a voting rights suit against the Congress. Courts have shown a willingness to intervene in local elections to make voting systems more fair. They could do the same with the House. Montana, for example, is currently in federal court arguing that its loss of one seat leaves it with a single at-large district 40% larger than the average ideal district.

The map on the previous page shows just how bad the current situation is. It shows the states that currently discriminate against blacks and hispanics. It is based on 1990 census data and the composition of the 1990 House of Representatives. While it is true that the 1990 House was not required to reflect the 1990 census, a fair election system should follow changes in the population. Further, a comparison with 1980 census data finds that the disparities were almost as great (a net loss of 34 seats using 1980 figures as opposed to 37 using 1990).

The map assumes, for purposes of exploratory calculation, that voters in each state elected their representatives at-large using some system of proportional representation and that minority candidates were elected in proportion to their population. All percentages were rounded down, so if -- as in the case of Alabama -- blacks should theoretically get 1.83 seats, they would get only one.

If such a plan were followed, black/hispanic

representation in the House could more than double, although still fall about five percentage points short of the actual proportion of these minorities in the general population.

The map shows that the biggest current offenders are California, Texas and Florida, but that more than a dozen other states fall short as well. After the 1992 election, you can use this map to see how effective redistricting was in correcting ethnic inequities.

We also calculated the results assuming that the size of the House was doubled. Creating smaller districts would make for better ethnic representation, although it can not be calculated because of the political nature of redistricting. If, however, we switched to at-large elections with proportional representation, and we doubled the size of the House, there could be about a two percentage point improvement in the representation of blacks and hispanics. Further, a number of states -- Arizona, Arkansas, Indiana, Kansas, Kentucky, Oklahoma, Tennessee, Washington, and Wisconsin -- would theoretically add minorities to their currently homogeneous delegations. -- s.s.



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## 20th Century Translations

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Objective consideration of contemporary phenomena compels the conclusion that success or failure in competitive societal activities bears no necessary correlation to, and exhibits no tendency to be commensurate with, innate capacity, but that a considerable element of the unpredictable must invariably be taken into account. -- *Historian Forrest McDonald, as part of an argument for "short, homely words" in Chronicles magazine.*

I'm not quite old enough to remember it -- only kidding -- but I think it was around 87 some years ago (have to be kinda careful ever since I got the day of Pearl Harbor wrong) that our fathers threw out the first pitch for liberty, started a whole new democratic ball game on this continent, dedicated, as it was to the all-men-are-equal thing. Now we -- caught up in this brother against brother -- tremendous violence and bloodshed -- we're -- teammate against team-mate, all this kind of thing -- we're putting the Liberty experiment, that new, experimental kind of nation -- unprecedented -- we're putting that through the wringer. -- *British journalist John Lichfield emulating the Bush literary style.*

I returned, and saw under the sun, that the race is not to the swift, nor the battle to the strong, neither yet bread to the wise, nor yet riches to men of understanding, nor yet favor to men of skill; but time and chance happeneth to them all -- *Ecclesiastes*

Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. -- *Abraham Lincoln*



Report of the  
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single member constituencies. The additional seats allocated to each party were to be assigned to ranked candidates on provincial party lists announced before the election. The principal aim of the Canadian proposal was to provide representation for parties in regions where their candidates were largely failing to gain seats despite obtaining a reasonable share of the vote.

2 83 SM is a serious and considered attempt to improve our present system, and we examine it further in paras 2 101 to 2 115.

### Systems of proportional representation

2 84 There are 3 major types of proportional representation (PR) which it is necessary to consider. All are designed to provide that the seats a party receives in Parliament are in reasonable proportion to the number of votes that party receives in the electorate. First, there are proportional voting systems based on **party lists**; second, there is the system we call **Mixed Member Proportional (MMP)** which combines party lists with single member constituencies, and third there is the **Single Transferable Vote (STV)** system. Some do not accept that STV is a proportional system but we are content to treat it as such.

2 85 There are many different systems of proportional representation by **party list**; the following description is intended to cover the main features rather than the detail of the systems that are, or could be, used.

2 86 A full party list system essentially involves voters choosing between lists of candidates offered by political parties for an electoral district. That electoral district may cover the whole country or it may be regional or local, or combine elements of all 3 levels. In general, the candidates on each party list are in an order determined by the party. The voters may be restricted to voting for a single party list without choice of candidates (known as a "closed" or "rigid" list), or they may be able to indicate preferences for one or more candidates from one or more parties (an "open" list). Some of the methods which enable the voter to change the party's order are more effective than others.

2 87 Seats are allocated to parties according to the proportion of the vote each has received, whether they are for the party as a whole or for individual candidates on the party's list. Many party list systems provide that a party which has not reached a threshold of, say, 5% of the total vote does not participate in the allocation of seats. A party's entitlement to seats may be calculated on a national basis, and the seats allocated regionally. Different systems use different mathematical formulae to allocate seats to parties. The most common are the d'Hondt method and the Sainte Lague method, the latter with several variations (see Addendum 2 1). Once it is known how many seats a party is entitled to have (whether national, regional, or local), that number of candidates is taken from the top of the party's list after any changes in the original order resulting from voters' choices have been made, and those candidates are declared elected.

2 88 Party list systems originated in Europe in the 19th century. Scandinavia and Northern Europe remain the predominant areas where they are used, although a few other countries have adopted them in more recent times. The Netherlands and Israel operate the only examples of list systems where the electoral district covers the whole country. France introduced a closed list system for the 1986 elections to the National Assembly with proportionality applied within each *département*. Closed lists are rare. The "openness" of lists varies considerably, however, from the single choice permitted in Belgium to the opportunities the Swiss voter has to cast up to 2 votes for a single candidate, to delete names, or to make up a new list entirely by writing in names. Denmark and Sweden use pools of supplementary seats to correct disproportionate results from list elections in multi-member districts.

2 89 Party list systems are the most common form of proportional representation and have a number of major attractions. They recognise the importance of political parties in modern democracies and allow voters to make a simple and direct choice of the party they wish to govern. Constituents are able to approach a range of members. Lists allow political parties to promote the election of women and ethnic minorities and to provide for regional or interest group representation. On the other hand, party list systems abandon single-member constituencies and hence weaken the close links that are found in the plurality system between MPs and their electors. Having all MPs elected through closed lists also weakens this relationship and gives political parties considerable power over who are to be the elected representatives of the people. This weakening of the MP-constituent link is to some extent offset if separate lists are compiled for each region and/or the lists are open to voter choice. However, regional lists do not guarantee full proportionality unless the parties' share of the seats is determined nationally with the seats being allocated regionally, or supplementary seats are used to correct for disproportionate results from all the local districts. Open national lists mean large ballot papers which are likely to confuse many voters. Even at a local or regional level, open lists can introduce considerable complications for the voter and for counting votes. Open lists might also lead to destructive intra party competition. On balance, we consider that the defects of plurality are better dealt with in other ways than by the introduction of a full party list system.

2 90 The **Mixed Member Proportional (MMP)** system produces national proportional results while including seats elected by plurality elections in single member constituencies. A party's proportional entitlement to seats can be based either on its total vote in the constituency contests or on a separate party vote. Once that entitlement has been determined the number of constituency seats that party has won is subtracted from this number. The party is then given sufficient other seats to bring it up to its proportional entitlement. Those elected to these seats may be taken from a party's list or from

Christchurch City did so, the former for the elections of 1917 and 1919, the latter for those of 1917, 1929, 1931, and 1933. Various Local Elections and Polls Acts contained the option for STV elections until it was finally removed in 1966. Several unsuccessful attempts were made from 1916 to 1922 to introduce STV elections for the House of Representatives. The Legislative Council Act 1914 provided that the Council would be elected by STV, but this was never brought into effect.

2 99 STV deserves further examination. All MPs are chosen by the voters, who also have a choice among each party's candidates, and among the candidates of several parties. Thresholds need not be so low as to encourage proliferation of parties, yet need not be so high as to preclude small parties or independents with enough support from gaining a seat. The multi-member constituency means that constituents are likely to have a range of MPs to whom they can appeal for help.

### Conclusion

2 100 This review of the alternatives to our present voting system against our criteria has allowed us to eliminate all but 1 method of modifying our present system (SM), and 2 that depart more fundamentally from it (MMP and STV). We now subject SM to closer scrutiny, and proceed to an evaluation of MMP and STV against plurality. In each case we first describe the system in greater detail.

## SYSTEMS FOR NEW ZEALAND

### SM for New Zealand

2 101 The SM system is described in general terms in paras 2 81 and 2 82. SM might be implemented in New Zealand in the following way:

- (a) Each elector would have 2 votes, 1 for a constituency candidate in a plurality election in the constituency, the other for a party list. Each party would be entitled to put forward 1 closed national list with candidates listed in the party's order of preference. Constituency candidates could also be on the list. (We considered the possibility of using open rather than closed lists, and regional rather than national lists, but rejected both for the reasons we give in our discussion of MMP in paras 2 198 to 2 202.)
- (b) There would be a total of 120 seats (either fixed or gradually increasing as under the present system), with 90 members elected in constituencies and 30 elected from lists. (We suggest a 90/30 division as it provides a platform for small parties to compete for wider support without, in most elections, jeopardising the prospects of single party government. Such a division also allows an effective means of increasing the size of the House without greatly disturbing current electoral boundaries.)
- (c) There would be no separate Maori seats and no Maori roll.
- (d) The modified Sainte Lagué method would be used to allocate the 30 list seats to the parties proportionate to their share of the total

list vote. No specific threshold of the vote would be required before a party could participate in the allocation of seats, although, as outlined in para 2 81, an effective threshold of approximately 5% would apply (other methods of allocating list seats might mean a lower effective threshold, see Addendum 2 1).

- (e) Casual vacancies in constituency seats would be filled by election as under the present system. List seat vacancies would be filled by the next available person on the relevant party list.

2 102 Table 2 3 shows possible results of the last 6 elections in New Zealand under SM, assuming that the 30 list seats were added to all the existing constituency seats and allocated on the basis of the parties' share of the vote for those constituency seats. We stress that this table is for illustrative purposes only. It cannot represent the actual result of an election held under SM since there is no way of knowing how voters would use their list vote. Voting patterns for constituency seats could also change under SM. For example, a minor party's electoral strategy might be quite different under SM than under plurality. Thus it could suggest to voters that they use the list vote for the minor party while still supporting a major party candidate in the constituency.

### An assessment of SM

2 103 **Fairness between political parties.** SM is not a proportional electoral system, and therefore does not attempt to overcome many of the problems inherent in plurality in single member constituencies. The fact that only the additional seats are allocated proportionally and without regard to the results of the constituency elections means that the total seats won by a party are likely to remain out of proportion to its share of the votes. That this is so for both major and minor parties is illustrated by Table 2 3, although we stress again that we have had to assume that list votes would go to parties in the same proportions as constituency votes. The figures for Labour and National for 1972-1975 and 1978 illustrate the point in stark terms: there would still have been a considerable imbalance between share of the votes and share of the total seats. In a close election where the party with the most votes gained fewer constituency seats than another party it would be unlikely that SM would significantly improve the result.

2 104 It is true, however, that minor parties would do better under SM than under our present system, and so in that respect SM might be said to be less unfair than plurality. That it is nevertheless still unfair to major parties is shown by looking at the relationships between seats and votes for Social Credit over all 6 elections, and for the New Zealand Party in 1984. These parties would achieve better representation but still pay a heavy penalty because of their difficulties in winning constituency seats.

# **CORRECTION**

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H. 3



Report of the  
Royal Commission  
on the Electoral System

"Towards a Better Democracy"

December 1986

Price Code H

**THE ROYAL COMMISSION ON THE ELECTORAL SYSTEM****Chairman**

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single member constituencies. The additional seats allocated to each party were to be assigned to ranked candidates on provincial party lists announced before the election. The principal aim of the Canadian proposal was to provide representation for parties in regions where their candidates were largely failing to gain seats despite obtaining a reasonable share of the vote.

283 SM is a serious and considered attempt to improve our present system, and we examine it further in paras. 2.101 to 2.115.

### Systems of proportional representation

284 There are 3 major types of proportional representation (PR) which it is necessary to consider. All are designed to provide that the seats a party receives in Parliament are in reasonable proportion to the number of votes that party receives in the electorate. First, there are proportional voting systems based on party lists; second, there is the system we call **Mixed Member Proportional (MMP)** which combines party lists with single member constituencies, and third there is the **Single Transferable Vote (STV)** system. Some do not accept that STV is a proportional system but we are content to treat it as such.

285 There are many different systems of proportional representation by party list; the following description is intended to cover the main features rather than the detail of the systems that are, or could be, used.

286 A full party list system essentially involves voters choosing between lists of candidates offered by political parties for an electoral district. That electoral district may cover the whole country, or it may be regional or local, or combine elements of all 3 levels. In general, the candidates on each party list are in an order determined by the party. The voters may be restricted to voting for a single party list without choice of candidates (known as a "closed" or "rigid" list) or they may be able to indicate preferences for one or more candidates from one or more parties (an "open" list). Some of the methods which enable the voter to change the party's order are more effective than others.

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289 Party list systems are the most common form of proportional representation and have a number of major attractions. They recognise the importance of political parties in modern democracies and allow voters to make a simple and direct choice of the party they wish to govern. Constituents are able to approach a range of members. Lists allow political parties to promote the election of women and ethnic minorities and to provide for regional or interest group representation. On the other hand, party list systems abandon single member constituencies and hence weaken the close links that are found in the plurality system between MPs and their electors. Having all MPs elected through closed lists also weakens this relationship and gives political parties considerable power over who are to be the elected representatives of the people. This weakening of the MP-constituent link is to some extent offset if separate lists are compiled for each region and/or the lists are open to voter choice. However, regional lists do not guarantee full proportionality, unless the parties' share of the seats is determined nationally, with the seats being allocated regionally, or supplementary seats are used to correct for disproportionate results from all the local districts. Open national lists mean large ballot papers which are likely to confuse many voters. Even at a local or regional level, open lists can introduce considerable complications for the voter and for counting votes. Open lists might also lead to destructive intra-party competition. On balance, we consider that the defects of plurality are better dealt with in other ways than by the introduction of a full party list system.

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among its unsuccessful constituency candidates. Entitlement to any list seats may be subject to a threshold (e.g., 5%) of the vote on which the allocation is based.

291 A simple example will illustrate the system. We assume that proportionality is based on the constituency votes. Suppose there are 120 seats in total, 60 elected in the constituencies and 60 other seats. Party A gets 55% of the vote and wins 38 of the 60 constituency seats. Party B gets 30% of the vote and wins 21 constituency seats, and Party C gets 15% of the vote and wins 1 constituency seat. Since overall proportionality requires that Party A have 55% of all seats, constituency seats. Similarly, Party B must receive 15 other seats, and Party C must receive 17 further seats. The following table shows the result:

	Party A	Party B	Party C
% vote	55	30	15
Proportional entitlement of 120 seats	66	36	18
No. of constituency seats won	38	21	1
Therefore, entitlement to further seats	28	15	17

292 MMP has been used for federal and state (Land) elections in the Federal Republic of Germany since 1949. Different versions are used in different Länder, however, and the following description is of the system used to elect members to the federal Lower House (Bundestag). There are now 248 constituency seats and 248 list seats. Each voter has 2 votes. One is used to elect a member from a local constituency, by plurality. The other vote is the more important one, for it is used to determine each party's overall entitlement to seats. This second vote is for a closed party list. Only those parties who win at least 5% of the list vote, or who win at least 3 constituency seats, are eligible to participate in the allocation of list seats. Parties representing "national minorities" however, are deemed eligible to participate in the allocation whether or not they have met these conditions. The d'Hondt system has been used to calculate each party's proportionate share of all the 496 seats in the Bundestag although for future elections a slightly modified system will be used. The number of seats each party has won in the constituency elections is subtracted from its overall entitlement, and extra seats calculated on a Land basis, are given to the party from the pool of 248 list seats. If a party wins more constituency seats than its overall proportional entitlement, it keeps the seats it has won, and the total number of seats in the Bundestag is increased until the next election, this has happened on a few occasions since 1949 resulting in a 1 or 2 seat increase. Constituency candidates may also be candidates on the lists. In such cases candidates who win in a constituency are deleted from the list.

293 Although West Germany is the only country to use MMP, proposals have from time to time been made to adopt it elsewhere. The

1976 Hansard Society Commission on Electoral Reform recommended a form of MMP for Britain which differed in some important respects from the West German model. They called it an "Additional Member System". Under the Hansard proposal three quarters of all MPs would be constituency members and one quarter additional members. Voters by constituency members and one quarter additional members. Voters would vote only once, that vote counting both for a candidate contesting a single member constituency and for that candidate's party. (Once the constituency winners were determined, parties would gain additional seats so as to achieve overall proportionality. However, rather than using a party list, the Hansard Society Commission proposed allocating additional seats to "best losers" ranked within each party according to the percentage of the vote gained in the various constituencies.

294 We consider that MMP has considerable attractions. It retains single member constituencies, yet overcomes the disproportionality between parties that is inherent in plurality voting. The use of lists allows the possibility of enhanced representation for minority and other special interests. We therefore reserve MMP for closer scrutiny.

295 Under the **Single Transferable Vote (STV)** system (also known as the "Hare" system), each elector votes in a multi-member constituency and numbers the candidates in order of preference (see sample ballot paper in Addendum 2.2). The number of preferences required for the vote to be valid varies in different countries.

296 A candidate must obtain a Droop quota of votes (see Addendum 2.1) in order to be elected. The quota can also be expressed as a percentage of the valid votes cast in the constituency—25% for a 3 seat constituency, 16.7% in a 5-seat constituency, and 12.5% in a 7 seat constituency. Candidates who have obtained a quota or more of first preference votes are declared elected. The remaining seats, if any, are then progressively filled by eliminating the lowest polling candidate and transferring his or her votes according to the next preferences shown on them, and by transferring the surplus votes of elected candidates according to the next preferences shown on those votes. A more detailed description of STV counting procedures is in Addendum 2.3 to this chapter.

297 STV has tended to be the form of proportional representation favoured in countries within the British political tradition. It has been used for elections to the Tasmanian House of Assembly since 1907, to the House of Representatives since 1921 for all public elections in the Republic of Ireland since 1920 for some elections in Northern Ireland from 1919 to 1929 and for all public elections there since 1973 except those to the House of Commons at Westminster. It has also been used for elections to the Australian Senate since 1949 for the Upper Houses of some Australian states, and for some local government elections in Canada and the United States of America at various times this century.

