

# Counting on reform

Understanding the AV referendum

Paul Bickley and Iona Mylek

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# introduction

In May 2011, British voters are to be given the opportunity to choose between two electoral systems: First Past the Post (FPTP) and Alternative Vote (AV). The referendum is part of the Conservative-Liberal Democrat coalition agreement and, according to Deputy Prime Minister and Leader of the Liberal Democrats, Nick Clegg, it offers “a simple change that will make a huge difference”.<sup>1</sup>

Also this year in their general election in November, New Zealand voters will be asked in an indicative referendum if they would like to keep their current Mixed Member Proportional (MMP) electoral system, or whether they would like to change to one of four alternative systems. If a majority of voters choose to change electoral system, the intention is for a subsequent binding referendum to be held to choose between MMP and the preferred alternative.

In order to prepare voters for these choices, Theos, the UK based public theology think tank, has worked with the Centre for Theology and Public Issues at the University of Otago, in New Zealand, to produce this resource. *Counting on Reform* is a joint publication, although the version you hold in your hands is the UK edition which mentions the choices available in New Zealand but focuses on the narrower one before the UK electorate.

The report is not an attempt to persuade readers that either FPTP or AV is the *better* system. It studiously avoids telling readers how to vote. Rather, it is an attempt to equip voters to understand better the choice before them and, in particular, the ideas beneath that choice. In this regard it is not a theoretical analysis of electoral systems nor a campaigning tool, but a resource to deepen and broaden our understanding of the issues at stake.

**Political issues are never just or narrowly political.**

If it is asked why two theologically-grounded organisations have engaged in this work, the answer lies here. Theos and the Centre for Theology and Public Issues engage with political issues on the basis that political issues are never just or narrowly political. Voting reform is not simply about procedures or systems or projected electoral outcomes. Instead, beneath surface questions like which system “works” better, or how would AV change the colour of the UK political landscape, there lie questions about the

nature of representation (where does the legitimacy of elected officials come from?); the value of political stability (do we want our leaders to be able to implement their political visions, even if this risks seismic shifts at election time, or would we prefer them to negotiate and work collaboratively?); and the importance of electoral simplicity or complexity (is a simpler system more genuinely democratic?).

These are all, inevitably, value-judgements, which involve us drawing on (often unexamined) presuppositions about what matters in public life, and it is this which helps explain why you will find intelligent, thoughtful and well-meaning advocates on both sides of the argument. Amidst the heat of a referendum campaign it is important to remember this, and to recognise that whether one favours a First Past the Post system or the Alternative Vote, an element of faith or, less contentiously, electoral trust is demanded.

Chapter 1 looks at the electoral landscape behind the 5 May referendum. It begins by exploring the different types of electoral system on offer in May – so-called “plurality” and “majority” systems – before proceeding, more briefly, to two other types of electoral system that lurk in the background of the current debate, proportional representation and mixed voting systems. Chapter 2 then distils and examines the three fundamental ideas beneath all these different electoral systems – representation, strength of government, and system complexity – opinions of which will determine the response to different systems.

Chapter 3 then turns to the arguments swirling round the referendum itself. It begins with a brief history of recent attempts to change the UK electoral system, before considering the arguments for and against FPTP and AV, particularly in light of the earlier discussion of representation, stability of government and complexity. Time-pressed readers may wish to turn to chapter 3 immediately for an overview of the choice they face on 5 May, but the ideas and arguments in this chapter will make better sense when located in the broader context of chapters 1 and 2.

Ultimately, the decision on which electoral system is best for the UK (and New Zealand) will depend on deeply held personal beliefs, commitments and values. This publication acknowledges that fact, and treats the debate as one that cannot simply be settled by the dispassionate weighing of comparative examples, statistics, or electoral predictions. This is not a decision to be taken lightly, and it is one that we leave up to the reader to make in the light not just of party commitments or campaign rhetoric, but of understanding why we value what we value about our democratic institutions.

# introduction references

1. Nick Clegg speech in support of the Alternative Vote System, 18 February 2011  
<http://www.newstatesman.com/2011/02/vote-mps-means-post-past> (accessed 17 March 2011).

## the landscape behind electoral reform

Although every country's electoral system is slightly different, electoral systems can be broadly divided into three different types – plurality and majority systems, Proportional Representation (PR), and mixed systems. In contrast to New Zealand's referendum in late 2011, which will offer voters a range of types, representing plurality, majority, PR, and mixed systems, the choice offered to the public in the UK is between a simple plurality system and a majority system. We will examine these two systems first before briefly turning to PR and mixed systems which, while not on offer in May, still hover in the background of the debate.