298 New Zealand has had slight experience with STV for public elections. The Local Elections (Proportional Representation) Act 1914 permitted local authorities to adopt STV. Only Wairarapa Borough and

Christchurch City did so, the former for the elections of 1917 and 1919, the latter for those of 1917, 1929, 1931, and 1933. Various Local Elections and Polls Acts contained the option for STV elections until it was finally removed in 1966. Several unsuccessful attempts were made from 1916 to 1922 to introduce STV elections for the House of Representatives. The Legislative Council Act 1914 provided that the Council would be elected by STV, but this was never brought into effect.

2.99 STV deserves further examination. All MPs are chosen by the voters, who also have a choice among each party's candidates, and among the candidates of several parties. Thresholds need not be so low as to encourage proliferation of parties, yet need not be so high as to preclude small parties or independents with enough support from gaining a seat. The multi-member constituency means that constituents are likely to have a range of MPs to whom they can appeal for help.

#### Conclusion

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### SYSTEMS FOR NEW ZEALAND

#### SM for New Zealand

2.101 The SM system is described in general terms in paras 2.81 and 2.82. SM might be implemented in New Zealand in the following way:

- (a) Each elector would have 2 votes: 1 for a constituency candidate in a plurality election in the constituency, the other for a party list. Each party would be entitled to put forward 1 closed national list with candidates listed in the party's order of preference. Constituency candidates could also be on the list. (We considered the possibility of using open rather than closed lists, and regional rather than national lists, but rejected both for the reasons we give in our discussion of MMP in paras 2.198 to 2.202.)
- (b) There would be a total of 120 seats (either fixed or gradually increasing as under the present system) with 90 members elected in constituencies and 30 elected from lists. (We suggest a 90/30 division as it provides a platform for small parties to compete for wider support without, in most elections, jeopardising the prospects of single party government. Such a division also allows an effective means of increasing the size of the House without greatly disturbing current electoral boundaries.)
- (c) There would be no separate Maori seats and no Maori roll.
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list vote. No specific threshold of the vote would be required before a party could participate in the allocation of seats, although, as outlined in para 2.81, an effective threshold of approximately 5% would apply (other methods of allocating list seats might mean a lower effective threshold, see Addendum 2.1).

- (e) Casual vacancies in constituency seats would be filled by by-election as under the present system. List seat vacancies would be filled by the next available person on the relevant party list.

2.102 Table 2.3 shows possible results of the last 6 elections in New Zealand under SM, assuming that the 30 list seats were added to all the existing constituency seats and allocated on the basis of the parties' share of the vote for those constituency seats. We stress that this table is for illustrative purposes only. It cannot represent the actual result of an election held under SM since there is no way of knowing how voters would use their list vote. Voting patterns for constituency seats could also change under SM. For example, a minor party's electoral strategy might be quite different under SM than under plurality. Thus it could suggest to voters that they use the list vote for the minor party while still supporting a major party candidate in the constituency.

#### An assessment of SM

2.103 **Fairness between political parties.** SM is not a proportional electoral system, and therefore does not attempt to overcome many of the problems inherent in plurality in single member constituencies. The fact that only the additional seats are allocated proportionally and without regard to the results of the constituency elections means that the total seats won by a party are likely to remain out of proportion to its share of the votes. That this is so for both major and minor parties is illustrated by Table 2.3, although we stress again that we have had to assume that list votes would go to parties in the same proportions as constituency votes. The figures for Labour and National for 1972-1975 and 1978 illustrate the point in stark terms: there would still have been a considerable imbalance between share of the votes and share of the total seats, in a close election where the party with the most votes gained fewer constituency seats than another party, it would be unfair, that SM would significantly improve the result.

2.104 It is true, however, that minor parties would do better under SM than under our present system, and so in that respect SM might be said to be less unfair than plurality. That it is nevertheless still unfair to minor parties is shown by looking at the relationships between seats and votes for Social Credit over all 6 elections, and for the New Zealand Party in 1984. These parties would achieve better representation but still face a heavy penalty, because of their difficulties in winning constituency seats.

Table 2.3: How SM might have worked, 1969-1984

(Note: This table is for illustrative purposes only. see paragraph 2 102)

	1969	1972	1975	1978	1981	1984
Total no seats (constituency + list)	114	117	117	122	122	125
<b>Labour</b>						
% vote	44.2	48.4	30.8	40.4	39.0	43.0
No constituency seats	30	36	32	40	43	56
% constituency seats	46.4	63.2	36.8	43.5	46.7	58.9
No list seats	13	15	17	13	12	13
Total seats	52	70*	44	63	55	69*
% of seats	45.6	59.8	37.6	43.4	45.1	55.2
<b>National</b>						
% vote	45.2	41.5	47.6	38.8	38.8	35.9
No constituency seats	45	32	56	51	47	37
% constituency seats	53.6	36.8	63.2	55.4	51.1	38.9
No list seats	14	13	15	12	12	11
Total seats	59*	45	70*	63*	59	48
% of seats	51.8	38.5	59.8	51.6	48.4	38.4
<b>Social Credit</b>						
% vote	9.1	6.7	7.4	16.1	20.7	7.6
No constituency seats	0	0	0	1	2	2
% constituency seats	0	0	0	1.1	2.2	2.1
No list seats	3	2	2	5	6	2
Total seats	3	2	2	6	8	4
% of seats	2.6	1.7	1.7	4.9	6.6	3.2
<b>Values</b>						
% vote	-	2.0	5.2	2.4	0.2	0.2
No constituency seats	-	0	0	0	0	0
% constituency seats	-	0	0	0	0	0
No list seats	-	0	1	0	0	0
Total seats	-	0	1	0	0	0
% of seats	-	0	0.9	0	0	0
<b>New Zealand Party</b>						
% vote	-	-	-	-	-	12.3
No constituency seats	-	-	-	-	-	0
% constituency seats	-	-	-	-	-	0
No list seats	-	-	-	-	-	4
Total seats	-	-	-	-	-	4
% of seats	-	-	-	-	-	3.2
<b>Other parties</b>						
% vote	1.5	1.5	0.2	1.3	1.4	1.1
No constituency seats	0	0	0	0	0	0
% constituency seats	0	0	0	0	0	0
No list seats	0	0	0	0	0	0
Total seats	0	0	0	0	0	0
% of seats	0	0	0	0	0	0

\* Denotes sufficient seats to form a Government

2 105 **Effective representation of minority and special interest groups.** The use of party lists in SM, and the knowledge that the top 10 or so of the major parties' candidates who were not elected in the constituencies would be elected from the lists, would allow those parties some flexibility in ensuring representation of different interests and groups within society and indeed provide incentives for them to do

so it would also provide some protection for valuable candidates in marginal constituency seats. It is, moreover, unlikely that the major parties' entitlements to seats from the lists would change markedly from election to election. The minor parties would be much more vulnerable in both the constituencies and the lists, and could only expect to have a small number elected from the lists at each election. Minor parties would therefore be more likely to use the lists to protect their constituency members and candidates, and thus would have less opportunity to bring in representatives of special groups or interests.

2 106 **Effective Maori representation.** A discussion of Maori representation under SM is found in paras 389 to 391. We conclude there that while SM would not guarantee Maori candidates would be elected to Parliament it would be in the parties' interests to compete for the Maori vote and to put Maori candidates high on their party lists. We do not, however, regard SM as capable of providing Maori representation as satisfactorily as some other electoral systems do.

2 107 **Political integration.** We see no reason to expect that SM would prevent co-operation between groups with diverse interests within the community. Indeed SM may enhance political integration by assisting hitherto excluded groups without any risk of fragmenting the political system.

2 108 **Effective representation of constituents.** By retaining single member constituencies, SM maintains the direct constituent MP relationship which we regard as a virtue of the plurality system. Because SM would be combined with an increase in the size of the House the number of single member constituencies would only be a few less than at present. It is also likely that list members would do constituency work in much the same way as other MPs, particularly when they were defeated in a marginal seat or when they were on the list to represent a specific social, ethnic, or economic group.

2 109 **Effective voter participation.** SM would be likely to build on existing levels of participation. The ability to cast 2 votes for different parties is likely to enhance participation because many more voters would effectively contribute to the election result. We do not anticipate that voters would find the party list vote difficult to operate or understand. Popular control over Governments under SM would not differ much from that under plurality. The constituency vote would still have the strongest influence over which party had the most seats, and although minor parties would be more likely to win list seats than constituency seats, they would be unlikely to do so in such numbers as to hold the balance of power unless the constituency result was very close. Moreover, the liquidity of the 2 votes allows electors to support or reject existing or likely coalition arrangements.

2 110 **Effective government.** We do not consider that SM would significantly change the stability and decisiveness that pertain under plurality. Single party Governments would continue to be the norm because the constituency results would not be altered by the allocation of the list seats, and because minor parties would not win seats in

proportion to their share of the total vote. Where the major parties had similar shares of the seats and there was a significant third party, SM would be less likely than our present plurality system to produce 1 party with a majority in the House, and either coalition or minority Government would result. This might increase consultation and continuity in Government and lessen the chances of major swings in policy being brought about after only small swings in voter support. However, assuming voting patterns remained the same, the only election that would have produced coalition or minority Government in the SM elections illustrated in Table 2.3 was 1981, and that very nearly happened under the plurality system.

**2.111 Effective Parliament.** Giving small representation to minor parties through the lists would allow other policies and points of view to be presented in Parliament. This might be beneficial in promoting more scrutiny of the executive or at least a wider range of public debate. On the other hand, 1 or 2 MPs in a House of 120 would face a very heavy burden in trying to cover the major political issues. We also accept that with an unequal division between list and constituency seats, list MPs would risk being regarded as of different status than the directly elected constituency MPs. We discuss this point in greater detail in para. 2.172.

**2.112 Effective parties.** SM would clearly improve the effectiveness of minor parties by increasing their chances of getting candidates elected. It is unlikely that SM would significantly change the status, work, or structures of New Zealand's major political parties, except for those procedures related to the selection and ranking of national lists. SM would, however, enable parties to protect a limited number of their more vulnerable constituency seat members.

**2.113 Legitimacy.** SM would be an incremental change to our present system, and might therefore avoid exciting opposition that could greet more fundamental change. It must at the same time be acknowledged, however, that although SM would give some representation to significant minor parties it would probably not satisfy the proponents of a fully proportional system or of the present plurality system.

**2.114 Conclusion.** The Commission recognises that SM has considerable appeal. It improves on the plurality system in a number of ways. First it would give representation to significant minor parties. Second, because almost all the list votes would count towards the election of candidates, electors in safe seats would have a more effective role than under the present system. Third, it would enable the parties, particularly major ones, to protect a limited number of particularly able members in marginal seats. Fourth, it would provide a way of increasing the number of MPs but avoid the disruption to constituency boundaries that would be caused by a significant extra number of single member constituencies. Fifth, it would, because of the list, be likely to enhance the representation of Maori voters as well as voters belonging to other special interest or minority groups. Sixth, it would lessen somewhat the disproportionality between major parties.

2.115 Nevertheless, the Commission is of the view that SM does not go far enough in meeting the fundamental objections to the plurality system in respect of the relationship between seats and votes. Those objections would still be powerful under SM, even though minor parties might be somewhat better off. We are reluctant to rule out SM altogether, however, until we have seen whether either MMP or STV can overcome the objections to both plurality and to SM without introducing too many disadvantages of their own.

### MMP for New Zealand

2.116 A general description of MMP is outlined in paras. 2.90 to 2.94. The MMP proposed by us differs in some respects from that used in West Germany, and especially from that proposed by the Harvard Society Commission. There are many possible variants and we set out the reasons for adopting our model in paras. 2.187 to 2.206.

- (a) In Chapter 4 of this Report we recommend that the size of the House be increased to a minimum of 120 members. In outlining MMP for New Zealand we have assumed that this recommendation will be accepted. If this recommendation is not accepted, we do not consider MMP should be introduced in New Zealand as the number of constituency seats would be too low for the system to operate satisfactorily.
- (b) Sixty members would be elected through nationwide party lists and 60 members by the plurality method in single member constituencies. At least 15 of the 60 constituency seats would be required by law to be in the South Island. The boundaries between the 60 constituencies would be drawn according to the same criteria as at present, except that the Representation Commission would be required to take account of community of interest among the members of Maori tribes in determining constituency boundaries, and there would be a single electoral quota for the whole country. There would be an allowable tolerance of plus or minus 10%. Under MMP this would not affect the fairness of results. The work of the Representation Commission under MMP is discussed in paras. 5.53 to 5.57.
- (c) List members would be elected from ordered party lists nominated by each registered political party, prior to election day. Since the list vote is a choice between alternative party Governments, it would be impractical to allow independent candidates to appear on the list section of the ballot. Voters would not be able to alter the order of candidates on a party's list and the ballot paper would only need to show each party's name and the first few names on each party's list. Parties could include constituency candidates on their lists. Candidates elected in a constituency would be deleted from the party's list.
- (d) A full discussion of Maori representation under MMP appears in paras. 3.73 to 3.88. For reasons which we discuss there, we

propose no separate Maori seats, no Maori roll and no periodic Maori option

- (e) Each voter would have 2 votes at a general election. One would be for a party list. The other would be for a constituency representative (see sample ballot paper in Addendum 2.2). Once constituency winners were known, the 60 list seats would be allocated by the modified Sainte-Lagué method so as to achieve overall proportionality (see Addendum 2.1). In the unlikely event of a party winning more constituency seats than its overall entitlement, extra seats would be created in the House until the next general election.
- (f) In order to prevent a proliferation of minor parties in Parliament, a threshold would apply. For a party to be eligible to participate in the allocation of list seats, either its combined list vote would have to be greater than 4% of all list votes or it would need to have won at least 1 constituency seat. Based on 1984 figures, a party would need slightly over 77,000 valid votes to be eligible for list seats. The 4% threshold would be waived for parties primarily representing Maori interests (see para 3.75). This waiver could be extended to other minority ethnic groups if thought desirable or, if a waiver is not considered appropriate, the 4% threshold could apply equally to all parties.
- (g) Vacancies caused by the resignation or death of a sitting constituency member would be filled by a by-election as under the present system. List members would be replaced by the next available person on the relevant party list.

#### STV for New Zealand

2.117 The basic structure of the STV electoral system is set out in paras 2.95 to 2.99. The Commission considers that the most suitable form of STV for New Zealand would have the following characteristics:

- (a) Most constituencies would return 5 members. However, the Representation Commission would be able to create a small number of constituencies (not exceeding 20% of the total number) with other than 5, though not fewer than 3 or more than 7 members.
- (b) The Representation Commission would be required to take account of community of interest among the members of Maori tribes in determining constituency boundaries.
- (c) There would be no separate Maori seats, no Maori roll and no periodic Maori option.
- (d) The STV ballot paper for each constituency would show candidates in registered party groups (see Addendum 2.2). The candidates of each party would be shown on the ballot paper in an order determined by the party. The constituency Returning Officer would officially advertise each party's order of candidates.
- (e) A "party box" would appear above the list of candidates of each registered party. Each voter would have the option of either

marking 1 party box (thereby indicating acceptance of that party's ordering of its candidates) or of numbering the candidates of 1 or more parties and of the independents in order of preference.

- (f) A single unambiguous first preference for a candidate, or an unambiguous party box selection, would be enough to make a vote formal. Preferences would cease to be counted only when they were exhausted or when an error was reached.
- (g) The party of a member who died or resigned from Parliament would nominate a replacement. There would have to be a by-election only if the party failed to nominate or the seat was held by an independent.

#### AN ASSESSMENT OF MMP, STV AND PLURALITY

We now consider MMP and STV in more detail and compare them with each other and with the plurality system.

##### Fairness between political parties

2.118 The MMP and STV systems which we have described would be likely to achieve proportionality between parties in different ways and with different degrees of precision. MMP is specifically designed to allocate seats to parties in proportion to their shares of the total list vote and there is no doubt it would remedy the serious deficiencies of plurality in relation to proportionality. The votes/seats relationship in the constituencies does not need to be proportionate because this is largely irrelevant to overall proportionality. This has the added advantage of lessening problems associated with the boundary fixing process (see para 2.12). The only significant deviation from full proportionality in the MMP system proposed for New Zealand is in the imposition of the 4% threshold. Unless they were able to win a constituency seat, parties (other than those primarily promoting Maori interests) which gained less than 4% of the total list vote would be ineligible to receive seats in the House. The Commission considers that the threshold is a justifiable and desirable means of preventing the proliferation of minor parties in the House. Such a proliferation could threaten the stability and effectiveness of government.

2.119 It is possible that an extraordinary election under MMP could produce a disproportionate result. If several small parties just missed out on the 4% threshold this would inflate the number of seats won by larger parties. Alternatively, if a party with insignificant support nationwide was nevertheless strong enough in a few areas to win constituency seats there, that party could win more constituency seats than its theoretical entitlement based on the list vote. As already outlined, a party would in this event keep its "extra" constituency seats and the number of members in the House would increase accordingly. A similar effect could occur if a large number of voters split their constituency and list votes. There is also a remote possibility that deliberate manipulation of the system could occur whereby 2 parties used their combined vote to gain a disproportionate share of seats.

While these results are theoretically possible, the Commission considers that accidental deviations are most unlikely, and that any attempt to deliberately manipulate the system would be both difficult to implement and likely to attract an electoral backlash. As can be seen from Table 2.4, election results in West Germany have been highly proportional. If MMP in New Zealand was based on national, rather than regional, lists, and with a threshold of 4% rather than 5%, we would expect New Zealand results to be even more proportional.

**Table 2.4: Summary of Bundestag election results, 1949—1983<sup>1</sup> (list vote)**

Year	CDU/CSU			SPD			FDP			Others <sup>2</sup>		
	% vote	No seats	% seats	% vote	No seats	% seats	% vote	No seats	% seats	% vote	No seats	% seats
1949	31.0	139	34.8	29.2	131	32.6	11.9	52	12.9	27.8	80	19.9
1953	45.2	243	43.9	28.8	151	31.0	9.5	48	9.9	16.5	45	9.2
1957	50.2	270	54.3	31.8	169	34.0	7.7	41	8.2	10.3	17	3.4
1961	45.3	242	48.5	36.2	190	38.1	12.8	67	13.4	5.7	—	—
1965	47.6	245	49.4	37.3	202	40.7	9.5	49	9.9	3.6	—	—
1969	46.1	242	48.9	42.7	224	45.2	5.8	30	6.0	5.5	—	—
1972	44.9	225	45.8	45.8	230	46.4	8.4	41	8.3	10	—	—
1976	48.6	243	49.0	42.6	214	43.1	7.9	39	7.9	0.9	—	—
1980	44.5	226	45.5	42.9	218	43.9	10.6	53	10.7	2.0	—	—
1983	48.8	244	49.0	38.2	193	38.8	7.0	34	6.8	6.0	27	5.4

Notes: <sup>1</sup> Excludes Berlin deputies.