### “plurality” systems

The most common form of plurality electoral system is technically termed as “single member plurality” (SMP), although it is known colloquially as First Past the Post (FPTP). It is used in the United Kingdom, Canada, India and many elections in the United States. As its “official” name suggests, SMP is based on single-member constituencies where voters return one representative for each constituency. The winner of a constituency is the candidate who gains a *plurality*, or the largest number, of votes regardless of what proportion of the total votes this is.<sup>1</sup> The legislature is then made up of the winning candidates from each constituency (hence at the time of the 2010 General Election the UK had 650 constituencies which returned 650s MPs to Parliament).

The government is then made up of the largest party or parties in the legislature. Since plurality systems tend to exist in and encourage political cultures where the main competition is between two large parties, it is one of these two that usually emerges from the election with a clear majority of seats and so is able to form a government without having to form a coalition. However, they usually do so without winning a majority of the total votes cast (as was the case in New Zealand from 1954 to 1993<sup>2</sup>) and may even win a smaller proportion of the total popular vote than the second placed party, such as when there are significant disparities in the size of constituencies. In the February 1974 UK general election, for example, the Conservative Party polled over 200,000 more votes than Labour, but secured four fewer seats in a balanced or “hung” parliament.

## “majority” systems

Majority systems share many similarities with plurality systems but have one crucial difference: in order to win a seat, a candidate must win an *absolute majority* of the votes (in other words, over half of the total votes cast). This avoids the problem of a candidate winning despite a minority of voters supporting him or her, either because of the number of candidates standing for election was large or because the opposition vote was split.

Absolute majorities are not the norm in plurality systems. In the 2010 UK general election 214 of the 650 successful candidates won a majority (i.e. more than half) of the votes polled. The majority solution to this is to design the voting system differently, either through a two-round system or an alternative/preferential voting system.

The former system holds two separate votes on separate days – one based on a plurality system, which selects the two most popular candidates from the full range of those standing, and a second, where the two remaining candidates “run-off” against each other, with one gaining a majority of the votes. This system is used in presidential elections in a number of jurisdictions, most notably France.

The latter operates on the same principle, but avoids the need for two separate election dates by requiring voters to rank candidates in order of preference on the same ballot paper. If no one candidate has an absolute majority of votes, the lowest-polling candidate is eliminated and her votes distributed in accordance with the second preferences stated on her ballot papers. This carries on until one candidate gains an absolute majority of the votes.

An example should help clarify this. In the constituency of Bolton North East, the results in 2010 under the FPTP system were as follows:

### General Election 2010: Bolton North East<sup>3</sup>

Party	Candidate	Votes	%
Labour	David Crausby	19,870	45.9
Conservative	Deborah Dunleavy	15,786	36.5
Liberal Democrat	Paul Ankers	5,624	13.0
UKIP	Neil Johnson	1,815	4.2
You Party	Norma Armston	182	0.4
	<b>Turnout</b>	43,277	64.3

Under the current FPTP system, the Labour candidate, David Crausby, won the election but without an absolute majority. The second placed Conservative candidate came a significant way behind on 36.5%, while the Liberal Democrats come in third on 13% of the vote.

In an AV election, the winning candidate would have to achieve 50% support, which with the 2010 turnout would mean 21,639 votes. The winner under FPTP was 1,769 votes short of that threshold. Assuming – for the sake of this example – that the distribution of first preference votes would mirror votes cast under first past the post, an election under AV in this system would see the You Party candidate eliminated first. For the sake of argument, let’s say that all but two You Party voters made second preferences, but that these were distributed evenly amongst all the other parties, leaving them with their initial vote plus 45 (the 180 You Party preferences divided amongst the four other candidates). This first stage of this distribution still does not see any candidate achieve a 50% threshold.

The UKIP candidate is next to be eliminated from the ballot. For the sake of argument, let’s say all his voters’ second preferences – and the third preferences of 45 of Norma Armston’s voters – go to the Conservative Party giving the Conservative candidate 17,646 votes. The Labour candidate still leads, but not yet with an absolute majority. At this point, the second preferences of the Liberal Democrat voters are redistributed. Given the ideological spectrum, let’s say that 5,000 next preferences go to Labour, and the remainder to the Conservatives. The Labour candidate wins, but now with more than 50% of the voters having registered a level of support for him. This is presented in the table below.