<sup>2</sup> In 1983 election Green Party received 5.6% of vote and won 27 seats.

2.120 The consideration of proportionality under STV is more complex. It is first necessary to determine what is to count as a party's "vote" when measuring proportionality. The conventional measure is each party's share of the first preference votes, but since STV uses a transferable vote, and later preferences can help elect a candidate from a different party, a party's share of seats which differs from its share of first preference votes cannot necessarily be taken as a departure from strict proportionality. It might be thought that a different measure should therefore be adopted, but no satisfactory and accepted alternative has been devised. The proportion of first preference votes, moreover, has the considerable advantage of being readily available and easily added across all constituencies. We will therefore use it as a measure of proportionality while being aware of its drawbacks.

2.121 STV is a constituency-based voting system, and is not designed to distribute seats to each party in proportion to its share of the vote across all constituencies. It does, however, operate in a reasonably proportional manner in relation to first preference votes under certain conditions. Table 2.5 shows the seats/votes relationships for Irish elections from 1938 to 1982. In general, Fianna Fail and Fine Gael have gained a higher proportion of seats than their proportions of first preference votes, whereas Labour, minor parties and independents

**Table 2.5: Seats in relation to first preference votes, Irish elections 1938-1982<sup>1</sup>**

Year	Fianna Fail			Fine Gael			Labour			Farmers			Workers			Others		
	% 1st pref	% seats	% 1st pref	% 1st pref	% seats	% 1st pref	% 1st pref	% seats	% 1st pref	% seats	% 1st pref	% seats	% 1st pref	% seats	% 1st pref	% seats	% 1st pref	% seats
1938	51.9	55.5	33.3	32.9	10.0	6.6	—	—	—	—	—	—	—	—	—	—	—	—
1943	41.9	48.2	23.1	23.4	15.7	12.4	—	—	—	—	—	—	—	—	—	—	—	—
1944	48.0	54.7	20.5	21.9	11.5	8.8	—	—	—	—	—	—	—	—	—	—	—	—
1948	41.9	45.9	19.8	21.2	11.3	13.0	—	—	—	—	—	—	—	—	—	—	—	—
1951	46.3	46.6	25.7	27.4	11.4	11.0	—	—	—	—	—	—	—	—	—	—	—	—
1954	43.4	44.5	32.0	34.3	12.0	12.3	—	—	—	—	—	—	—	—	—	—	—	—
1957	48.0	53.4	26.6	27.4	9.1	7.5	—	—	—	—	—	—	—	—	—	—	—	—
1961	43.6	49.0	32.0	32.9	11.6	10.5	—	—	—	—	—	—	—	—	—	—	—	—
1962	47.8	50.4	33.9	32.9	15.4	14.7	—	—	—	—	—	—	—	—	—	—	—	—
1969	45.7	51.8	34.1	35.0	17.0	12.6	—	—	—	—	—	—	—	—	—	—	—	—
1972	46.2	47.6	35.1	37.6	13.7	13.3	—	—	—	—	—	—	—	—	—	—	—	—
1977	50.6	51.1	30.5	29.3	11.6	10.9	—	—	—	—	—	—	—	—	—	—	—	—
1981	45.3	46.7	36.5	39.4	9.9	9.1	—	—	—	—	—	—	—	—	—	—	—	—
Feb 1982	47.3	49.1	37.3	38.2	9.1	9.1	—	—	—	—	—	—	—	—	—	—	—	—
Nov 1982	45.2	45.5	38.2	42.4	9.4	9.7	—	—	—	—	—	—	—	—	—	—	—	—

Source: Adapted from Ted Mason and Seamus Brennan, *Assembly Guide to 24th Dail and Seanad 2nd Election 82* (Dublin, 1983).

Note: Excluding Green Candidates (Seated) who by law must be returned without contest.

generally have a lower proportion of seats than first preference votes. Tasmanian results show similar patterns. It is, however, true that an election under STV can have a distorted result. In the 1981 Maltese general election, for example, each of the 13 constituencies returned 5 members. The Nationalist Party of Malta obtained 50.9% of the first preference votes but won only 47.7% of the seats, whereas the Labour Party won 49.1% of the first preference votes but 52.3% of the seats. This result was largely due to Nationalist candidates being the runners-up for the last seat in a large number of the constituencies, so that a significant proportion of their total votes was wasted. Such results are rare.

2.122 The significant factors promoting proportionality between seats and first preference votes under STV are as follows:

- (a) The threshold should not be too high; the lower the average number of seats per constituency, the higher the percentage of votes needed to elect a candidate, and the less likely that smaller parties will be successful.
- (b) There should be no possibility of parties controlling constituency sizes or boundaries in their own political interests.
- (c) Parties should not consistently nominate more or fewer candidates than they can expect to get elected.
- (d) Party support should be unevenly distributed so that 1 party does not consistently just miss winning the last seat in a large number of constituencies.
- (e) Voters should, in general, give their higher preferences to the candidates of a single party, each party should be equally affected by the transfer of votes to other parties (known as "leakage") and by the non-transferability of votes.

2.123 Under the STV system we have outlined, at least 80% of all constituencies would have 5 members, and larger or smaller electorates would only be created where the Representation Commission found it difficult to create 5 member electorates which met the criteria for determining boundaries. An electorate which returned 5 members would provide a threshold requiring a candidate to obtain 16.7% of first and subsequent preferences in order to be elected. This would give significant parties a good chance of success but exclude parties with limited support. Because at least 80% of all constituencies would elect 5 members, and no constituency would return fewer than 3 or more than 7 members, the average number of seats per constituency would be close to 5. With an independent commission determining boundaries we see no reason to expect that there would be any opportunities for parties to manipulate constituency sizes or boundaries.

2.124 Party nomination strategies, the distribution of party support and the behaviour of voters under an STV system cannot be forecast with any confidence. We consider, however, that parties would soon appreciate the importance of correct nomination strategies and would try to acquire accurate information in order to nominate the optimum number of candidates in each constituency. Voters would soon

understand that the STV system contains a flexibility which is available to be used, and that leakage and non-transferability of votes are aspects of that flexibility. Each party too would find it in its interests to try to persuade voters to use its party box, or to confine their preferences to the candidates of that party only. It is impossible to forecast the extent to which voters would use the party box option rather than indicating their preferences; this would have important effects on the outcome of an election and might affect proportionality.

2.125 In summary, we expect that the results of STV in New Zealand would be similar to those in Ireland. Larger parties would get a small bonus of seats in relation to their overall party and first preference votes, and smaller parties would win fewer seats in proportion to their overall party and first preference votes. The smaller parties would generally find it more difficult to win seats in 3 or 4 member constituencies than in larger constituencies. It is likely that the major parties would win at least 1 seat in every constituency. Although we expect that STV would operate in a reasonably proportional manner, we cannot say that results under STV would always be as closely proportional as under MMP. STV would not be as favourable as MMP to a small party with widely spread support which exceeded the lower MMP threshold. On the other hand a party with support concentrated in one area, minimum of the country would have a chance of success under STV but would succeed under MMP only if its list vote exceeded 4% of the total of votes over the whole country, or if its support was so concentrated as to enable it to win a constituency seat. It must also be conceded that an STV election result similar to that in Malta in 1981 cannot be dismissed as impossible, however unlikely it might be. As a constituency based system, STV is also much more sensitive to boundary changes than MMP.

2.126 In para 2.11 we suggested that the plurality system's tendency to treat small parties particularly severely might be justifiable as a means of preventing small parties wielding disproportionate power. A small party with the balance of power in the legislature might enjoy power vastly in excess of its electoral support. In our view this issue cannot be disregarded though it can be overrated. Overseas experience indicates that the extent to which a minor party can exact an excessive price for its support is limited. If voters consider a small party to be demanding unreasonable concessions for its support, or to have been irresponsible in changing the Government, that party can be heavily penalised at the next election. Furthermore, under MMP and STV any party with clear majority support in the electorate may govern without the need to attract support from minor groupings. Finally, even if MMP or STV gave undue power to a small party, this in our view must be weighed against the advantages of providing a basis of representation for political parties which is seen as fair and legitimate by all sections of the community. We further discuss the question of small party power in paras 2.149, 2.151 and 2.154.

2 127 We conclude that either MMP or STV would overcome the serious defects of plurality with respect to the proportionality of seats to votes, and that MMP would be more likely than STV to do so consistently and with a more closely proportional result than STV. Any proportional system could give a minor party power which is out of proportion to its share of the vote. We think overseas experience indicates, however, that voter attitudes would prevent a minor party from exacting excessive concessions from a coalition partner or a minority Government.

#### **Effective representation of minority and special interest groups**

2 128 The selection practices of political parties are crucial in determining whether the significant characteristics of the population are reflected in the composition of the House. It is generally accepted, however, that parties have much more opportunity and incentive to ensure the election of representatives of interest groups, regions, women, and ethnic groups in electoral systems based on lists of candidates than in other systems. It is difficult to obtain reliable cross-national data on the representation of particular groups and minorities, and in any case comparative data must be used with some caution lest too much stress be put on the role of the electoral system and not enough on the general climate of opinion within each country. Nevertheless, the available evidence shows, for example, that women are, in general, more likely to be elected in list systems of PR than in other electoral systems. A national list allows a party to strive for an overall balance among its candidates. Candidates elected from a list may also be able to serve a nationwide constituency whose members are scattered throughout the country.

2 129 The MMP system would allow the parties to achieve representation of significant groups and interests within our society. Indeed, parties would increasingly appreciate the greater significance of the votes of members of minority and special interest groups, who, in turn, would be likely to support parties that acknowledged their importance by selecting representative candidates and by proposing appropriate policies.

2 130 The STV system, with its multi-member constituencies, also encourages parties to offer a range of candidates to the electors, and thus to try to broaden their appeal by selecting candidates who reflect the concerns of significant groups within the community. Having a party box option with each party ranking its own candidates also allows a party to promote the election of a constituency candidate whose representative role goes beyond the population of that constituency. In any event, parties would have to be very careful about the balance of their list of candidates in each constituency. A sizeable group of voters within a constituency might use the preference option to elect a favoured candidate or to block the election of one they oppose. Their success in doing so would depend on their size, their cohesion, and the

extent to which other voters accept the party's ordering and use the party box.

2 131 The position of significant social groups must also be considered where the parties are considered to have rejected or overlooked their claims for representation. Under MMP, a group would be able to put up its own candidates in constituencies, or, by registering as a party, run its own list. The larger constituencies under MMP would mean, however, that such a group would, in absolute terms, need more votes to succeed in a constituency than under New Zealand's present plurality system. It would also need considerable support to win a list seat, for to surmount the 4% threshold would, on 1984 voting figures, require slightly over 77,000 valid votes.

2 132 The prospects for a group with concentrated support would be somewhat improved under STV. STV also offers better chances for the independent candidate. There is still a significant threshold to be crossed, however, depending on the number of members returned from the constituency. That can be seen as an advantage in that it excludes groups which do not have significant voter support.

2 133 We regard both MMP and STV as real improvements over plurality in providing for the representation of various groups within New Zealand society. Of the 2, we consider MMP to offer the better prospects.

#### **Effective Maori representation**

2 134 We regard the development of a fair and satisfactory way of representing Maori people, without a separate roll, as of crucial importance to the future of New Zealand and to the way in which both Maori and Pakeha regard each other. A full comparison between MMP and STV under this criterion is given in paras 373 to 388. Our conclusion is that each system has different strengths and weaknesses that arise out of their essential characteristics. Maori representatives are more likely to be elected through the national lists under MMP, though it is likely that some would also be elected in constituencies. List MPs would be best able to deal with specifically Maori interests and concerns, but this would be on a national basis and without a formal relationship of accountability with a defined body of Maori voters. Should a significant number of Maori voters consider themselves inadequately represented by the major parties, there would be a real possibility of a separate Maori party winning list seats, particularly if the 4% threshold is waived for parties primarily promoting Maori interests. With or without the waiver, the major parties would be under pressure to include Maori people in high positions on their lists. Maori would have an effective vote, since parties would need to compete for their votes on a nationwide basis, and would thus need to develop policies which appealed to Maori voters. There would also be an incentive to compete for the Maori voter in the constituencies. Maori concerns would be a live issue for all political parties. We consider this to be in the interests of all New Zealand people.

2 135 STV has certain strengths in respect of Maori representation which arise from its local constituency base and the flexibility it offers to voters to give their preferences within 1 party or across several. All candidates would need to take account of Maori concerns in areas where Maori were a sizable proportion of the population. Moreover, because of the likely size of STV constituencies, Maori voters might have a better opportunity to organise along tribal lines. Parties in those areas would be under pressure to select Maori candidates. Constituency work would be localised and MPs would be directly accountable to their voters. A Maori party would have a chance of winning a seat in some constituencies. The major weakness of STV in respect of Maori representation is that in many constituencies the number of Maori voters would be relatively small and thus not electorally significant.

2 136 For the reasons we give in Chapter 3, both MMP and STV would provide significantly greater opportunities for effective Maori representation than plurality, whether or not separate representation was retained under that system. We consider that MMP provides better prospects for effective Maori representation than STV, but the latter certainly does provide an acceptable form of Maori representation.

#### Political integration

2 137 We have already suggested that New Zealand society is becoming more diverse, and that it is important that the political system as a whole recognises and caters for this change. It is also, however, important that this recognition does not undermine the political integration essential to maintain our unity as a nation. We consider that either MMP or STV would provide for representation of various social, economic and ethnic groups within our society while not compromising political integration. This is achieved in 2 ways. First, major parties are provided with real incentives to appeal to and include significant groups within their party tickets and structures. In particular, by providing an effective vote for Maori and thereby removing the need for separate Maori representation, both systems would enhance cooperation at a political level between Maori and non-Maori. Second, while both MMP and STV provide increased chances for minor party or special interest group representation in their own right, the thresholds built into both systems make it unlikely that there will be a proliferation of small or extreme parties or any undesirable fragmentation of the political system.

2 138 As noted in para 224, the consequences of denying significant special interest groups, or parties with a reasonable degree of voter support, an opportunity for representation in the legislature may be disintegrative. For this reason we conclude that either MMP or STV would have an advantage over plurality in terms of political integration. However, we do not wish to suggest that adoption of either MMP or STV would, in itself, guarantee political integration. We do not consider either of the proportional systems to be more integrative than the other.

#### Effective representation of constituents

2 139 We have earlier ruled out some electoral systems because they abandon the MP-constituent relationship or modify it to an unacceptable degree. Both MMP and STV also modify it, although each preserves a real degree of constituency representation. We discuss each in turn.

2 140 MMP recognises the significance of local representation within our political tradition by retaining 60 single member constituencies. That does reduce the number of MPs who are elected by the people of a specified geographical area. Nevertheless, the change should be kept in perspective. Sixty constituency members is roughly equivalent to 1 member for every 55 000 people compared with 1 for every 34 000 with 97 MPs. Even ignoring the 60 list members, this figure compares favourably with other countries whose electoral systems are entirely or partially based on single member constituencies (see Chapter 4, Table 4.1). While constituencies under MMP will be larger in area, this increase will not be as great as might be anticipated because of the incorporation of neighbouring population centres into the existing large rural electorates (see figures 5.1 and 5.2 in Chapter 5). Moreover, because the vote in the constituencies does not directly affect proportionality between political parties, the boundary setting process no longer need be restricted by the necessity to achieve strict equality in the electoral population of each constituency. As a result, more attention can be paid to maintaining communities of interest when boundaries are set.

2 141 There are, we consider, further advantages of MMP in terms of the effective representation of constituents. The 2-vote process in MMP allows voters to vote for the individual they think will best represent their locality, as well as to vote for the party they wish to govern. We expect, moreover, that many list members will attach themselves to a constituency or a group of constituencies, particularly where they have been unsuccessful constituency candidates, and that the parties will require them to provide good constituency service as a prerequisite for continued high placement on the list. This means a much larger percentage of constituents will be able to approach MPs belonging to the party for which they voted. The tendency under plurality for large regions to be represented by members of only 1 political party will likewise be reversed.

2 142 The benefits of list members in respect of constituency representation should not be overstated. Some list members may not attach themselves to a constituency or their attachment may not be as close as that of the constituency member. In large part this is because MPs elected from a party list stand in a different relationship to the electors. They owe their election to their position on the party list, and a closed national list means that voters cannot promote or demote particular list candidates. List members are thus not as directly dependent on the popular vote to ensure their individual accountability and their responsiveness to the views and opinions of the electors.

2 143 Under STV each candidate in a constituency needs to obtain enough first preference votes to survive the elimination of one or more party colleagues and hopes that transfers of votes from elected and eliminated candidates will be enough to gain a quota. This can lead to candidates of the same party competing against each other for first preference votes. Because the grounds on which they can do so may be limited by their need to support a common party policy, intra party competition is likely to be organised around the provision of constituency service. In Ireland competition of this type between incumbent and aspiring parliamentarians has become so pronounced that many members of the Dail are reported to do little else but service their constituents. We discuss this problem and the reasons for it in paras 2 165 and 2 166. Tendencies toward intra party competition are also evident among members of the Tasmanian House of Assembly, although to a lesser extent.

2 144 The party box option would, we expect, limit the degree to which intra party competition over constituency service would take place if STV were to be introduced in New Zealand. To this extent it might also be seen as detracting from the effectiveness of constituency representation. We consider, however, that even with the party box, the ability of voters to choose within and across parties and thus to hold their representatives accountable for the service they provide, makes STV attractive under this criterion. Even if the majority of voters do use the party box, it is worth remembering that dissatisfied voters can still use the preference option to send messages to a party. The order in which candidates are elected, the patterns of transfers within and between parties, and the very willingness of voters to express their own preferences are all signals about the voters' opinions of the party and its candidates.

2 145 Multi member electorates under STV can be seen as having both advantages and disadvantages. While constituents would have a range of MPs from whom to seek a sympathetic hearing, the constituencies are large in comparison to plurality and individual MPs may be less clearly identified with and responsible for a particular area than are single member constituency MPs. Personal accountability may therefore be blurred and constituency work made more a party political affair as several MPs in a region might claim or deny responsibility for developments affecting the constituency.

2 146 It is difficult to weigh up the various factors when considering plurality, MMP and STV under this criterion. Constituency representation under plurality has the considerable advantage of generally being non-partisan, of each constituent having a single person from whom to seek assistance, and of constituencies generally covering a small area. On the other hand, constituents who feel that they are unlikely to obtain a sympathetic hearing from their MP can be deterred from seeking assistance. Furthermore, while the MP under plurality is clearly accountable to a defined body of electors, judgments about the MP's

performance as a constituency representative are blurred by overall judgments about a party's policies and performance.

2 147 We do not think that the MMP system we have proposed would change the essential character of the MP constituent relationship even though the single member constituencies would be larger. Indeed the 2-vote process might mean selections of constituency representatives would give greater weight to their local appeal. Many constituencies, moreover, would be served by both a directly elected constituency MP and one or more unsuccessful constituency candidates who were nevertheless elected on the list. To that extent, there would be more opportunities for constituents to approach an MP of the party they support. On the other hand, it must be conceded that list members are only indirectly accountable to those they represent. The multi member constituencies of STV may enhance the MP constituent relationship by providing a range of representatives from whom help may be sought, and by providing the opportunity to hold those representatives accountable both within and across parties. Against that must be balanced the larger size of constituencies, and the possibility that the provision of constituency service might become a party political matter. We conclude that each of the 3 electoral systems has its own advantages and defects, and that both MMP and STV would retain a good MP constituent relationship.

#### Effective voter participation

2 148 The Commission considers that both MMP and STV would enhance public participation in the political system. Voting would be more satisfying than under plurality because voters would be able to exercise their choices of Government and of local representatives with more flexibility, and far more votes would be effective in electing an MP to the House. Under MMP there would be no discrepancy between the effectiveness of votes in different areas with respect to choosing the Government. Voters in safe constituency seats would have a real incentive to participate because the choice of Government would be determined by the nationwide party vote. Because there is no nationwide calculation of votes under STV, there might be some variation between the effectiveness of votes in different constituencies but we do not consider this variation would be significant.

2 149 Voting under both STV and MMP is less straightforward than voting under plurality. However, this is to a large extent because under both systems, and particularly under MMP, voting more accurately reflects the fact that voters are choosing both local representatives and party Governments. Moreover, voting under both STV and MMP is still relatively simple. Informal voting in Ireland and West Germany is usually less than 1% (higher rates under STV in Tasmania and in voting for the Australian Senate are attributable to compulsory voting and stricter formality requirements). We consider that the greater effectiveness of votes would be likely to result in a turnout higher than under plurality.

2 150 MMP and STV use methods of allocating seats the full details of which may not be universally understood. We do not, however, believe that it is necessary for every voter to understand all the intricacies of any voting system so long as voters can be confident that the system is fair, that counting is carried out by impartial officials under the scrutiny of candidates and parties, and that there are effective and impartial avenues to deal with any allegations of malpractice or unfairness.

2 151 Both MMP and STV can lead to more seats in the House being held by minor parties, and hence both increase the chance that no single party will be able to govern in its own right without the support of another party or parties. The result could be a formal coalition arrangement or a minority Government. It is sometimes claimed that, notwithstanding the power of individual voters in electing MPs, such results have the effect of removing the selection of Government from the electorate and placing it in the hands of the occupants of the infamous "smoke-filled rooms" during post-election negotiations.

2 152 In our view, these arguments underestimate the ability of the voters under MMP and STV to influence the election of a Government. First, any party receiving a clear majority of votes would be directly elected to Government and would be able to govern without the need of coalition partners. Second, the relatively high thresholds imposed under both systems would limit both political fragmentation and the number of alternative Governments possible. Third, we expect that potential coalition arrangements would be evident before an election. The 2 votes under MMP allow the voter to indicate support for or disapproval of any such arrangement, for example, by voting for the major coalition party in the constituency and the minor party in the list. Similarly, preferential voting under STV allows voters to cross party lines, and thus to use their preferences to signal their support or rejection of any coalition arrangements. Voters in West Germany and Ireland use these techniques to considerable effect. We would expect New Zealand voters to do so as well. There is a possibility that inter-election realignments among the parties might on occasion result in a change of Government and thus deny voters the chance to make their views known. While we expect a convention would develop such that the new Government would seek endorsement through an early election, it would also be possible to formally require the dissolution of Parliament and the holding of a new election. This is an issue to which we return in para 2 207.

2 153 We conclude that both MMP and STV offer more opportunities than plurality for effective voter participation. MMP offers voters the flexibility of having 2 votes, while STV provides opportunities for voters to choose candidates within and across parties. Under both systems, many more votes would be effective both in terms of electing an MP and hence in terms of determining the balance between parties in the House. The fact that all party votes are of equal weight under MMP

leads us to the conclusion that MMP would provide for slightly more effective voter participation than would STV

### **Effective government**

2 154 In order to be effective a Government must have sufficient stability and capacity for decisive action to be able to implement its policies. Either MMP or STV would be likely to increase the representation of minor parties in the House, and thus decrease the chance of 1 party obtaining an absolute majority of seats. It is often argued that this would produce government which was less effective than government under plurality as the search for sustainable coalitions or durable minority Governments might involve complex and lengthy negotiations and/or frequent elections. There might be, it is argued, lengthy periods where Government came to a standstill with no workable majority to be found. Indeed, even after the formation of a coalition Government, the parties in power may be unable to agree on difficult policy initiatives and thus be unable to take decisive action when that is appropriate.

2 155 Before addressing this issue v j note that there is no reason to suppose that MMP or STV must always lead to coalition or minority government. There have been single party majority governments in Ireland and Tasmania, although the former has also had single party minority government, minority coalition government and majority coalition government. Although West Germany has had coalition governments since 1949, MMP in New Zealand, with different political traditions and a recent history of single party government, might well not lead to coalition government. Nevertheless it is true that both MMP and STV do decrease the likelihood of single party majority government and, while there is no guarantee that voting patterns would remain the same under a different voting system, if past voting patterns were to continue New Zealand would have had coalition or minority Governments for the past 30 years. It is therefore important to discuss whether there is any tendency for coalition or minority Governments to be ineffective.

2 156 An important aspect of effectiveness in Government is the durability of individual administrations. Clearly, if multi party coalitions continually break down resulting in frequent elections effective government is unlikely. However, Governments of short duration tend to be found in countries where there is a low threshold of representation in the legislature or where there are political parties corresponding to deep social or ideological divisions. West German governments have been extremely stable with early elections held on only 2 occasions since the war and changes in government occurring only in 1966, 1969 and 1982. This stability may, in part be due to the "constructive vote of no confidence" rule whereby the Bundestag can express its lack of confidence in the Federal Chancellor only by electing a successor with the majority of its members. (Basic Law Article 67(1)) The strong desire of the Germans themselves to ensure that governments are

stable and that the problems of the inter war years are avoided may also be significant. Irish governments have been less durable. There were 3 elections in 18 months in 1981-82, as successive governments were defeated after minor parties and independents withdrew their support. Even so, since 1922, Ireland has had 9 single party majority governments for a total of 34 years 4 months, 9 single party minority governments for a total of 14 years 9 months, and 5 coalition governments for a total to date of just under 15 years. We consider that because of the thresholds within both MMP and STV and our political traditions and expectations, neither MMP nor STV would be likely to create serious difficulties with respect to the durability and stability of Governments.

2.157 A related issue concerns not so much the durability of individual administrations but their ability to make decisions after they have been formed. All democratic Governments need majority support in the legislature before they can implement their policies. Because under all proportional systems including MMP and STV this may require the agreement of more than 1 party, there may need to be considerable consultation and negotiation before policies are implemented. It is the need for this process that gives rise to allegations that proportional systems lead to indecisive governments. In some circumstances governments may not be able to act as quickly as we are accustomed in New Zealand. However, the charge that coalition governments are inherently indecisive, which is often made in New Zealand and other countries with the plurality system, is based on isolated and often outdated examples such as Italy, France of the 3rd and 4th Republics, and Weimar Germany. Governments in West Germany and Ireland, and indeed those in most other European proportional systems, have demonstrated their ability to act decisively when that has been necessary. We do not expect the situation would be different in New Zealand. Under our plurality system major policy initiatives already require the support of different factions within governing parties, and although the pressures for unity are greater within a single party, than in a coalition, they are not wholly dissimilar.

2.158 Moreover, to the extent that the need for dialogue and compromise do inhibit the ability of governments unilaterally to implement changes, this may, in some circumstances enhance rather than detract from effective government overall. In paras 2.43 to 2.45 we discussed the problem under plurality of certain policies being subject to repeated changes as governments succeed each other in and out of office. Under MMP and STV contentious issues would often be the subject of negotiation between 2 or more parties and the policy that emerged would be more likely to be one that is acceptable both to the majority of electors and to subsequent governments. Major policy shifts, when they occur, are more likely to be caused by significant shifts in voter opinion than is the case under plurality. What is lost in terms of the decisiveness of government is, we consider, more than made up for in continuity of policy between governments. Our clear impression from

the submissions made to us is that electors would welcome more consultative government and greater continuity of policy.

2.159 A further aspect of effective government concerns continuity of personnel between administrations. Under plurality, a change of government usually means a complete removal from power of all members of the defeated government. There are occasions when such a transformation is clearly desired by the electorate and in such cases it is important that the popular will be reflected in the composition of the new government. However, under plurality, such a complete turn around can, and generally does, occur without the new government receiving an absolute majority of the vote. Under MMP and STV any opposition party or coalition which receives a clear majority of the vote will be able to govern without involving members of the defeated government. However, if the electorate's verdict is not so clear cut it is highly possible, depending on the configuration of the parties after the election, that 1 or more parties from the defeated government will participate in the formation of its successor. On some occasions the ability of a newly elected administration to draw on the experience of some members with recent governmental experience may increase political stability and hence the effectiveness of government.

2.160 Our conclusions are that the introduction of MMP or STV into New Zealand would not significantly reduce the stability and decisiveness of individual Governments and may indeed enhance the effectiveness of government generally. Either system would make the prospects of coalition or minority government more likely. This may introduce periods of uncertainty, particularly as parties either already in government or contemplating forming a government negotiate amongst themselves. Nevertheless, negotiation is not necessarily a bad thing even if it does slow down the process of decision making on some occasions, and New Zealand could well benefit from increased consultation and discussion in Government. Finally, we stress the importance of a threshold such as we have proposed for MMP and STV. The evidence is that a reasonable threshold does prevent a proliferation of small parties in the House and any instability that may arise as a consequence. In short, we do not see plurality as having an advantage under the effective government criterion.

#### Effective Parliament

2.161 We expect that MMP in New Zealand would enhance the ability of MPs to carry out their collective parliamentary functions. Parties would be able to use their lists to assist the election and re-election of people who had a particular contribution to make to the functioning of Parliament as an institution, or who could bring a particular expertise to the policy and legislative processes. The lists would also allow a party to protect a good constituency MP from the vagaries of plurality elections.

2.162 Smaller parties are more likely to gain seats in the House under MMP than under plurality. To some extent the scrutiny and control of the major party would be enhanced if the views of 1 or more other parties

had to be taken into account in Government or in the House. Even where that was not the case, there would be value in having a greater variety of views represented in Parliament.

2 163 There is a danger that a proliferation of small parties in the House would detract from, rather than enhance, the effectiveness of Parliament by fragmenting the Opposition and thus decreasing its ability to counter and debate Government moves. However, MMP avoids this danger in that the 4% threshold would generally mean no parties with fewer than 5 MPs would be represented in the House.

2 164 In summary, under MMP we consider that the functions of Parliament in checking the executive through scrutinising its legislation, questioning Ministers in the House and public servants in select committees, and acting as a forum for the expression of alternative policies and as the focus for New Zealanders' aspirations and grievances, would all be better served.

2 165 The advantages of MMP with respect to the representation of small parties are shared by STV. We have some concern, however, that the fierce intra party competition over constituency service experienced under STV in some countries overseas would, if introduced to New Zealand, seriously undermine MPs' work in Parliament. In para 2 143 we referred to the situation in Ireland where intra party constituency competition has resulted in many members of the Dail doing little else but attend to the demands of their constituents. While this might result in a higher level of service for the constituents concerned, to the extent that it occurs, the policy and parliamentary functions of MPs must suffer.

2 166 It is clear, however, that competition over constituency service in Ireland cannot be attributed solely to the electoral system. There are strong localist, clientist, and brokerage strains running through Irish culture, legacies of centuries of British rule in a predominantly rural society. Face-to-face contact with a person thought to have access to power is still seen as the way to obtain benefits, even those to which there is a legal entitlement. We were told that the demands of the constituents on elected representatives would persist whatever electoral system was used in Ireland. It seems, then, that the Irish electoral system exacerbates a tendency that is already present in Irish society, and allows it to be expressed in a particular way.

2 167 Although intimacy and localism are also characteristics of New Zealand's political system, we think that most people in New Zealand stand in a different relationship to the departments of State than do the Irish. Many New Zealand constituents see their MP as a matter of last resort rather than first. Our Government departments see it as their responsibility to invite and deal with problems and complaints without the intervention of the MP. There are also other agencies that can help with problems involving departments and other Government bodies. The political parties also insist that their MPs are involved in the work of the House. While MPs see their constituency work as extremely important and satisfying, they also see it as only a part of their role.

2 168 Nevertheless, given the pressures placed on MPs by their constituents at present, we cannot completely rule out the possibility that MPs elected under STV might concentrate on constituency work to the neglect of their parliamentary functions. Without in any way underestimating the value of constituency work, and in particular the avenues it provides for those in lower socio-economic groups, it is desirable that intra party competition over constituency service be curbed. We consider that the party box option would limit the degree of intra party competition over constituency service and to that extent the negative effects such competition might have on the effectiveness of Parliament.

2 169 We conclude that MMP is likely to have a clear advantage over plurality in providing an effective Parliament. STV may also strengthen the work of Parliament, although we accept that the benefits of small party representation under STV have to be balanced against any tendency for MPs to neglect some of their parliamentary functions in favour of unnecessary constituency work.

#### Effective parties

2 170 We have already emphasised the vital role of political parties in modern democracies. Any electoral system which weakened parties would, to that extent, be undesirable.

2 171 The policy functions of political parties are extremely important in any democracy. We consider that MMP would enhance that role compared with plurality, both because the list enables the recruitment of candidates with particular knowledge, skills or experience and because able members could be made less vulnerable electorally. With regard to STV we have already mentioned the possibility of intra party competition. While we consider that the party box will limit the extent of intra party competition we remain concerned that MPs elected under STV might concentrate on constituency service to the detriment of other aspects of their work. That should not be exaggerated in respect of policy development, however, for New Zealand parties typically try to involve the wider party membership in the development of policies.

2 172 We earlier commented that the plurality system provides for strong party unity and discipline. It is sometimes suggested that party unity under MMP may be impaired by the tendency of the system to create 2 types or classes of MP. List members elected in a nationwide constituency might be seen as more important or more logical ministerial material than their local constituency counterparts. On the other hand, constituency members might see themselves, or be seen, as the true representatives of the people in that they were elected directly, not "smuggled in" on the list. In practice in West Germany the dual method of election does not appear to have weakened party unity or discipline or to have led to 2 distinct classes of MP. We do not expect there would be problems of party disunity were it introduced in New Zealand, provided the numbers of constituency and list members are kept equal in number. In this respect MMP differs significantly from SM where the comparatively small number of list MPs might be regarded as

an elite Party organisations would also attempt to prevent the development of 2 classes of MP

2 173 Both MMP and STV would improve the prospects for smaller parties and, under STV at least, for Independents. This may to some extent lessen party unity and strength as dissidents might be tempted to break away and compete in their own right. However, this also prevents the dominant factions within parties from ignoring the views of minority groups within their caucuses. At the same time, the thresholds under MMP and STV would, we consider, limit both the frequency of defections and their negative effects on parties and the party system.

2 174 There are significant differences in the extent to which plurality, STV and MMP allow the party to determine which candidates and MPs are to represent it. Plurality gives parties a powerful position in that at an election each party's committed voters must accept the choice of candidate or vote for another party. On the other hand, depending on such factors as the balance between central and local control over selection, the candidates chosen under plurality may or may not make the most effective team. In addition, the vulnerability of marginal seat MPs may mean the loss of a party's most valuable (or even most popular) representatives.

2 175 By providing for voter choice within as well as between parties, STV is sometimes said to weaken parties' control over their representatives. However, the party box option we propose will to a large extent counter this and will mean the parties' most valuable candidates are less vulnerable than under plurality.

2 176 MMP places the parties in a particularly strong position with respect to control of their candidates. As already discussed, the list assists parties to obtain a balance between diverse occupational, gender, ethnic and interest groups, and individuals may be chosen as members of a team for their particular skills, experience or areas of knowledge.

2 177 In summary, we consider that MMP is marginally more beneficial to the development of effective parties than are STV and plurality although we doubt that there is a great deal to choose between the 3 systems on this criterion. Under all systems greater effectiveness of parties, particularly with respect to their influence over candidate and MP selection, to some extent must restrict the individual voter's range of choice. What is therefore important under all systems is that there should be ample opportunity for ordinary party members to participate effectively in the selection of candidates. This ensures that there is not too great a concentration of power in the hands of the party organisation. We discuss this further in paras 9 24 to 9 29.

### Legitimacy

2 178 For the reasons we expand upon in our conclusion we consider that both the MMP and the STV electoral systems we have described are, because of their proportionality, fair and legitimate in ways that our present single-member plurality system can never be, although we

accept as indicated in para 2 53 that our plurality system has long been accepted as legitimate. We find it difficult to choose between MMP and STV on this criterion, but we see MMP as preferable to STV on the grounds that it is likely to be more closely proportional, and that it retains single member constituencies.

### Conclusion

2 179 In the preceding discussion of the respective strengths and weaknesses of MMP, STV and plurality we have endeavoured to present a fair appraisal. Of the 2 proportional systems, MMP and STV, it is our view that for New Zealand MMP is clearly superior. It is fairer to supporters of significant political parties and likely to provide more effective representation of Maori and other minority and special interest groups. It is likely to provide a more effective Parliament and also has advantages in terms of voter participation and legitimacy. With regard to SIA we are conscious that a complete move away from plurality represents a major change and that there might be attractions in making lesser modifications to our system aimed at remedying some of its defects in a more gradual and incremental manner. However, we do not consider SIA sufficiently overcomes the key deficiencies of plurality. In terms of fair representation of the supporters of political parties and other groups and interests, it is a palliative rather than a true prescription for improvement.

2 180 As between MMP and plurality we accept that we should recommend a complete change only if we are fully satisfied that a new system will remedy major defects in plurality without introducing greater deficiencies of its own. Applying that standard the Commission unanimously recommends the introduction of MMP.