### Hypothetical AV Election: Bolton North East

(50% = 21,639 votes)

Party	Candidate	1st prefs.	2nd prefs.	3rd prefs.	4th prefs.
Lab	Crausby	19,870	19,915	19,915	24,915
Con	Dunleavy	15,786	15,831	17,691	18,360
Lib Dem	Ankers	5,624	5,669	5,669	Eliminated
UKIP	Johnson	1,815	1,860	Eliminated	
You Party	Armston	182	Eliminated		

A more improbable, but not impossible scenario, could see the Conservatives taking 4,002 next preferences from Liberal Democrat voters, and therefore winning the seat.

While the two-round system may be simpler for voters, it raises significant problems relating to the need for two separate election dates. The alternative or preferential voting system avoids this problem, but it comes at the cost of being more complex and placing a heavier informational burden on voters. (Nor is it strictly the same as two round voting, as the ranking of candidates and transfer of votes produces a different result than may occur under a two-round system.)

Following the election, the legislature is then made up of the winning candidates from each constituency. As with FPTP, the government is made up of the largest party or parties in the legislature. In theory, as with plurality systems, the leading party will often emerge with a majority of seats, and so will be able to form a majority government. In practice this may not be so common, and its use in Australia has prompted the formation of the enduring liberal-national coalition.<sup>3</sup>

## why is everyone getting so excited?

In the current debate in the United Kingdom, which sees a straight run off between the First Past the Post and Alternative Vote systems, the first thing that we should note is that the two systems are, in fact, very similar. Both focus on constituency electorates, and deliver a single representative for that electorate in a winner-takes-all contest. Both plurality and majority systems are viewed as leading to “strong”, stable, effective and accountable governments by virtue of their tendency to produce single-party majority governments. Neither system is intended to deliver a parliament that is closely representative of the electorate (see chapter 2). Nor do they seek to allow much space for minor parties or special interest representatives.

There are differences between the systems, to which we shall turn in chapter 3, but in view of the rather more substantial differences that exist between other electoral systems, it is important to recognise that FPTP and AV are, so to speak, close cousins. Moreover, given that some who are campaigning for AV have previously described it as a “miserable little compromise”<sup>4</sup> it is easy to ask why there is such heated debate between proponents and opponents of a change.

Part of the answer is that, for many proponents of change, AV is considered to be a compromise and a transitional gain (perhaps on the way to a Single Transferable Vote system which, in terms of what voters are expected to do, bears a lot of similarities to AV). With a marginally increased likelihood of hung parliaments (we will explore that further below), a strongly placed third party (i.e., the Liberal Democrats) could make future

coalition agreements dependent on further reform to the system for the election of the House of Commons. While proportional systems are not “on offer” in the referendum<sup>5</sup> some consideration of these systems is therefore appropriate.

## proportional representation (PR) systems

In contrast to the FPTP and AV systems, multi-member PR systems are designed to place greater weight on closely representing the make-up of an electorate in its parliament (see chapter 2). They aim to produce governmental bodies that are highly proportional (have a high level of “proportionality”) in representing the voting preferences of the electorate, and somewhat more accurate in reflecting the diversity of society at large.

Rather than using single-member constituencies to elect “local” representatives, which then make up the legislature, PR systems utilise multi-member constituencies, or larger regional or national-level constituencies. In this way, they are able to avoid the “winner-takes-all” result of plurality and majority systems and enable the allocation of seats based on the overall proportion of votes gained by each party. There are several different types of PR system, with the main two groups being party “list” systems and single transferable vote (STV) systems.

### list systems

List systems are one of the most common forms of electoral system used in modern democratic societies, although there are many different variations employed. They operate on the basis of larger (e.g. regional) constituencies, with political parties drawing up “lists” of candidates, ranked in order of party preference.

These can be either “closed” or “open” lists. In closed list systems, voters vote for a particular party, and the proportion of that party’s seats in the legislature is filled by the candidates on the party list, in rank order (so if a party wins 49 seats, the first 49 candidates on the list are elected). In open list systems, voters have the option to choose and rank the candidates themselves.<sup>6</sup> Different open list systems permit varying degrees of “openness”, with some requiring voters to select candidates from the same party, some allowing voters to rank candidates within a party in order of preference, and some even allowing voters to cross party lines. The legislature is then elected with the proportion of votes gained by each party determining the proportion of seats allocated, and the ranking of candidates to fill those seats determined by the election results, although many list systems include a threshold requirement to prevent the proliferation of small or extremist parties.

List systems tend to produce highly proportional legislatures, with strong parties and therefore relatively centralised governments (particularly in cases of closed list systems). However, they severely undermine the constituent-representative relationship through the removal of single-member constituencies or electorates.<sup>7</sup>

### *single transferable vote*

Another form of PR, Single Transferable Vote (used in national elections in the Republic of Ireland, European, local and Assembly elections in Northern Ireland, and local elections in Scotland since 2007), overcomes this dilemma through the use of multi-member constituencies, which allow some form of representation while retaining proportional allocation of seats in the legislature. Voters vote in the same way as in AV elections and list individual candidates by numbered preference. A formula is used to establish a quota which a candidate is required to reach before he or she is elected.<sup>8</sup> When a candidate is elected, his or her surplus votes are redistributed to other parties, and last placed parties are eliminated, until all the seats in a constituency have a representative. Some STV systems also allow voters to cast a party vote. The successful candidates from each constituency make up the legislature. Although the results in individual constituencies under STV may not be proportional, the overall national results (and hence, the representative assembly) are fairly proportional.

## mixed systems

Mixed electoral systems have become much more popular in recent decades and, as the name suggests, generally involve a mixture of plurality/majority and PR mechanisms. Their aim is generally to provide greater proportionality while retaining the emphasis on local constituent-representative relationships. In practice, this usually involves electing local representatives on a plurality or majority basis, and then attempting to mitigate the disproportionality caused by this through the election of additional list representatives.

Mixed systems are used for the German Bundestag, the New Zealand House of Representatives and in the UK in the Scottish, Welsh and London Assemblies. The 1998 Jenkins Commission recommended that such a system (Alternative Vote top up or "AV+") be used for national elections in the UK. Such mixed electoral systems can vary significantly between one another. Some systems employ one-vote and others two-vote ballots, some using plurality and others majority to elect constituent MPs. They also use a range of different electoral formulas to elect list MPs and enhance proportionality, different proportions of constituent and list MPs are used to make up the legislature, and they differ in whether the allocation of list seats supplements constituent seats or ensures that the total distribution of seats in the legislature is proportional. Each of these features influences the eventual proportionality of the legislature to the vote.

Neither PR nor mixed systems are on offer in the May referendum, although some AV advocates will have them in mind as the only "fair" long-term solution for British electoral politics. The brief discussion here serves partly to highlight the relative similarity of the two options – First Past the Post and Alternative Vote – that are on offer in May, and partly to draw attention to the ideas and ideals that underlie all electoral systems.

It is to these that we now turn.

# chapter 1 references

1. This is sometimes referred to as a 'simple majority' or a 'relative majority', leading some to refer to SMP/FPTP systems as majority systems. However, for the sake of simplicity, we will refer to this type as 'plurality' or FPTP.
2. Electoral Commission, "General elections 1890-1993 – seats won by party," available online from: <<http://www.elections.org.nz/elections/resultsdata/fpp-seats-won.html>>.
3. [http://en.wikipedia.org/wiki/Bolton\\_North\\_East\\_\(UK\\_Parliament\\_constituency\)#cite\\_note-1](http://en.wikipedia.org/wiki/Bolton_North_East_(UK_Parliament_constituency)#cite_note-1)
4. See Farrell, David M., *Electoral Systems: A Comparative Introduction* (Basingstoke: Palgrave, 2001) pp. 49-67.
5. Nick Clegg, in response to Gordon Brown's offer of a referendum on AV as part of the Labour Party election manifesto.
6. Variants of proportional systems are already in place in other jurisdictions and are used for some elections in the UK, such as Northern Ireland Assembly and European elections.
7. That choice is not compulsory, i.e. voters also have the option of voting simply for a party and its pre-ranked candidates, as in the closed list system.
8. See Farrell, *Electoral Systems*, op. cit., pp. 68-96.
9. The one most commonly used is the 'Droop quota', which is calculated by dividing the total number of votes cast (V) by the number of seats (S) in the enlarged constituency, plus 1 – i.e.: Droop Quota =  $V/(S+1)$ .

## the ideas beneath electoral reform

Electoral systems can differ widely, ranging from the relative simplicity of UK general elections to the relative complexity of some of the mixed vote systems that are on offer in New Zealand this year. Even when the options on offer are limited, straightforward and similar, as in the UK in 2011, the decision as to which system is most desirable may not be easy.

An individual's decision will invariably depend on what she wants the electoral system to do. Although there are many ways of answering this, there are three key and distinct elements of electoral systems that have a significant bearing on the nature of democracy – the concept of *legitimate representation* they embody, the *strength of government* they produce, and their *complexity* – each of which demands attention.