2 181 In those areas where plurality has major weaknesses, MMP results in substantial improvement. It ensures fairness between political parties because there is a distinct party vote and seats are distributed in proportion to the level of nationwide support for each party. There is no bias against minor parties so long as they cross the 4% threshold. There are no accidental advantages or disadvantages to parties depending upon how their support is spread through the country. In terms of voter participation, MMP represents a significant improvement over plurality in that the 2 votes allow voters to concentrate their attention on electing a Government as well as choosing the best constituency representative. Moreover, in terms of the overall result, most votes do count and are clearly seen to count. In the key area of Maori representation where plurality is clearly deficient, MMP offers to Maori both the ability to exercise real influence through a common roll with no separate Maori roll and the opportunity to elect through the lists candidates who reflect the Maori viewpoint. The national lists are also likely to provide more effective representation of and influence for other minority and special interest groups than does plurality. Finally, in terms of legitimacy MMP is, and will be seen to be, much fairer than plurality in giving representation to parties and other groups or interests.

This, we believe, is significant in terms of preserving confidence in our electoral process in a more diverse society

2 182 In those areas where plurality is commonly regarded as having strengths we consider that MMP has comparable, though sometimes different, advantages. Thus in terms of *effective government* we see MMP introducing changes because coalition or minority Governments may become more likely, though by no means inevitable. The evidence from other democracies with proportional systems indicates that where there is a reasonable threshold which prevents the proliferation of minor parties, governments remain at least as effective, and possibly more so if proportionality results in the adoption of more consistent, consultative and broadly supported policies. Likewise, in terms of *effective representation of constituents*, MMP retains single member constituencies and we do not see either system as clearly preferable. Similar considerations apply to the ability of both systems to assist *political integration*, though we incline to the view that changes in New Zealand society render MMP preferable to plurality in that all significant sections of the community have an effective part in the political process, and parties with a reasonable degree of voter support have the opportunity to obtain representation. Simply because it fails to reflect the diversity in our society, plurality may in the long term be less integrative. In relation to *effective parties*, we believe the systems are comparable, though MMP has an advantage because of the assistance the list gives in obtaining a balance between interests requiring representation. Finally, we consider MMP probably has an advantage over plurality in terms of assisting an *effective Parliament* because it encourages election of members who may choose to concentrate on policy issues. Overall, then, we consider MMP to be the best voting system for New Zealand's present and future needs.

#### Recommendation:

- 1. The Mixed Member Proportional system as set out in para 2 116 should be adopted.

2 183 **Other Systems** Although we are satisfied that MMP is to be preferred to all other systems, there are differing views amongst Commissioners about where STV should be ranked in relation to plurality and S.M. With regard to S.M. members of the Commission are agreed that that system would be an improvement to plurality, and one which we would like to see introduced if there is not to be a change to MMP.

2 184 **Cost** We recognise that there would be some cost factors associated with a change to MMP. The greatest cost would arise in relation to the increase in the size of the House by some 20 or so MPs, this in our view being essential if MMP is to operate effectively. The cost of additional members arises however, whether or not a change is made to MMP, since we consider the House should be increased to the same extent if we remain with the plurality system. Details of the cost of increasing the size of the House are given in Chapter 4, para 4 31. Apart

from the one-off costs involved in switching to a new system we think the administrative costs of operating an MMP system would not be greatly different from the cost of operating a plurality system with the same number of MPs. We therefore do not see the cost of introducing MMP as a factor of any great significance.

2 185 **Referendum** We consider that MMP should not be introduced unless there is public understanding of, and support for, the change. What is therefore essential in our view is a period of public consideration of this report during which the advantages and disadvantages of change may be discussed and debated. Thereafter MMP should be introduced only with the approval of a majority of voters at a referendum. Although a proper time should be allowed for public discussion the decision should not unnecessarily be delayed. We therefore recommend the referendum be held at or before the next general election after 1987. The referendum should be introduced on the basis of an Act of Parliament which makes it clear that the result is binding.

#### Recommendation:

- 2. A referendum on the adoption of the Mixed Member Proportional system should be held at or before the next general election after 1987.

2 186 The major issues concerning Maori representation are discussed in the next chapter of our Report. This present chapter has however, made reference to some of those issues because they are vitally relevant to any decision about a suitable electoral system for New Zealand. Chapters 2 and 3 of our Report should therefore be read together. In other respects our recommendation for a change to MMP stands alone and should be considered independently of our remaining recommendations except that it also requires an increase in the size of the House (see Chapter 4).

### AN ELABORATION OF MMP

2 187 The MMP system we have recommended is only 1 of a number of possible variants. Many of the components of the system could be modified to create a significantly different result, and our conclusions in a number of key areas were arrived at only after the weighing of a number of factors. We therefore now discuss our proposal in greater detail and indicate the reasons for the major choices we have made.

#### The ratio of list to constituency seats

2 188 Under our proposal there would be 60 list and 60 constituency seats. On provisional 1986 census figures the average population per constituency would be approximately 55 000. We consider 60 constituency members the minimum acceptable to retain the possibility of a direct and close relationship between constituent and MP. Based in

part on the West German experience, we would expect most list members to attach themselves to particular constituencies or regions, although we expect that some members elected from a list would be less directly in contact with the voters from a given area than others.

2 189 It is possible to maintain proportionality while retaining a greater number of constituency seats. Combinations of 80 constituencies to 40 list seats or 70 to 50 are the most likely options. While these combinations provide smaller constituencies, they are rejected on 2 main grounds. First, if constituency elected MPs are not to be seen as of a different status than list elected MPs it may be important to have approximately equal numbers of each. Second, a major advantage of party lists is that they provide the most effective way for each party to balance its representation of significant groups and interests. If this balance is to be achieved, it is important for all major parties to have some list members at all times. Major, and particularly winning, parties will tend to gain more constituency seats than their share of list votes would suggest. They will, therefore, need to receive a smaller share of list seats in order for overall proportionality to be achieved. If there were, for example, 80 constituency and 40 list seats, major parties would be likely to win all, or nearly all, of their overall entitlement from constituency seats, and thus receive few, if any, list seats. This effect may be particularly disadvantageous if it results in a party losing a number of list members after an improved performance at the polls.

### Threshold

2 190 We have proposed adoption of a threshold of 4% of the valid list votes, or success in at least 1 constituency, before a party is eligible to receive any list seats. A party reaching the 4% threshold would receive at least 5 seats in the House. The choice of a 4% threshold is designed to provide small parties with a reasonable chance of gaining seats while discouraging the proliferation of minor and/or extremist groups in the House. In 1984, 4% of the valid vote amounted to slightly under 77 000 votes. In recognition of the special status of the New Zealand Maori population, and of the relatively small number of Maori voters, we have proposed that no threshold apply to parties primarily representing Maori interests. This waiver could be extended to parties representing other minority ethnic groups, such as Pacific Islanders, if this was thought desirable.

2 191 Before settling on a 4% threshold, the Commission considered alternative possibilities ranging from no threshold at all to a 5% threshold, as used in elections to the West German Bundestag. We are persuaded that if no threshold is set or if it is set too low, the operation of effective government would be very likely to be frustrated. On current voting numbers and assuming 120 seats allocated by the modified Sainte-Lagué method, the absence of a vote threshold would give a list seat in the House to every party recording around 25 000 votes. We think this is too low and could give rise to a proliferation of small parties

with few seats in the House. The adoption of an appropriate threshold is a key element in our proposal, and we would view it as clearly undesirable to have no threshold. We only think it justifiable to waive the threshold in the very limited way which we indicated above.

2 192 On the other hand, we view a 5% threshold as too severe. Under such a proposal a party would need almost 100 000 votes to gain one list seat. In our view this would in New Zealand be too great an obstacle to the development of new and emerging political forces.

### Election of list members

2 193 Earlier in this chapter we rejected systems of proportional representation based exclusively on party lists on the grounds that such systems give parties rather than voters effective choice over the selection of representatives. The MMP we suggest with 60 of the 120 representatives elected from closed party lists is to that extent vulnerable to the same charge. Because of this concern we investigated in some detail a number of alternative ways of electing non-constituency members.

2 194 **Best losers.** One possibility is the Mansard Commission system whereby the best losers in the constituencies would gain election (see para 2 93). This system does have a number of points in its favour. Because only 1 vote would be needed, the system would require the same act for voting as at present. All candidates would be exposed to an election campaign in a constituency, and only candidates gaining a high percentage of the vote in a constituency would be elected. Not only would the need for a party list be removed but also every member would have an identifiable local constituency to service.

2 195 We consider, however, the 2 vote method to be preferable to the 1 vote system advocated by the Mansard Commission. We have earlier outlined our view that a major advantage of MMP is that it allows voters to better exercise the dual functions of choosing a local representative and choosing a party of government. The 1 vote system would deny voters this opportunity, and also remove the flexibility whereby voters have the opportunity to endorse or reject planned coalition arrangements.

2 196 Nor are we convinced that the Mansard MMP would give voters an appreciably greater choice over selection of their representatives than would closed list systems. Best losers are those unsuccessful candidates with the highest percentages of the vote in their constituency. That percentage is affected by a party's traditional level of support in that constituency, and by the level of activity of third and fourth parties there. Under this scheme, therefore, a worthy but losing candidate in a seat that is safe for another party would have little chance of being a best loser, compared with a losing candidate in a highly marginal seat. Voter choice of best losers would be illusory.

2 197 Nor do we consider that the advantages of requiring all candidates to compete in a constituency outweigh the disadvantages. Requiring all list members to be defeated constituency candidates may

exacerbate rather than diminish a perception that there are "2 classes of MP. Finally we consider there are benefits in having some MPs freed from the responsibility of servicing a geographic constituency.

**2 198 Open or closed lists.** The election of non-constituency members through party lists would be more acceptable to some if voters could alter the order of candidates on the lists. Voters might combine a vote in a constituency with a vote for 1 or more non-constituency candidate(s) grouped under, but not ranked within, each party. The votes for all list candidates would count also as votes for the candidates' parties. Once each party's overall entitlement was determined, those candidates within each party attracting the highest number of votes would be elected. Alternatively, non-constituency members might be elected by allowing parties to present ordered lists but allowing voters a limited power to alter those lists. Under such a scheme, voters might have the choice between acceptance of the party list and either partial or complete re-ordering of it.

**2 199** While it may be attractive in principle, there are considerable difficulties in combining open national lists with constituency contests, particularly when constituency candidates may also stand on the party list. First, each party would need to have enough list candidates to cover not only the maximum number of list members they might expect to have elected, but also those dual candidates who might be successful in a constituency. The ballot paper would be excessively long, and would require an unrealistic degree of voter knowledge about candidates. Second, we consider that if parties were given little or no influence over the ordering of their lists, this might force candidates into public competition within, as well as between, parties. This may seriously weaken party unity and the collective responsibility of a party's representatives to the electorate. It may also deny parties the opportunity to provide representation to special groups and interests.

**2 200** We do not suggest that competition and debate between members of the same party is, in itself, bad. Rather we consider that it is preferable if most of that competition takes place inside party forums rather than before the wider electorate. However, if a party is to be allowed to present a closed list, it is essential that this list is constructed in a democratic way with genuine involvement by the party's membership. In West Germany, the Law on Political Parties requires parties nominating candidates for both constituency and list seats to select those candidates either directly by the party membership of a given area, or by an assembly of delegates elected by the membership for that purpose. All elections of candidates or assembly representatives are required to be by secret ballot. We discuss candidate selection procedures in paras 9 24 to 9 29 and make recommendations to a similar effect.

**2 201 Regional or national lists.** The list element of MMP could operate with parties presenting either a number of regional lists or one national list. The advantages of regional lists are that they may lessen central party control, ensure balanced representation between regions

and, because regional lists would contain fewer names than national lists, be more easily opened up to voter choice. Proportionality need not be compromised if each party's entitlement is determined nationally and its seats are then allocated regionally.

**2 202** In opting for a single national list for each party we were influenced by the following factors. First, a national list enables parties to ensure balanced representation. Second, regional lists may lead MPs and electors to concentrate unduly on local or regional issues to the detriment of national issues. Third, since New Zealand does not have clearly defined regions and is not a federal state it may be unnecessary and unwise to artificially create such divisions. Fourth, with regional lists but each party's entitlement determined nationally, there is no obvious correlation between list position and likelihood of election. Fifth, in order to make it clear that the list vote is a choice between parties and their leaders, all voters should have the same key names in front of them.

**2 203 Dual candidacies.** In arriving at our proposal to allow parties free rein over who should appear on the lists, we considered excluding constituency candidates from the list altogether or, alternatively, requiring that all list candidates also contest a constituency seat. We earlier rejected the second of these options in our discussion of the Mansard Society Commission proposals and we now consider the question of prohibiting dual candidacies.

**2 204** Internal party pressures in West Germany have meant that most list candidates in high positions now also contest and are subsequently identified with local constituencies. This has contributed in West Germany to a general lack of distinction between the two types of representative. It also encourages a low turnover of deputies and a consequent stability and depth of experience within the *Bundesstag*.

**2 205** These characteristics are, however, not without their disadvantages. A lack of distinction between MPs elected in different ways may promote greater harmony within parties in the House, but it does not encourage list members to concentrate on the representation of interests transcending local constituencies. Moreover, while the back-up of a list position allows able representatives in marginal seats to be protected, it consequently, gives voters little power to remove an unpopular member from the House.

**2 206** If list candidates were excluded from contesting constituencies, voters would retain the power to remove unsatisfactory, local representatives and list members could focus on the representation of special groups and interests or on national issues. On examination, however, we consider prohibition of dual candidacies to be undesirable in principle and workable in practice. First, the creation of 2 highly distinct types of candidate (and hence representative) would be likely to contribute to party disunity. Second, we see considerable advantage in allowing parties to both protect a limited number of their more valuable MPs in marginal seats and reward superior candidates in unattainable seats. Banning dual candidacies would prevent such practices and be

of particular harm to small parties who are unlikely to be assured of any constituency seats but who may nonetheless wish to have their high profile members contest such seats. Third, a smaller party would win more list than constituency seats. This may be reversed if that party does particularly well in an election. Under MMP, therefore, a party may lose some of its list members while gaining seats overall. In our view this is an unacceptable prospect if dual constituency/list candidates are banned.

#### Dissolution

2.207 In paras 2.151 and 2.152 we noted a concern about the increased possibility under systems of proportional representation of inter-election changes of government, and the consequent loss of voter sovereignty this might entail. In light of this concern we considered whether a change to MMP might make desirable a requirement that parties in Parliament should not be able to form a new government without an election. This would involve legislation requiring a dissolution of Parliament and a new election in the event of a new government being unable to serve out its term. The requirement would apply whether or not a new administration was available to continue.

2.208 There are many examples, under both proportional and plurality voting systems, of new governments emerging between elections. These changes can occur in times of emergency—for instance, in the formation of a national Ministry during wartime—or as political fortunes alter in a divided House with no single party holding a majority. "New" governments may or may not involve members of the previous government and there is sometimes great difficulty, or even impossibility in some circumstances, in determining whether a new Ministry has really been formed. We are not aware of any constitution which as a matter of law requires new elections if a new government emerges in the course of a Parliament.

2.209 For 2 reasons we do not propose that an election be required by law if the Government changes in the course of a Parliament elected by MMP. The first is that the situations of change are various and a clear line cannot, we think, be drawn in a legal formula between those changes which justify a new mandate and those that do not. The second reason is that we expect that parties forming a new government which is widely judged in the country to require a fresh mandate will in fact seek one by advising a dissolution and new elections. If they do not, it will be to their political cost. The matter should, as at the present, be left to the good sense of the parties and to evolving practice and convention.

## Addendum 2.1: Vote/seat relationships, thresholds and quotas

### Turning votes into seats

Under proportional representation the number of seats a party gets should be as nearly as possible proportional to the number of people who have voted for that party. An example of the difficulty there can be in determining the number of seats parties should get is the following.

Suppose there are 3 parties which have received 437, 396 and 167 votes respectively. Suppose there are 100 seats to be allocated. The parties would "expect" 43.7, 39.6 and 16.7 seats although, of course, only whole numbers of seats can be allocated. If these expectations were rounded to the nearest whole number the allocations would be 44, 40 and 17 which add, not to 100, but to 101.

Many methods of allocating seats have been devised that ensure the numbers of seats always add to the correct number. These methods are distinguished from each other by the different ways in which they try to make the proportions of seats close to the proportions of votes. The methods used are discussed in some detail in the book *Fair Representation* by Michael L. Balinski and H. Peyton Young, New Haven, 1983. A method commonly recommended is the Sainte Laguë method. This starts from the assumption that a difference of a given amount between the number of seats a party expects to get and those it is allocated is more important for a minor party than for a major party. For instance, if on average a party expects to get 16.7 seats as in the example above, and the actual allocation is 17.0, the difference of 0.3 is more serious proportionately than is the corresponding difference between 43.7 and 44. The Sainte Laguë method favours the smaller parties by providing allocations of seats which, while attempting to make the proportions of seats close to the proportions of votes, give more weight to the differences between expected and actual allocations for small parties.

A principal competitor to the Sainte Laguë method is the d'Hondt method used in a number of European countries. In this method the procedure is to give the next seat to be allocated to the party which would then have the highest ratio of votes to seats. In this way it ensures a close relationship between the different ratios of votes to seats, at the expense of slightly favouring the larger parties.

For the example given above the Sainte Laguë allocation of seats is 44, 39 and 17 while the d'Hondt allocation is 44, 40 and 16.

### Modified Sainte Laguë

The 2 methods discussed so far may each be modified in such a way as to alter the chances of a small party gaining a few seats without there being a significant proportional change in the number of seats gained by the larger parties. Modifications of this kind to the Sainte Laguë method have been employed in Norway, Sweden and Denmark. We have proposed a similar modification to be used for S.M. (para 2.101).

*Propositional Republic*  
11 OCT 1996  
**The Canberra Times**

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**Tasmanian politicians**  
*Voting***praise Hare-Clarke**

*Malcolm Mackerras asked the island state's MPs for opinions on their electoral system and found there was wide-spread support for it.*

**T**HIS article has been prompted by two things. The first is a recent visit by me to Tasmania where, among other things, I gathered useful further information about the Hare-Clark system. The second is the letter by Hugh Dakin of Griffith (CT, October 5) in which he argues that Hare-Clark is not the best system for the ACT.

Take Mr Dakin's letter first. Among other things he writes, "The objection to single-Member electorates for the ACT seems to be that it would result in a large Labor majority. This would occur only if a large majority voted Labor, in which case it seems a curious objection to an electoral system that it gives the result preferred by the majority."

Take the opinion poll by Datacol published in *The Canberra Times* on August 28. On that poll, Labor would win under any system. Under single-Member electorates, however, such a polarised vote becomes a two-party preferred vote of 65 per cent Labor and 35 per cent Liberal.

Let us divide the ACT up into 17 single-Member electorates of 10,000 voters each and using a natural map. On my calculations the strongest Labor seat would divide 75 Labor and 25 Liberal while the weakest would divide 55 Labor and 45 Liberal.