### representation

Democracy, as everyone knows, is government "by the people, of the people, for the people." But precisely who constitutes the "people" is perhaps the most fundamental source of contention between proponents of different electoral systems. It is a distinction about what it means to "represent" an electorate, with opinions veering towards either "microcosm" or "principle-agent" conceptions of representation.<sup>1</sup>

#### *"microcosm" or "socially descriptive" concepts of representation*

Microcosm or socially descriptive conceptions of representation hold that the government of a society or its representative assembly should be just that – a descriptive reflection of the society itself. In this view, those elected to such a body should be as close to a "representative sample" of the population as possible. In other words, if a society is made up of half men and half women, or 15 percent indigenous people and 85 percent descendents of settlers, then parliament should contain approximately the same proportions of each group. The same goes for political views and philosophies. As American statesman John Adams argued, legislative assemblies "should be an exact portrait, in miniature, of the people at large, as it should think, feel, reason and act like them."<sup>2</sup> Parliaments should be "microcosms" of the societies they seek to represent.

This representativeness is generally measured by the proportionality of parliament vis-à-vis the make-up of the popular vote – principally in terms of political parties, but also in terms of minority and interest representation. Thus, if 20 percent of the votes in an election are cast for party X, that party should have 20 percent of the total number of representatives sitting in parliament. As noted above, proportional representation systems are more likely to achieve this than plurality systems like FPTP and, accordingly, they are favoured by those who believe that representation is most legitimate when it is “socially descriptive”.

### *“principle-agent” conceptions of representation*

By contrast, principle-agent conceptions of representation place more value on the actual decisions made by representatives and their assemblies than on the composition of these assemblies. In this view, representation is taken to mean that the interests of the people are represented by those elected to represent them. As long as parliament makes decisions on behalf of its citizens, and in their interests, it is considered to be representative – regardless of whether it reflects the demographic makeup of society as a whole. In this respect, the proportionality of parliament is held to be less important than the relationship of representatives to their constituents, and proponents of principle-agent conceptions of representation tend to favour constituency-based plurality or majority electoral systems over proportional representation.

## the strength of government: stability, effectiveness, accountability

These three issues are appropriately assessed together, as they are generally taken to be signs of “strong” or effective government. The choice between electoral systems is often believed to necessitate a trade-off between proportional representation and such “strong” government (though in the current debate over AV in the UK, the “Yes” campaign would observe that a “weaker” coalition emerged under the current FPTP system). Perhaps the most contentious issue in this respect is government stability.

### *stability*

Proponents of plurality and majority systems often hold governmental stability to be the most important consideration in assessing electoral systems. Such stability is seen as being ensured through single-party majority governments which, because they do not need to consult with other parties over policy or retain their support to remain in power, are viewed as more stable, or less vulnerable to division or premature collapse.

Hung parliaments, and minority or coalition governments, by contrast, both of which PR systems often produce, are often seen as inherently unstable due to the need for consultation and consent between ideologically divergent parties. While such governments are not necessarily more likely to collapse, they rely on ongoing cooperation between parties with different ideological and policy commitments. Such governments are limited in their freedom of action, and their position is undoubtedly more tenuous than that of single-party majority governments.

However, stability, understood more broadly, does not only apply to the existence and survival of a particular government. “Executive turnover” (i.e., the frequency and rate at which governments are replaced) is another measure. High rates of turnover can inhibit political stability over the longer term, such as through major swings in policy agendas that may come with changes of strong governments. Arguably, coalition governments encourage policy moderation, negotiation and consensual decision-making through the need to work with other parties. Similarly, PR systems often produce lower rates of complete government turnover and, even with government change, policy swings are likely to be less drastic.

It should be noted that precisely what are advanced as the greatest strengths of a voting system by its supporters are often seen by its opponents as its greatest weaknesses. Here, proponents of strong single party government would bemoan the way in which systems that lead to coalition can lead to the entrenchment of particular combinations of parties in coalition government. As Tony Benn has long argued, “In countries that have proportional representation the electorate can only stir the mixture of political parties forming the governing coalition, but can rarely get rid of the whole bunch and replace them with others.”<sup>3</sup> The ability to “get rid” of unpopular governments is therefore often pleaded in favour of majority systems.

### *effectiveness*

Another area where proponents of plurality and majority systems are seen to have the advantage is government effectiveness. This is taken to mean the existence of “strong” governments which are able to design and implement policy quickly and firmly, without excessive compromise or inhibition. Again, such effectiveness is viewed as being enhanced through the existence of single-party plurality or majority governments, which can often design and implement policy quickly without being impeded by parliamentary opposition or political division. Legislation is voted on along “whipped” party lines in a legislature where the election winner can command a clear majority.

Such “effectiveness” need not be a good thing, however. It is important to assess government effectiveness not only in terms of speed and ability in passing legislation, but in the nature of that legislation and its implications for society as a whole. Comfortable

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majorities and easily whipped MPs can enfeeble the critique that all government activity needs. Equally, if a government implements significant policy reforms only to have them reversed with a change of government after the next election, then it cannot be said to be very effective. Nor is it necessarily clear that a strong policy agenda from a particular administration which causes significant social and economic upheaval and unrest should be held up as an example of good government.

In any case, a significant majority in the legislature is only one factor amongst others of a government successfully pursuing a policy agenda. In this respect, systems which tend toward coalition governments can increase government effectiveness through the encouragement of more moderate policy agendas and the need for cross-party cooperation which facilitates the inclusion of a wider spectrum of views in policy- and decision-making.

### *accountability*

A third related element is accountability, the extent to which a government is deemed to be responsible and therefore accountable for its actions. Here, the nature of the constituent-representative relationship is again important. Supporters of constituency-based plurality and majority systems argue that because under these systems MPs are directly elected by voters in their constituency – and are therefore vulnerable to withdrawal of electoral support if they break election promises or perform poorly – they foster accountability, and hence the legitimacy of the government, the electoral system, and democracy in general. Furthermore, proponents of plurality systems also argue that such systems allow governments as a whole to be held accountable for their record by decisively removing them from office.

It is important to note, however, that under a plurality (and, to a lesser extent, majority) system, MPs are only elected by a proportion (and sometimes by a very small proportion) of voters, which means that in many cases over half of the electorate may not support them. Thus MPs technically need only be responsive to public opinion to the extent that they need re-election. In the case of “safe seats”, where on the basis of entrenched and predictable voting patterns a party or candidate can be more or less certain of being elected, critics of majority systems argue that a representative can be almost impossible to remove, no matter how indifferent his or her personal record is. By contrast, under PR and mixed systems, an MP is less likely to be certain of election, and might therefore be more diligent in his or her work. In this sense, they are more accountable to voters, whether in a constituency or national electorate. This is a key theme in the FPTP versus AV debate.

Under PR and mixed systems, MPs are far less able to break corporate party promises or perform poorly without it affecting their own or their party’s chances in subsequent elections (though as with virtually every plus point in this debate, this can also be construed as a negative, in this instance as lessening the extent to which representatives are likely to operate with independence). Moreover, because of the importance of minor parties in forming coalitions, MPs and parties are less able to ignore the interests of minority groups in society. All of this – not to mention the inclusion of minority groups and special interests in parliament – has the potential to enhance the legitimacy of government, the electoral system, and democracy.<sup>4</sup>

Accountability also rests, however, on clarity over what a party’s agenda in government might be. Under systems which tend to result in hung parliaments, governments are more likely to have to negotiate and draw up policy agendas *after* an election (as the Conservatives and Liberal Democrats did in 2010). In this instance, parties, let alone single representatives, can not so easily be held accountable to commitments made in manifestos or public debate *before* the election. Nor is the eventual policy agenda of a coalition tested on public opinion in advance of its implementation. All this can result in a government which, while more moderate and proportionate, implements an agenda that is less legitimate.

## complexity

The complexity of electoral systems is seen to relate to one or more of three areas:

1. The voting process itself (do voters know how to fill in the ballot slip correctly?);
2. The question of strategic or tactical voting (is it easy for a voter to see how best to use the system to advance their own interests if, for instance, their preferred candidate has a negligible chance of winning?);
3. The process of translating votes into political representation (what formula is used to translate the amount of votes cast to the number of seats gained by a party?).

In all of these respects, plurality systems can be said to have the advantage over majority, mixed or PR ones. Under single-member plurality systems like the current UK system, voters have one vote, on one date, for their most preferred constituency candidate, and the candidate who wins the constituency is awarded a seat in the representative assembly. If the preferred candidate of the voter has little support, a voter can easily transfer her vote to another candidate, perhaps with a view to ensuring that her least preferred candidate does not win (in the UK General Election of 1997, tactical voting was used to significant effect against the incumbent and unpopular Conservative

government). The government is then formed by the party that has the majority of members in the assembly. AV, as we have noted, is a little more complex than this (although only a little) but under other systems, voters may have two votes (such as a local electorate vote and a nation-wide party vote), two separate election dates, or have to rank candidates in order of preference, and the representative body may be made up of local electorate candidates, list candidates, or a mixture of both, all of which are elected and allocated seats on the basis of (often complex) mathematical formulae.