Thus a clean sweep by Labor under single-Member electorates is not merely possible. It is probable (at least at the next election).

Mr Dakin's letter also contains this comment: "In Tasmania recently I met a member of its Lower House and asked his view. Although Hare-Clark has elected him, he would prefer the directness and simplicity of a single-Member system."

Clearly Mr Dakin and I visited Parliament House, Hobart, at about the same time. The difference is that I did not merely talk to one unnamed Member. Rather, I informed a wide range of Members that a referendum is likely in the ACT and I asked each for a written opinion.

From this I can say that every Green Member, every Labor Member and most Liberal Members favour Hare-Clark in Tasmania. And the few Liberal Members who favour single-Member electorates are aware of the likely result if an election were held in Tasmania within the next six months under single-Member electorates. The Liberal Party would win 34 of the 35 seats.

Not surprisingly, the Green Members are the most enthusiastic about Hare-Clark. The typical opinion is that of their leader, Rob Brown, who wrote: "Hare-Clark for ACT (the world's best system!)" Labor Members are nearly as supportive. The Premier, Michael Field, wrote: "The Hare-Clark system

serves Tasmania well". The last Labor Premier, Harry Holgate, wrote: "The Hare-Clark voting system is easily the most effective of all proportional representation systems".

However, Labor support for Hare-Clark does not stop at the Premier and former Premier. It is universal. For example, the Minister for Primary Industry, David Llewellyn, wrote, "The Hare-Clark system is the fairest in the world."

As indicated above, some Liberal Members would prefer single-Mem-

**One-Member electorates:  
ALP clean sweep likely**

ber electorates. None, however, indicated a willingness to campaign for single-Member electorates in the ACT. A typical response was from the Leader of the Opposition, Robin Gray, who wrote, "Some people call us Hare-brained but it's got to be better than what you've got now".

Most Liberal Members are more supportive of Hare-Clark than Mr Gray. For example, the Deputy Leader of the Opposition, Ray Groom, wrote, "Hare-Clark is very democratic". The most enthusiastic

**The Canberra Times**

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Member of all, however, is Bass Liberal Neil Robson, who wrote, "You must have the Robson Rotation for the ACT".

The most interesting thing about the above responses is the tepid comment by Mr Gray. Such is not surprising. He would have won the May 1989 general election if it had been contested under single-Member electorates.

Clearly such a system would not have returned any Green Independent other than Bob Brown. The Liberals with their 47 per cent of the vote would easily have beaten Labor with its 35 per cent. The Liberals would have won about 22 of the 35 seats.

Political analysts in Tasmania estimate that if an election were held within the next six months then the Liberals would receive about 55 per cent of the vote, Labor about 30 per cent and the Greens about 15 per cent. Clearly the Liberals would win under any system.

What would the result be in seats if Tasmania were to switch to single-Member electorates? The best estimate is that the Liberal Party would win 34 of the 35 seats.

One electorate only would not return a Liberal. It would be a Hobart seat extending from the central busi-

ness district to the University of Tasmania. Bob Brown would win that seat.

That would mean that Labor with 30 per cent of the vote would win no seats at all. The Greens, however, with 15 per cent would win one seat.

In the light of such analysis one can understand Mr Field's comment that "The Hare-Clark system serves Tasmania well". It also serves Mr Field well. He could not win a seat in the House of Assembly under single-Member electorates but Hare-Clark makes him a Member. It also makes him Premier.

Thus the opinions of politicians are not disinterested. I claim to be disinterested, however, and I think Tasmania should retain its Hare-Clark system.

I found Mr Field to be a most pleasant and interesting man. I am unable to see the merit of a system under which he could not be re-elected to his existing seat. He is presently one of seven Members for Braddon in the north-west. Divide that up into seven single-Member electorates and the Liberals would win all seven by large majorities.

When the ACT referendum comes along I would be interested to see if the Labor Party asks Mr Field to campaign here for single-Member electorates. I can assure them that Mr Brown will be campaigning for Hare-Clark.

*Proportional Representation*

Tasmanian MP discusses the value of the Hare Clark system and Robson Rotation for the ACT. Morning show (7CN, ABC Radio), Friday 22 Mar. 1991: (3p).

Reporter: Matthew ABRAHAM  
Speaker: Neil ROBSON - MHA, Tas  
Transcript: 81-8392 (ONLINE)  
Audiotape: 81-8368 (C91/M085-0-0) (MICAH)

This transcript is taken from a tape recording, and freedom from errors, omissions or misunderstandings cannot be guaranteed.

**MATT ABRAHAM:** Well, on the program we've made a point of exploring the likely shape of a new electoral system in the ACT, and something we need to grapple with if the Government delivers on its promise of a referendum at the next election. And we need to be informed if we are to make an informed, democratic choice. The two questions likely on the referendum are whether we should have single-member electorates or the Hare-Clark system which operates in Tasmania. Now, Hare-Clark in Tasmania operates with something called Robson Rotation tacked on. Robson Rotation ensures that the candidates appear in a random order on ballot papers in any one election. Earlier this week, we spoke to Senator Terry Aulich who introduced the system while a Minister in the Tasmanian Labor Government. He said he had introduced it to break down the power of the party machine, to benefit from setting the agenda on ballot papers and therefore, benefiting from what is unkindly called the donkey vote. Without Robson, he said parties could simply issue how to vote cards and people would be tempted to tick down the list.

Robson Rotation ensures that no candidate gets an unfair advantage from being at the top of the ballot paper consistently. Now, Robson Rotation is named after a Tasmanian Liberal MP, Mr Neil Robson, and I caught up with him yesterday. He was standing outside a Cabinet meeting waiting for our call and I began by asking him for his view of Senator Aulich's claim that Senator Aulich was responsible for the Robson Rotation method.

**NEIL ROBSON:** How could he, if it's called the Robson Rotation? It was a private Bill; it was a private Bill brought through by me which the Labor Party opposed for about four years, or three years, and they had a State Council on the west coast of Tasmania one day, at which all the hierarchy and the rank and file thought that some of their sitting Members of Parliament weren't doing so well, so they were going to bring in a ticket so that the people in the party machine would determine the way the people went on the ticket. And so, I've had this Bill before Parliament for about three years and suddenly the Labor Party saw the benefit in it, inasmuch as that then they wouldn't be dictated to by their own party and that the people of Tasmania would be able to pick their Members without any trouble whatsoever. And so when they came back on the Tuesday, they supported my Bill.

**MATT ABRAHAM:** So they didn't introduce the Bill? It was laying on the books and they picked it up.

**NEIL ROBSON:** It's been on the books for about three years.

**MATT ABRAHAM:** And did they initially oppose it?

**NEIL ROBSON:** Yes.

**MATT ABRAHAM:** How did you think up the concept of Robson Rotation?

**NEIL ROBSON:** Well, when I first came into Parliament I stood for the Senate in 1974. I was number five on the ticket, and through the way the donkeys are invited to vote, I got more votes than three sitting Senators and didn't get elected. So that hurt me rather and so I went away and I devised this system. And then, when I got into State Parliament I was amazed to see that 28 of the Members there, their names started with A, B or C, and that was brought about by the fact that they used to put the people down alphabetically on the ballot papers. And so, consequently, with the the power of the parties and the donkeys at work, they just voted straight down the ticket and we had 28, as I said, with A, B, or C. Well, now, since my Robson Rotational method has been in, it should be, probably, somewhere around about how the alphabet figures in the phone book.

**MATT ABRAHAM:** In your view, does Hare-Clark work effectively without Robson Rotation?

**NEIL ROBSON:** Yes, it works all right, but not, it's a refinement. The Robson Amendment or Rotation is a refinement which makes it, people now, can see that before Hare-Clark is the only way in the world, I believe, where people are going to get what they vote for. I mean, at the moment, under single-man elections in the Federal Parliament, I believe Mr Hawke's got about 38 per cent of the vote and 52 per cent of the seats, which is ridiculous. Under Hare-Clark, if you get 46 per cent of the vote, you get 46 per cent of the seats. Now, those seats can be skewed by the system of how they're put down on the ballot paper. You see, why the unions and why the Labor Party wanted to put it down as far as the union's concerned, because they knew that the people will follow down the ticket, and so consequently, my system stops all that and the people, if they vote, the results come in exactly as they want it.

**MATT ABRAHAM:** Now, if you have the names at random on a ballot paper, with random ballot papers, that means you cannot have a how to vote card.

**NEIL ROBSON:** That's right.

**MATT ABRAHAM:** Does that make it difficult for people, though?

**NEIL ROBSON:** No. No. I used to have all these things put up against it. The people in the electoral counting houses used to say it will take longer to run an election; this will be wrong; it'll skew this, it'll skew that; there'll be people with eye strain and people won't know their party Members, et cetera, et cetera, et cetera. Anyway, the first time we used it, it came out that they ran the election in 20 minutes less time and ever since, it's now starting to be, how can I put it, it's not the final refinement but it's a magnificent refinement to the Hare-Clark system and it makes the fairest system in the world even better.

**MATT ABRAHAM:** You didn't introduce it because you had an R, a name starting with an R.

**NEIL ROBSON:** I'll tell you a funny thing. As I told you, I fought for about three years for it and whilst I was fighting for it, they changed from alphabetical to a lot system, that you went by a ballot. And guess who won top of the ballot?

MATT ABRAHAM: Neil Robson.

NEIL ROBSON: Yes, and I topped the poll that year and then I topped the poll, the election afterwards when we first used the Robson Amendment.

MATT ABRAHAM: Has it, in your view, weakened the power of the party machines?

NEIL ROBSON: Yes, thank God. And I'm a Liberal and I believe that the party machines should not interfere in the democratic process of elections.

MATT ABRAHAM: You don't think there's a problem that people still, in a way, donkey vote but they just tick down the list that's in front of them without following any how to vote card?

NEIL ROBSON: Oh yes, well, I think, yes I suppose that is a small disadvantage. But the point is, the Hare-Clark system gets people to know their Members of Parliament and if they don't know their Members of Parliament, well, they're only playing with numbers, aren't they? You see, with Hare-Clark, we sometimes, I think it was one year we lost 17 Members out of 35, but the party still retained its dominance inasmuch as that the names went, but the people in the party stayed, the total numbers stayed. So, Hare-Clark gives the person on the street a better, an advantage as to getting rid of people they don't like, but they can still keep the party they want. And with the Hare-Clark, we don't have any safe seats. I mean, you can - either with a single-man electorate such as on the mainland - you can have people going into a blue-ribbon seat and you could put up a Labrador dog - not that I've got anything against Labrador dogs - but you could put up a Labrador dog and all those people will vote that way. Whereas with Hare-Clark, the rate of parliamentarians falling is much higher, the mortality rate is much higher. Members of Parliament sometimes will speak against the Hare-Clark system because it's a bit savage on them. But so it should be because it recognises the people; it recognises the democratic vote. If people vote for 46 per cent, they get it.

MATT ABRAHAM: So it's not like the old, it could be in politics in Tasmania like the old saying for commercial radio: optimism is bringing your lunch to work.

NEIL ROBSON: That's right. As I told you, 17 out of 35 is quite a mortality rate, isn't it?

MATT ABRAHAM: It certainly is, and Neil Robson I know you're talking to us outside the party room, a party room meeting is in progress, and you better get to it, but thanks for your time.

**AN ALTERNATIVE  
ELECTORAL PROPOSAL:**

**THE BUCHANAN APPLICATION  
OF HARE-CLARK**

**A DISCUSSION PAPER PREPARED BY THE  
ACT BRANCH OF THE  
PROPORTIONAL REPRESENTATION SOCIETY OF AUSTRALIA**

**27 November 1990**

## SUMMARY

The electoral system currently in use in the ACT is widely regarded as thoroughly unsuitable. Its mooted replacement with a slightly de-modified version of d'Hondt is regarded as equally unwarranted. Introduction of a system of single-member electorates for the ACT would be even worse. It would spell the virtual end to any meaningful political competition in the ACT and leave large sections of the community without representation.

The Hare-Clark system as used in Tasmania, on the other hand, has a strong theoretical base and would lead to the different sections of the community being represented in a meaningful way. However, even the version of Hare-Clark that has been proposed for the ACT, with three electorates with 5, 5 and 7 Members, has short-comings. It would only allow representation of a limited number of sections of the community, and district boundaries would have to be drawn in arbitrary ways to get the appropriate number of voters in all electorates. Moreover, there is an impasse in Federal Parliament, with majorities in the two Houses favouring different options.

The ACT Branch of the Proportional Representation Society therefore developed an alternative electoral system. This new system is termed the Buchanan application of Hare-Clark. In the Buchanan application of Hare-Clark, the whole of the ACT is treated as a single electorate but 4 districts, based on the four townships, are recognised and candidates must nominate for one of those districts. The position of candidates' names on the ballot paper is then randomised (Robson rotation). This is, however, slightly modified in such a way that within each district the names of candidates from that district are placed on the top of the list of candidates.

Voters may vote for any candidates from any part of the ACT. They may disregard the information on districts and vote entirely for candidates of the party or parties of their choice. Or they may disregard parties and vote exclusively for candidates from their own district. Or they can combine the two in any way they choose. For example, they might decide to give highest preferences to selected candidates from their own district and to then give further preferences to other candidates from their preferred party.

With that simple modification the system achieves a whole range of desirable outcomes. These include the truest possible extent of proportional representation and meaningful district representation, while maintaining elegant simplicity.

A range of other detailed provisions has been devised by members of the society to further maximise fairness and provide a range of useful options for voters. All these options are directed at maximising fairness and improving the 'user-friendliness' of the overall system.

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## INTRODUCTION

The ACT is currently using a modified version of d'Hondt as the electoral system. This system has been roundly condemned as being totally unsuitable. It has a variety of theoretical flaws and is thoroughly disliked by the community. Hence, there is general agreement that it should be replaced by an alternative electoral system.

So far no alternative system has found universal approval. The Government's latest proposal, a de-modified version of d'Hondt, overcomes some of the objections to the current system but introduces other, even more serious, deficiencies. Central to these deficiencies is the absence of any flow-on of preferences from excluded parties. The system also fails to address other criticisms, such as the bias towards larger parties or the absence of any mechanism for area representation.

To overcome the current impasse, members of the ACT Branch of the Proportional Representation Society have devised an alternative electoral system which incorporates the important elements which we believe the ACT community wishes to see in the ACT electoral system.

The system is a variant of Hare-Clark, as used in Tasmania, with important modifications devised by Ian Buchanan to make it particularly suitable for the ACT. Further detailed provisions have been devised by members of the ACT Branch of the Proportional Representation Society.

Choice of a suitable electoral system is of crucial importance for the effective functioning of democracy in any community, including the ACT. The most suitable system should be developed through on-going public debate and refinement. We believe that the Buchanan application of Hare-Clark in the form outlined here is the best current embodiment of electoral practice. However, we encourage members of the public to suggest changes to develop it still further. We see development of electoral systems as an on-going process of debate and refinement.

## THE RATIONALE

In looking for a suitable electoral system, we start by looking at the principles we want it to be based on. After identifying the principles to be embodied in it, we can then devise a system which is consistent with these principles.

### REPRESENTATION OF VALUES AND BELIEFS VERSUS STABILITY OF GOVERNMENT

Firstly, we can ask to what extent people's beliefs and values are represented in the Assembly. There are two important questions embodied within that:

- 1) Does a majority in the Assembly correspond to majority support of the people?
- 2) Do the diverse values and beliefs in the population find representation in the Assembly?

The first of these is of fundamental importance, and is essential for any democracy. Democracy is based on the premise that decisions are made if they have the support of the majority of the people, as expressed through their representatives in the Assembly. That

essential premise breaks down if a majority in the Assembly does not correspond to the support of the majority of voters.

It is also important that the whole breadth of community views can find expression in the Assembly. It is important that the diversity of opinion that characterises modern Australian society is also present in the Assembly. This is important for three reasons:

i) it is a questions of rights; every citizen has the right to have her or his views represented. That right is infringed if it is restricted by an electoral system that only allows two effective choices;

ii) voters must feel that they can be adequately represented. There is currently a great deal of disillusionment with politics in the population. This, no doubt, is increased by people's impression of not having a chance to be adequately represented. If politicians, through their selection of an electoral system, restrict the choices of voters then voters will naturally feel cut off from decision making, and disillusioned because of their powerlessness;

iii) it is likely that more intelligent decisions are made if issues are addressed from the whole range of differing perspectives that sections of the community have.

These three requirements are basically met by electoral systems that fall under the general description of systems of proportional representation.

An argument sometimes advanced against representation of the full breadth of views and opinions is that it may cause instability in government. To be sure, if there is only one party represented or if one party is always assured of a majority of seats, then formation of a government becomes a formality. If no group has an absolute majority because no absolute majority in the population want to be represented by one particular party, then the different parties must talk to each other and find compromises. Ideally, these compromises would represent compromises that would be supported by a majority of voters if they were asked to vote on them directly.

These compromises sometimes break down and new compromises must be found, and that causes some sort of discontinuity. But it needs to be asked how serious that really is and what positive side-effects it may have. Let us take a look at a recent example, the situation in eastern Europe.

Eastern Europe had a long period of 'stability' under one-party communist rule. Now they are open to more democracy, and often end up with parliaments with no single group holding a majority. Negotiations have become necessary, and compromises must be found in order to form some sort of coalition government: - a classic example of 'instability'!

Yet, who wants to go back to the former days of 'stability'? There is wide-spread acceptance that 'stability' really meant atrophication. Those in power had been in power for too long. There were no new ideas and no need to actually please the people. As there was no diversity of opinion in eastern Europe's former Parliaments, there was no-one to push for economic reform, and no opportunity for the people to support the trial of new economic directions.

The example of eastern Europe shows the disadvantages of 'stability' extremely well. While the disadvantages of public squabbling and shifting majorities under representative systems are readily seen, the advantages of diversity are less apparent but no less real. In general, better decisions on any issue will be derived after publicly discussing its pros and cons. This discussion will not happen if there are no Members in the Assembly to speak for the differing views held by the people in general.

## REPRESENTATION OF AREA-BASED CONCERNS

The next question relates to representation of area-based concerns. There are issues like the development pattern in the ACT where the interests of people in one part of the ACT may conflict with those of people in another part. A democratic form of resolving such conflicts is through all parts having their own representatives.

Furthermore, anecdotal evidence suggests that people in the ACT very much want to have some form of local representation. In addition to representation of area-based concerns, it is seen as increasing the identification particular Members in the Assembly have with the area they represent.

To achieve meaningful identification of voters with Members, it is a fundamental advantage if the areas electing representatives are units which are meaningful and identifiable in a non-electoral context.