Understandably, it is important for voters to understand the voting process and, to some extent, the process of translating votes into seats, in order to make free and informed decisions, and to have confidence in the system. The cost of complex voting procedures is that they may confuse or place a relatively heavy information burden on voters, presenting the potential for low voter turn-out, or manipulation by party and political elites who abuse the opportunity to “help” voters understand the process. If real, these effects carry implications for the formation of stable, effective and legitimate governments.

By definition, our consideration of these questions is speculative, and can only be partly evidence-based on the experience of changes in other jurisdictions. In the UK and under the simple First Past the Post System, figures for spoiled ballots are relatively low, while under some other UK elections (for instance, the Scottish Parliamentary elections under the Additional Member System in 2007), they have been worryingly high (in this case, seven percent – though this has been put down to misleading ballot design and the fact that local elections were also running under the Single Transferable Vote system). In countries which use AV for national elections (Australia, Fiji and Papua New Guinea), the percentage of spoiled papers is relatively high, although the fact that voting is compulsory in Australia will explain this to a degree.

The relationship between system complexity and voter misunderstanding is not direct or fixed. In New Zealand, for instance, despite predictions of voter confusion before the introduction of the Mixed Member Proportional system in 1996, there is a fairly high level of public understanding, such that only 0.51 percent of votes cast in the New Zealand 2008 general election were spoiled or invalid.<sup>5</sup> This level of spoiling compares favourably with levels under the putatively simpler First Past the Post system in the United Kingdom.

Complexity, understood as the ease or otherwise with which a voter can complete his or her ballot paper, is clearly a significant issue. Measures can be taken to minimise difficulties, such as simple and clear design of ballot papers, helpful and accessible voter information and not holding elections under different systems on the same day. That those things might be necessary, however, reinforces the point that complexity is a not insignificant barrier to moves away from simple plurality voting systems.

## conclusion

These three ideas, relating to the basis of representation, the strength of government they produce, and the importance of simplicity, underlie any electoral system. The difference between how different political cultures weight these different factors is most clearly on show when there are significantly different systems in place. Britain’s current plurality system is noticeably different to Italy’s closed-list system in terms of its conception of representation, just as it is also noticeably different to the Belgian system which has had severe problems in returning a strong or effective – or indeed any – government over recent years.

Compared with these examples, the difference between FPTP and AV on offer on 5 May might not be so clear. Nonetheless there are subtle differences in these three areas, as chapter 3 goes on to examine.

## chapter 2 references

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## the prospect of electoral reform

So far, we have concentrated primarily on the electoral landscape in which the choices in May's referendum are located, and the political ideas that underpin all electoral systems. However, such systems are only ever one element of a nation's democracy. Electoral outcomes are also influenced by voter behaviour over time, by the comparative strength and number of political parties, and by the kinds of government different systems have elected. In this section we will give more detailed consideration to the two systems on offer in the UK referendum, and to the arguments put for and against them, in the light of the available information we have on how they might function in the British political context.

### the background debate

Electoral reform has been on the British political agenda for as long as there has been a mass franchise. As the British constitution evolved, some people began to argue that the territorial principle on which the First Past the Post system was built had been undermined by the development of a more rigid party structure. By the end of the nineteenth century, a Proportional Representation Society had been formed, with most campaigners favouring a change to the Single Transferable Vote.

Political opinion on the issue in the early twentieth century was driven by a number of specific complex factors, including Irish home rule. A Royal Commission of 1909-1910 recommended AV for elections to the House of Commons and a "Speaker's conference" in 1917 recommended a change to a hybrid system, where AV would be used in rural areas and STV in larger urban districts being used to elect five or more Members. *The Representation of the People Bill 1917* initially contained both proposals, but both were then removed when disagreements between the House of Commons and the House of Lords could not be resolved. A further Bill that sought to introduce AV for the House of Commons was lost when the Labour government resigned in 1931.