It is fortunate that the ACT was designed with a lay-out based on townships which provide an ideal way of dividing the ACT into recognisable and electorally manageable units. Using townships as the sub-divisions of the ACT provides the significant additional advantage of providing voters from each township not just with one local Member but with a panel of Members who represent different approaches and have different personalities.

The principle of dividing the ACT on the basis of townships was, to our best knowledge, first proposed in 1981 by Ken Fry, then the Member for Fraser in the Federal House of Representatives. This method of sub-division was also proposed by the Democrats in legislation introduced into the Senate in 1988.

In accepting the importance of local representation, one must be careful not to allow that to negate the importance of other requirements of electoral systems. Instead, the task is to find a system that combines area representation with other important requirements.

The system must also recognise that some issues are not restricted to a particular township. There are a number of ways in which the interests of particular voters can extend to more than one township. Many individuals live in one part of the ACT and work in another. Many community groups draw their membership from the whole of the ACT. Similarly, well-known politicians find their support distributed throughout the ACT. It is, therefore, an advantage if an electoral system allows voters to disregard their own district candidates, if they so choose, and to vote for candidates from other townships. It should not, however, require them to do so.

It should also be recognised that the ACT's political arrangements are unique in Australia in that the one Assembly is asked to perform municipal as well as state-type functions. For municipal functions, like garbage collection, local roads or the location of children's playgrounds, it is an advantage to be able to call on local Members. For state-type functions, like health and education, economic management, law and order issues or environmental protection, representation of the whole range of community views is desirable, whereas area-based representation is usually not important. Only an electoral system catering for both state and municipal functions does justice to the ACT's unique political arrangements.

## SIMPLICITY AND CLARITY OF PROCESS

The next question relates to the process of the election itself. The electoral process should be simple and easily understandable by voters. The election should make sense! It should be clear to voters why elected Members got elected. There should be no mystery.

It must always be clear to voters how to mark their ballot papers in order to most benefit the candidates of their choice. Electoral systems should be designed so that voters normally achieve the ends they seek and support the candidates they want to support.

## POWER TO THE PEOPLE

Decisions as to who gets elected should be made by voters rather than parties. The pre-selection process should not be the real election. Instead, it should be voters on election day who not only have the final but also have the most important say in who gets elected. It should be an election of candidates, not a ratification of candidates already anointed.

This is not so much a theoretical notion, because in theory, voters could in most systems decide who gets elected. Instead, it is a question of assessing the extent to which a system encourages decision making by voters or the extent to which it tries to effectively suppress voters' choice in practice in the interest of giving power to parties. This has two elements, one of enabling voters to control the electoral result in practice and not just in theory, and one of encouraging voters to utilise their voting rights to the fullest.

However, a significant number of voters may not have sufficient interest in politics to be able to make informed decisions between candidates of a particular party. The electoral system should therefore cater for these voters as well. An easy way for voters to indicate a preference for a particular party rather than particular candidates could in that sense be seen as a further way to increase the power of voters.

It would be a significant advantage, however, if voters who forego their right to choose what candidates are to represent their party, were to pass that right of pre-selection to other voters rather than to party officials. That means that voters making use of a registered ticket should be seen as expressing an equal preference for each of the candidates of their preferred party rather than to candidates in an order determined by party officials. This would mean in practice that registered-ticket votes would augment, not over-rule the preferences expressed by other voters who made detailed personal choices.

It must be recognised that there can be no system which optimally suits all kinds of diverse voters. An electoral system must be chosen very carefully to achieve the optimal compromise between encouraging discerning voters to the fullest exercise of their democratic right, while providing a 'user-friendly' fall-back position for less discerning voters.

## ONE VOTE-ONE VALUE

Most people agree that no person's vote should carry a greater weight than anyone else's. Most people would also agree that no group in society should be given a greater right to choose the governing body than any other group.

There is an obvious side to these propositions and a more subtle one. It is obvious that people on the south side should have no greater say in electing people than people on the north side, or voters in older suburbs no greater say than people in newer suburbs. However, it is just as important that the votes for large parties should carry no greater weight than votes for Independents or small fringe groups. It can never be acceptable for a voter's right to vote to be diminished by the kind of legitimate choice made by the voter.

## WHY A NEW ELECTORAL SYSTEM?

Of the electoral systems so far proposed as options for the ACT, none fulfils all the requirements spelt out above. The 'pure' d'Hondt system effectively disenfranchises voters as there is no mechanism for the flow-on of preferences from unsuccessful parties. It also infringes the one-vote one-value principle as votes for larger parties effectively count more than votes for smaller parties. It has no mechanism of district representation at all and leaves the pre-selection of candidates to the party machines. Finally, it leaves the election open to a large element of chance. Various modified versions of d'Hondt address some of these concerns, but not without introducing new problems. Also, none of the proposed modifications to d'Hondt really address some of the major faults, such as violation of the one-vote one-value principle.

The system of single member electorates is very poor at representing the diversity of voters' values and beliefs. As only one Member is elected per electorate, only one value system can be represented. This is further compounded in the case of the ACT by the fairly homogeneous population with similar voting patterns. It is therefore unlikely that under-representation of one group in the ACT will be compensated by its greater representation in another area. It would spell the virtual end to any meaningful political contest in the ACT. This system must therefore be rejected in the strongest possible terms, because an effective electoral process is fundamental to any successful democracy.

The Tasmanian version of the Hare-Clark system, as suggested for the ACT with three electorates electing 5, 5 and 7 Members, achieves most of the above requirements. However, it still has shortcomings. It fails to divide the ACT into units that are meaningful and recognisable in a non-electoral context. It compromises the ideal of proportional representation by only allowing representation of groups that are sufficiently large to achieve 12.5% to 16.7% of the vote. And it does not allow voters who so desire to vote for candidates from any part of the ACT.

Despite the limitations of this way of applying Hare-Clark, of the main systems currently being discussed the Hare-Clark system in any form certainly stands out as having a sound theoretical base and as enabling voters to cast effective and meaningful votes. It would be ludicrous to contemplate the introduction of any system that would constitute a major step backwards in the conduct of elections or exercise of parliamentary democracy in

Australia. Only a system that is based on Hare-Clark but incorporates useful additional features should be considered at all.

As none of the systems so far suggested completely fulfils the requirements set out above, the ACT Branch of the Proportional Representation Society decided to develop an alternative system which more adequately met these needs. The system that was developed is based on suggestions made by Ian Buchanan, and is referred to as the Buchanan application of Hare-Clark. It is a version of Hare-Clark that treats the ACT as a single electorate with a slight amendment to Robson rotation which requires the names of candidates nominating from a particular district to be put at the top of the list on ballot papers given to voters from that same district.

With that small modification, this system achieves all the objectives listed above. Its greatest strengths are that it is the simplest and most flexible system available for the ACT, that it achieves very true representation of voters' values and beliefs and excellent area representation.

### BRIEF DESCRIPTION OF THE BUCHANAN APPLICATION OF HARE-CLARK

In the Buchanan application of Hare-Clark, the whole ACT is a single electorate. The placement of candidates names on the ballot paper includes a version of 'Robson rotation', according to which the names of candidates in each party listing are rotated and different orders appear on different ballot papers.

Robson rotation is, however, slightly amended in such a way that for each voter, the names of candidates from her or his own district are placed on the top of the list of candidates.

In practice, this is achieved by sub-dividing the ACT into districts corresponding with the four existing townships, Belconnen, Central Canberra, Woden/Weston Creek and Tuggeranong. Candidates are then required to nominate for one of these districts, and their names are placed in the group at the top of the list on ballot papers for voters from the same district.

To give an example: a party may nominate 12 candidates for the election, three from each of the four districts. A voter from Belconnen will then find the names of the three Belconnen candidates on the top of the list, followed by the names of the other nine candidates from the other districts. The names of the three candidates from Belconnen may appear in any order, as may the names of the other nine candidates.

The Buchanan application of Hare-Clark therefore allows voters the choice to

- 1) vote entirely within the column of the party of their first choice;
- 2) vote entirely for candidates from her or his township; and
- 3) vote in a way that combines these two options in accordance with the voter's wishes.

## DETAILED PROVISIONS

An electoral system has several components. These include:

- who may vote;
- who may stand as a candidate;
- the lay-out of the ballot paper;
- how ballot papers are to be marked by voters;
- how these marks are to be interpreted and counted by electoral officials;
- how many candidates are to be elected per electorate;
- how electorate boundaries are to be drawn;
- what information for voters is printed on ballot papers;
- whether voting by registered tickets is provided for.

Some of these are well-established, such as the eligibility to stand, and are not dealt with in this discussion. Instead, the following notes deal only with those aspects which are not common to all systems proposed so far.

### Lay-out of ballot paper

Candidates' names are grouped on the ballot paper by reference to two factors. Firstly, similar to a Senate ballot paper, the ballot paper has a number of columns, each one representing a different party, Independent or Independent Group.

Secondly, in contrast to Senate ballot papers, the ballot paper is also divided into two sections by a dotted horizontal line. The names of candidates from a particular district are placed above that line and the names of candidates from other district are placed below that line.

For each party and Independent Group the order of names placed above the dotted line is randomised by being rotated in accordance with the procedure of 'Robson rotation'. The order of names below the line is similarly randomised but independently of the names above the dotted line.

In the lay-out of the ballot paper, no distinction is made between parties, Independents or Independent Groups. The vertical placement of columns is also randomised for each ballot paper.

The group of names in each column is followed by an additional box labelled 'Registered ticket' if one is lodged. An additional space is inserted between the names of candidates and the following box for the registered ticket. In each case, the box for the registered ticket is placed below the dotted line.

### Districts

For the rotation of candidates' names, the ACT is divided into 4 districts, Belconnen Central Canberra, Woden/Weston Creek and Tuggeranong. The borders between the districts follow the natural physically recognisable features that divide these areas of the ACT from one another.

Additional requirements for the placement of outlying regions, such as Thurwa Hall, into one of the defined regions follow the schedule proposed by Senator Jenkin: legislation introduced into Parliament in 1988 (see Attachment 1).

### Candidates' Choice of Districts

When individuals nominate as candidates for the election, they are required to nominate one of the four districts as their home district. Their names are then placed in the upper group of the list of names on ballot papers prepared for voters from that district.

It is anticipated that most candidates will live in the district which they indicate they wish to represent. However, some individuals may have strong connections, through a business, for example, to a part of the ACT other than that in which they reside. It is therefore seen as appropriate to retain flexibility in candidates' choice of district.

### Independent Candidates

Independent candidates are treated like political parties, with each candidate having her or his own column. The positions of these columns are randomised together with the position of party columns.

A number of Independents have the right to be placed together in a group. Such a group is labelled 'Independent Group'. If more than one set of Independents wishes to be combined in groups like that, they are labelled 'Independent Group A', 'Independent Group B', etc, with the allocation of names being decided by lot.

The names of Independents from the district in which the ballot paper is to be used are placed above the dotted line on ballot papers prepared for voters from that district, while the names of candidates from other districts are placed below the dotted line.

Like parties, Independents have the right to lodge a registered ticket. A box labelled 'Registered ticket' is placed below the name of the Independent, or Independent Group.

### Optional Preferential Voting

The vote is fully optionally preferential. To cast an effective vote, a voter must indicate one first preference mark on the ballot paper for either an individual candidate or a registered ticket. The voter then has the right to indicate as many or as few subsequent preferences as she or he wishes. Subsequent preferences can be indicated for other individual candidates or for a registered ticket.

A note on the top of the ballot paper informs voters that a single preference mark is sufficient to lodge a valid vote but also encourages voters to indicate subsequent preferences to maximise their effective vote.

To deal with the problem of exhaustion of votes, a reducing quota is used for the count.

### Registered Ticket

As is the case with several existing systems, each party, Independent or Independent Group has the right to lodge a registered ticket. This allows voters who have insufficient political interest to distinguish between different candidates of a party to still support the party of their choice. Lodging a ticket by a party, Independent or Independent Group is optional.

If a registered ticket is lodged, it must list in order of preference all other parties, Independents and Independent Groups contesting the election. Preferences are only given to columns, not to individual candidates within columns.

The votes received by a column are equally divided amongst all the candidates of that column who have not yet been either declared elected or been eliminated at an earlier stage of the count.

The registered ticket may be given a lower-order preference by a voter. It will then be invoked if all higher-order preferences have been eliminated. Further lower-order preferences after invoking the registered ticket are disregarded.

### The Scrutiny

To be elected, a candidate must obtain a 'reducing' Droop quota of votes. For the first seat to be allocated, the quota in the case of the ACT Assembly is the total number of valid votes divided by 18 plus one vote. The quota is recalculated after each transfer of votes. It is calculated as the remaining number of valid votes divided by a number one greater than the number of remaining seats plus one vote. In this way, account is taken of exhausted votes.

Candidates securing a surplus of votes above the quota are declared elected. For each candidate, commencing with the one with the largest surplus, votes in excess of the quota are passed to the next available preference.

Three types of votes may be received by a candidate:

- 1) votes that indicate no subsequent preference,
- 2) votes received through a registered ticket, and
- 3) votes where voters have individually marked subsequent preference(s).

To calculate the flow-on of votes, preferential use is made of type 3 votes. If insufficient votes are received, type 2 votes are then used. To determine the votes to remain with the elected candidate, use is made of type 1 votes first, then type 2 votes and then type 3 votes.

The same procedure is followed whether a candidate receives the necessary quota through first preference votes or the flow-on of lower-order preferences. In each case, use is made of all the votes residing with the candidate at the time of attaining a quota.

### Casual Vacancies

Should an elected Member of the Assembly die or resign during the term of her or his office, the resulting vacancy is filled by recount of that candidates' ballot papers.

1968.



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PARLIAMENT OF TASMANIA.

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**DEMOCRATIC REPRESENTATION  
UNDER THE  
HARE-CLARK SYSTEM**

The Need for Seven-Member Electorates

Paper by  
George Howatt, M.A.  
(University of Pennsylvania)

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*Presented to the House of Assembly by His Excellency's Command.*

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TASMANIA  
L. G. SHEA, GOVERNMENT PRINTER, HOBART.

1968.

2408

### *Acknowledgments*

To Professors H. J. Abraham and W. A. Townsley, my academic advisers, respectively, of the University of Pennsylvania and the University of Tasmania.

To Messrs. H. J. Corrigan and A. J. Mazengarb, Assistant Chief Electoral Officer, Tasmania, and Commonwealth Divisional Returning Officer for Denison, respectively, who have given so generously of their time, their advice, and their exceptional knowledge of the Hare-Clark system.

To the University of Tasmania for a research grant under which this paper has been written.

To the many kind Tasmanians who have contributed to my understanding on electoral matters and have helped to make this stay in Tasmania so enjoyable.

GEORGE HOWATT,  
Hobart, May, 1958.

## FOREWORD.

Tasmania, the first community in the world to use the Hare system of proportional representation under adult franchise, has had a far longer experience with this method than any other place. First adopted in 1896 for electing the Hobart and Launceston members of the House of Assembly, the general features of the system were re-introduced after a lapse of a few years, for the election of all members of this House by the Electoral Act of 1907.

The "Hare" of Hare-Clark refers to an English barrister, Thomas Hare, who in 1857 laid down the chief features of the single transferable vote system of proportional representation. Mr. Justice A. I. Clark of Tasmania, when a member of the House of Assembly and Attorney-General made some original contributions to Hare's general principles. Because of this and Justice Clark's efforts in securing the adoption of the system in 1896, the method later became known as the Hare-Clark system.

Tasmania's special experience with this system is relatively unknown in most places of the world, and certain aspects of the Hare-Clark method need elucidation even in Tasmania, for example the subject of this paper, which discusses why the election of seven members per electorate instead of six is needed for the proper functioning of the Hare-Clark system. This paper contains some of the material which its writer gave to the house of Assembly Select Committee on Electoral Reform last year.

Mr. Howatt was a lecturer in political science at Lehigh University, U.S.A., before coming to Australia on a Fulbright scholarship to study election systems here. He is a specialist in this field and has written an M.A. thesis on proportional representation in American city elections and many articles on electoral subjects.

I commend this study to all members of Parliament, not only in Tasmania but in Mainland States, and to students of Political Science everywhere.

W. A. TOWNSLEY,

Professor of Political Science,  
University of Tasmania.

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## Part I(a).

## A POTENTIALLY MODEL SYSTEM WITH ONE DEFECT.

In the past 100 years, during which the advance of universal suffrage has made its greatest strides, there has been, unfortunately, a steady decline in the promise once held for democratic government. Some thinkers now question even the premises of democracy; others are looking for specific ways of improving democratic forms and practices in the hope of preserving the philosophy of "government of the people, by the people, and for the people".

In particular there is widespread dissatisfaction with the election methods and practices existing in most places of the world. The limited number of persons who know of the Hare-Clark system and endorse its philosophy of representation would say that many of the shortcomings ascribed to democracy in general really arise from defects in electoral systems. Before we condemn democracy or despair of its value, they would say, we should give it a chance to demonstrate its capabilities by installing electoral systems which adequately reflect the wishes of the electors. Most election systems in the world today distort, suppress, or even reverse the wishes of the voters. With this misrepresentation, moreover, go many accompanying evils. Faulty electoral methods such as single-member electorate systems expose democracy to inherent weaknesses while preventing democracy from exhibiting its strengths.

The alleged failure of democracy, these supporters of basic electoral reform would say, is not that democracy has been tried and found wanting, but that it has not been tried—except in a very few places, like Tasmania. In this State, thanks to fifty years' experience with the Tasmanian-pioneered Hare-Clark system of proportional representation, election results have mirrored the wishes of the people, and Tasmanians have been spared many of the tribulations caused by faulty electoral systems in use elsewhere. Moreover, even although the Australian mainland State electoral systems are distinctly inferior to Tasmania's Hare-Clark system, the general standard of Australian State and Federal electoral methods is so high by world standards that the general public in Tasmania is unaware of the seriously deficient methods used elsewhere in the world.

To the other States and countries which are suffering from faulty electoral methods, and many are suffering critically, the Hare-Clark system could serve as a model; but one grave existing defect must first be corrected.

One requirement of a truly democratic election system is that a majority of the electors should be assured of the right to return a majority of elected representatives. Only an electoral system like Hare-Clark can give this guarantee, and even it can do so only if an odd, rather than an even, number of members is chosen from each electorate.

In some circumstances the need for an odd number of representatives becomes more apparent than in others. When the chief contestants for all seats are candidates of two political parties of nearly equal strength, the need is most apparent. This is the situation which prevails in Tasmania today. When the Hare-Clark system was adopted in 1907 the present two-party system did not exist in Tasmania. Perhaps this could be one reason why an error was made in determining the electorate arrangements. The decision to have a thirty-member House and at the same time to utilise the five Federal electorate boundaries, meant that each Federal-State electoral division had to return six members.

Experience soon showed that it was a mistake to choose an even number of members from an electorate. As early as 1912 the mistake was widely commented upon (b). In recent years the

(a) This paper is written primarily for well-informed Tasmanians, of whom some knowledge of the Hare-Clark system and Australian electoral methods is assumed.

(b) For example: On pages 4 and 5 of the *Report on General Elections*, Parliamentary Paper No. 11 of 1912.

defect has become even more apparent, resulting in the anomalous situation of equal party representation in the House of Assembly despite unequal voting strength in the country. For a party to receive a majority of four of the six seats in any electorate, a 58 per cent vote is required. This percentage is higher than either of the two parties can usually achieve in a large, multi-member electorate; consequently both parties have generally returned, and can be expected to return, three members each per electorate despite unequal support among the electors. While this anomaly has caused severe criticism, the fault really does not lie in the Hare-Clark system itself but in the manner in which it is applied. Hence damage to the reputation of the Hare-Clark system and instability in Parliament will continue unless provision is made for an odd number of seats in each electorate.

The purpose of this pamphlet is to point out why the proper functioning of the Hare-Clark electoral mechanism requires the election of an odd number of members and to show why seven members instead of six should be chosen from each of the existing electorates.

The Hare-Clark system cannot serve as the model which the world needs until a change to seven-member electorates is made (1).

This change has been recommended by a Select Committee of the House of Assembly which last year after a careful study of numerous alternatives re-endorsed the Hare-Clark system. The Committee's conclusions were supported in unequivocal and forceful words by "The Mercury," which over a half-century ago was a leading force in the original battle for the establishment of the Hare-Clark system. In an editorial of October 30, 1957, it said—

" . . . The Hare-Clark system is mathematically the most efficient, and politically the fairest method of election. It has been subjected to considerable criticism in recent years because it apparently threatened to put the Assembly in perpetual deadlock, with 15 members on each side. But the system itself was never at fault; the method of using it was wrong."

" It is most gratifying that the committee, after careful comparisons with other electoral methods, has thoroughly vindicated the Hare-Clark system. In its view it is the best method of parliamentary election in the world—and this is no exaggeration . . . "

## PART II.

### THE OVERALL MERIT OF HARE-CLARK IS UNQUESTIONED.

Before examining the nature of the defect of the six-member quota and the reasons why the election of seven is required, let us first consider the overall value of the Hare-Clark method of representation and election. Despite grave weaknesses inherent in six-member divisions, one should not lose sight of the extraordinary advantages of Hare-Clark voting in general. As Tasmanians have been so long accustomed to the benefits of a uniquely superior electoral system they are likely to take its advantages for granted and fail to realise the dangers and defects of other electoral methods.

Moreover, the key importance of the electoral method to democratic society must not be overlooked, for it is the features of the electoral system in vogue which determines to a large extent the type of person chosen to office. Those elected become at once our law makers, the official spokesmen for our society, and the men responsible for the administration of public policy.

(1) Experience with seven-member electorates may show that further refinements can be made to the Hare-Clark system, as the last thought on electoral matters has not of course been formed. In fact, very little study or writing has been devoted as far as the science of elections. One reason for this lack is, of course, that electoral methods in the countries with single-member systems or first-past-the-post voting are so slapdash and crude that there is not much which is worthy of, or lends itself to, scientific study.

Although the following summary calls attention to numerous reasons for the superiority of the Hare-Clark method, the listing is not at all complete<sup>(1)</sup>. Moreover, this list compares Hare-Clark only with the single-member electorate system, which has been the only alternative seriously suggested for choosing the Tasmanian House of Assembly. It is hoped, however, that enough of the advantages of Hare-Clark are reviewed to show that this system is incomparably more satisfactory than single-seat electorates in serving the purposes of elections and in contributing to the improved functioning of democratic society. If one believes in democratic representation, it would appear that the advantages of Hare-Clark are a matter of demonstrated fact rather than merely of opinion.

### Advantages of the Hare-Clark System Summarised.

#### A. THE HARE-CLARK SYSTEM PROVIDES FOR THE FAIR AND ACCURATE REPRESENTATION OF THE VOTERS. SINGLE-MEMBER ELECTORATES DO NOT.

1. HARE-CLARK ASSURES<sup>(2)</sup> THAT THE WISHES OF THE ELECTORS ARE FAITHFULLY REFLECTED IN THE ELECTION OF MEMBERS OF THE HOUSE OF ASSEMBLY. On this major criterion of a democratic election system—whether it succeeds in reflecting, not distorting nor reversing the wishes of the electors—Hare-Clark succeeds pre-eminently and single-member electorates fail disastrously.

It is normal in elections conducted under single-member constituencies for nearly half of the "electors" to vote for defeated candidates. In these circumstances, in other words, nearly half of the voters are only "would be" electors, and are "represented" in Parliament by members whom they voted against and do not want. Under Hare-Clark close to three-fourths of the voters see their first choice elected to Parliament, and the votes of most of the remaining electors are effective in electing a candidate high in the elector's preference and within the party favoured by the elector.

The Hare-Clark system is purposely designed to give effect to the wishes of as many electors as is technically possible. In contrast, single electorates normally cause, in fact, the wastage of nearly half the votes and, in effect, therefore the disfranchisement of nearly half the voters.

This failure inherent in single-member electorates is not, moreover, just an abstract theoretical fault; it directly gives rise to practical consequences of gravest magnitude, as noted in the sections which follow.

2. HARE-CLARK CAN NORMALLY BE EXPECTED TO PREVENT A GOVERNMENT FROM BEING ELECTED BY A MINORITY OF THE VOTERS. Too often single-member electorates exemplify the phenomenon of the democratic process in reverse—conducting a poll and then giving victory to the side with the smaller total vote. Frequent examples from all over the globe show that single-member electorates do allow a party with a minority of the votes in the country to obtain a majority of the seats in the legislature, while its opponent with a larger overall vote receives only a minority of the seats.

A case in point is furnished by the Union of South Africa, where in the general elections for Parliament in 1948 and 1953 the present Nationalist Party Government obtained a huge majority of seats with a total vote much smaller than that given by the electors of the United Party Opposition. The party, therefore, which has been ruling South Africa since 1948 would not have

<sup>(1)</sup> A comprehensive and documented analysis of the advantages and disadvantages of the Hare-Clark system, with consideration of its less than big benefits and deeper political effects, is to be included in another study of the Hare-Clark system now under preparation by the writer. The dynamics of the operation of Hare-Clark and the less obvious reasons for its success are of course too lengthy for discussion in this paper.

<sup>(2)</sup> Subject to some exceptions resulting from use of the present six-member electorates.

been in Government, but in Opposition, if an electoral system reflecting the wishes of the people had been in effect. The "winning" party in those elections was not the majority choice of the voters of that country. Instead it represented only a minority of the electors, to whom the single-member system often gives a majority of the seats.

Variation in size of electorates, gerrymandering, and the first-past-the-post system of voting sometimes make it possible for the minority to govern the majority. None of these contributing conditions, however, was the cause in South Africa. The majority of the electors did not obtain a majority of the seats simply because of an inherent weakness of the single-member system: namely, the necessary cutting-up of the country arbitrarily into a multitude of small divisions which return only one member each. The election of only one member per division frequently means that one party, by winning its seats with larger majorities than its opponents, obtains a greater total vote but loses to the less popular party. This happens because the latter, though obtaining smaller majorities, has more instances of them because its vote, although being thinner, is spread more widely.

*If subdividing a country into single-seat electorates happens to result in a distribution which is a fair cross-section of political opinion, then the seats won by the respective parties may be in accordance with their popular strength. Sometimes this does occur under single-member systems, but only if the number of safe seats for one party is cancelled by an equal number of similarly safe seats for the other party, with the remaining seats being "swingera."*

When these particular circumstances arise and act to compensate for the crudeness and limitations of single-seat electorates, this "system" may sometimes give the appearance of affording representation to parties in accordance with public opinion. However, the situation illustrated by South Africa where the "winner loses and the loser wins" is always possible or probable under a system of single-member electorates. In contrast, the Hare-Clark system is scientifically and intentionally designed to prevent such thwarting of the democratic process and to assure that a majority of the voters return a majority of the elected representatives<sup>(a)</sup>.

**3. HARE-CLARK AVOIDS THE VAGARIES, GAMBLES, AND DISTORTIONS WHICH GENERALLY RESULT FROM ELECTIONS CONDUCTED UNDER SINGLE-MEMBER CONSTITUENCIES.** These capricious results are the rule rather than the exception and are found wherever single-seat electorates prevail. For instance, in the British House of Commons elections: Although the Labor Party's percentage of the total vote increased from 46 per cent in 1950 to 48.5 per cent in 1951, its representation decreased by 19 seats in the 1951 elections. Moreover, in 1945 with 48 per cent of the total vote Labor obtained 62 per cent of the seats (excessively disproportionate to its strength in the country); yet by 1951, although the percentage of the total vote received by Labor had increased to more than its 1945 vote (in fact exceeding the Conservative Party total), the number of seats won by Labor decreased drastically from 399 (62 per cent) in 1945 to 296 (47 per cent) in 1951.

Examination of the voting behaviour in Australia and other democratic countries shows that generally public support for the respective political parties changes only slightly or moderately from election to election, but such changes result in drastic fluctuations in the representation of the parties in the legislature. With single-member electorates, a switch of very few votes from one election to another may severely reduce or enormously magnify a party's membership in Parliament. Under Hare-Clark, since public opinion is faithfully mirrored in the composition of the House of Assembly, stability in representation—not erratic fluctuation—is achieved. If Tasmanian electors continue to prefer the two-party system along present lines, a numerically large Opposition can always be assured, and the Government can be expected to have a workable majority<sup>(b)</sup>.

<sup>(a)</sup> The assurance that a majority of the voters within an electorate return a majority of the members requires that the number of seats be odd rather than even, as explained elsewhere in this paper.

<sup>(b)</sup> Provided an odd number of members is chosen from the

**EVER-PRESENT HAZARDS NECESSARILY CONNECTED WITH DETERMINING BOUNDARIES FOR SINGLE-MEMBER ELECTORATES.**

Since election results under single-member systems are often influenced as much by the location of the electoral boundaries as by the strength of the voting, it is not surprising that instances and allegations of gerrymandering are widespread in many places using the single-member system. Because of geographical features and such factors as shifts in population, what is alleged as gerrymandering may often be an unavoidable consequence of the limitations of single-member electorates. However, whether what appears as gerrymandering in its effects is intentional or unavoidable, the accusations of undeserved victories leave bitter feelings and bring discredit to democratic principles in general.

Gerrymandering has been widely alleged in almost all Mainland States at some time or other, and charges by the Opposition parties of gerrymandering in both South Australia and Queensland over the last generation have been so severe as to weaken dangerously the citizen's respect for the democratic process. Unfortunately, "winning by cheating" and "dishonest victories" can too often be truthfully applied to gerrymandering with single-member electorates.

Happily, Tasmanians know that gerrymandering has not occurred under Hare-Clark elections and charges of rigging the electoral system have never been made in connection with Hare-Clark. The basic features of this system, including the large, multi-member electorates, serve as a precaution against gerrymandering. Furthermore, the electorate boundaries for House of Assembly elections are established by the authority of another body, namely, the Commonwealth Government.

**C. HARE-CLARK PROVIDES THE ELECTOR WITH A WIDER SELECTION OF CANDIDATES THAN ALMOST ANY OTHER METHOD OF PARLIAMENTARY ELECTIONS IN THE WORLD.**

At present the Tasmanian voter can choose his representative to the House of Assembly from among at least a dozen and usually more candidates. With seven-member electorates instead of six the scope of selection can be expected to increase somewhat. In contrast, the voter under the single-member systems normally has a choice of only two or three candidates or, in the event of uncontested elections, no selection at all.

One practical effect of this severe limitation of choice is that the elector must normally choose his representative solely on the basis of party affiliations and regardless of the personal qualification of candidates. When the elector is restricted to a choice between a party he considers unacceptable and an opposing candidate he considers inferior—and this is a common situation under single-member electorates—he generally chooses to accept the inferior candidate and to vote against the party policy which he dislikes.

The voter under Hare-Clark is spared from such invidious choices. With many candidates representing each party he can readily both endorse the political policy he favours and also vote for the candidate he considers most suitable. Assessment on the basis of the personal ability, character, and individuality of the candidates is taken for granted under Hare-Clark, but denied, for all practical purposes, to voters under single-member systems.

When the elector can pick and choose among a half-dozen or more candidates of his own party, as under Hare-Clark, he can exercise a significant discernment which results in more highly selected Parliamentarians. With the wide selection of candidates now available in House of Assembly elections, the appeal to electors here is to vote for someone, not against someone, as is the common practice under the single-member system. If the House of Assembly were chosen from single-member electorates, it could be expected that the present calibre of individual members would decline.

The numerous endorsements by each party under Hare-Clark elections enable both parties to nominate candidates attractive to a wide range of electors. When almost every Tasmanian elector can find a candidate to his liking from among the wide choice

offered by both parties, he is not inclined to look outside the two major parties for representation. The satisfying representation thus offered by the Hare-Clark system would seem to be an important reason why the two-party system is, and has been, stronger in Tasmania than any Mainland State and most places overseas.

#### D. HARE-CLARK ELIMINATES UNCONTESTED SEATS AND SHAM ELECTIONS.

The uncontested return of candidates, though common enough in most single-member systems, is quite undesirable from the standpoint of the public welfare. An immediate consequence, of course, is that even the small electoral privilege existing under single-member representation disappears altogether. The problem of citizen apathy, normally serious enough under the best of circumstances, is further aggravated.

Only a little less objectionable than unopposed elections is the so-called "safe" seat—so named because the party's majority in the electorate concerned is large enough to make the seat a certainty for that party. While this situation means easy comfort for the occupant of the safe seat, voters of the opposition party in this electorate are virtually disfranchised permanently. Retention of the seat comes to depend less on winning the support of the electors and more on pleasing the small number of party selectors who determine the endorsements.

Elections are a sham if the results are a foregone conclusion; yet this type of sham election is extremely common, normally accounting for more than two-thirds of the seats in a typical single-member State or country. Under Hare-Clark, of course, no seats are uncontested, and none is safe in the respect that a candidate can expect to be returned to office without working for it or without having earned support from the electors.

Genuine competition always exists, therefore, for seats in the House of Assembly. Since this means that Tasmania's M.H.A.'s must keep on their toes much more than their counterparts under single electorates, more effective representation is given to Tasmanian electors. The Parliamentarian who favours the single-member system primarily for the fact that it gives him a safe seat should remember that the fundamental purpose of a democratic election system is to provide satisfactory representation for the electors, not personal convenience for the elected. All candidates under Hare-Clark must work for their votes to win a seat in Parliament—because there are no "walkovers" into office via unopposed and safe seats; better service to the electors is one result<sup>(a)</sup>.

How the application of single-member electorates to the Division of Denison would create four safe seats is indicated in Table I. On the basis of the last State election returns, the use of this system would result in three "blue ribbon" Labor party seats, namely, Hobart Central and Hobart West, Hobart North, and Moonah, and one "blue ribbon" Liberal party seat. The remaining two seats would probably be "swinglers," with Hobart East and Hobart South favourable to Labor and New Town favourable to the Liberal Party (b).

(a) Because all Federal seats in Tasmania could be considered "swinglers" most Tasmanians probably have not experienced and may not know the evils of "safe" seats.

(b) The six proposed single-member electorates are formed from existing subdivisions. Moonah, New Town and Hobart North are large enough to make three electorates on their own. The remaining three electorates are obtained by combining adjoining subdivisions—one of the proposed electorates being made by joining Hobart Central and West, another by combining Hobart East and South, and the last by joining Nelson and Queensborough.

TABLE I(a)

Application of House of Assembly October 1956 Election Returns to Single-Member Electorate System Formed by Dividing the Existing Division of Denison into Six Electorates Based on Present Subdivisional Boundaries (b).

Probable Electorates	Labour Party	Liberal Party	A.C.L.P. (c)	Howe, Weld	Bound, Lloyd	Total Valid	Informal	Total Cast
Hobart Central	1,196	423	31	136	11	1,797	94	1,895
Hobart West	1,722	1,221	86	272	21	3,472	167	3,639
Totals	2,918	1,644	117	408	32	5,069	261	5,334
Hobart North	621	332	34	86	11	1,083	79	1,162
Hobart East	2,008	1,803	118	394	31	4,254	185	4,439
Hobart South	Totals 2,629	2,165	151	350	42	5,337	264	5,601
Meonah	3,218	1,744	137	377	12	5,608	280	5,888
New Town	2,095	2,557	167	379	19	5,237	169	5,406
Nelson	689	1,331	64	100	7	2,687	80	2,767
Queensborough	761	877	43	108	4	1,793	88	1,881
Totals	13,350	2,517	103	208	11	4,480	168	4,648
Total Ordinary Votes	14,647	12,317	719	2,086	126	30,004	1,334	31,238
Absent	1,506	1,794	91	206	11	3,679	132	3,811
Section 116A	14	18	1	3	—	36	1	37
Postal	450	703	24	62	3	1,492	19	1,511
Grand Total	16,617	14,317	900	2,356	140	34,660	1,496	36,056

It will be noted that the figures of this election would yield three blue ribbon Labor seats, one blue ribbon Liberal, and two swinging seats, with one of these going to the Labor Party and the other to the Liberal Party.

(a) All election figures in this paper are taken from official reports of the Tasmanian State Electoral Department. The returns shown in this table are first preference votes.

(b) For further explanation of proposed, illustrative electorates, see footnote (b), p. 10.

(c) A.C.L.P. signifies Anti-Communist Labor Party.

**E. HARE-CLARK REDUCES THE EXAGGERATED INFLUENCE AND BALANCE-OF-POWER POSITION OFTEN GIVEN TO SMALL POLITICAL FORCES AND PRESURE GROUPS DURING ELECTIONS WAGED IN SINGLE-MEMBER ELECTORATES.**

Single-member electorates produce the "worst of two worlds"—on one hand, safe and uncontested seats, which in effect disfranchise large sections of the population; and on the other, "swinging" seats which magnify enormously the power of small groups.

Although the Hare-Clark system gives representation to all contesting groups in proportion to their size provided they can reach a quota, a group that cannot attract a quota of supporters may have little or, possibly, even no influence. In contrast, in any marginal electorate in a single-member system, the seat may swing from one party or the other because of the switch of only a few votes.