Between then and the 1980s, the question of electoral reform was marginalised, not least because of the country's *de facto* two party system. During the 1980s, however, several things happened that served to return the idea to the political agenda. Of greatest significance, the founding of the Social Democratic Party and its subsequent alliance with the Liberal Party created a much stronger third force in national politics, capable of

winning significant public support. In the 1983 general election the SDP/Liberal Alliance took 25 percent of the national vote (closely behind Labour's 28 percent) but under the FPTP system this only delivered 23 seats. This, together with the resurgence of Scottish and Welsh nationalism, gave the sense that the political landscape had changed, bringing to an end the period of two-party dominance, and that the electoral system failed to give space to a more plural party culture. Where academics have sought to give a measure to disproportionality, i.e. the extent to which the composition of the House of Commons after an election reflected the range of votes cast in the election, they have found that under these new conditions, general elections have indeed become more disproportionate over time.

The Liberal Democrats have continued to be the main losers under the existing system. In 1992, their 17.9 percent of the vote would have translated to 97 seats under a perfectly proportional system. Instead, they emerged with just 20. Not surprisingly, therefore, it is the Liberal Democrats who have led the calls for change, though the Labour Party's extended period out of government (1979-1997) strengthened the voice of those in the Party who supported reform. Party leader John Smith committed the party to pursuing a referendum in government, and Tony Blair's winning 1997 election manifesto promised "an independent commission on voting systems" that would "recommend a proportional alternative to the first-past-the-post system".<sup>1</sup>

The Independent Commission on the Voting System (widely known as the Jenkins Commission after its chair, Lord Jenkins of Hillhead) considered both the FPTP system and the Alternative Vote. Although published thirteen years ago (and favouring AV with a top-up for proportionality rather than AV), its comments on the systems on offer in May 2011 remain helpful, giving insight into the actual effects of the system in the British political context. We shall consider these briefly before turning to the arguments of the contemporary "Yes" and "No" camps and, finally, evaluating the systems on offer against the criteria identified above.

### *first past the post*

The Jenkins Commission noted the advantages to this system beginning with the simple fact of its familiarity and incumbency, and the lack of any major public agitation for a change (the commission's own public hearings had attracted very little interest). Further the commission noted that the system, by dint of the penalty against smaller parties and the reward offered to the winning and second place parties, had usually (though by no means invariably) delivered majority single party governments. Voters simultaneously vote for a local representative – thus delivering a house full of members elected equitably and with direct geographical relationships – and for a national government. No matter how partisan an individual MP may be, the commission argued, the direct relationship encourages them to serve all their constituents well.

Further advantages included the way in which the system consistently marginalises extremist or fringe parties (although smaller, non-fringe parties like the Green Party obviously do not see this as an advantage); the way that its simplicity and the single party result it usually delivers contributes to the speed with which the system operates; the way in which it gives the public the ability to eject and "punish" unpopular governments; and the freedom it gives to unorthodox MPs who are nonetheless able to command local support.

Against FPTP, the commission observed how the system exaggerates movements in opinion, delivering "landslide" majorities on the back of moderate public support. This "bonus" effect has seemed to increase over time, a function of widely spread third party support. The Labour landslide of 1997 was delivered on a much smaller proportion of the public vote than, say, the Conservative landslide of 1959 (418 seats on 43.2 percent of the popular vote v. 365 seats on 49.4 percent). The Commission argued that large majorities were not conducive to the effective working of the House of Commons, and were viewed with suspicion by the general public.

Moreover, as well as delivering exaggerated results, FPTP is capable of delivering results that are downright perverse. In both 1951 and February 1974 the winning party polled fewer votes nationally than the second place party. Over time, the FPTP system develops clear biases against particular parties, where a given number of votes translates into significantly more seats for one party than another. This occurs because of a variety of factors, such as parties piling up votes in "heartland" seats while failing to make progress in marginal seats, discrepancy in the size of seats, and lower turnout in Labour seats – all of which means that it takes fewer votes to win some seats than others. This bias is now strongly in favour of the Labour Party.

The most oft-quoted example of the bias at work – also noted by the Jenkins Commission – is that the Conservative Party polled roughly the same number of votes in 1992 as Labour polled in 1997, but the Conservative vote in 1992 delivered a shaky majority of 22 whereas in 1997 Labour achieved a massive one of 179. In 1997, the Conservatives would have had to lead by 6.5 percent to just gain the same number of seats as Labour. Although these biases may swing one way and then another over time, the Commission suggested that such features were "irrational", and should be counted against the system.

The Commission also noted that the FPTP system, as currently functioning, has created a geographical bifurcation, with virtual electoral no-go areas for all political parties (for instance, the Conservative Party in Scotland and Wales and the Labour Party in rural

**Over time, the FPTP system develops clear biases against particular parties, where a given number of votes translates into significantly more seats for one party than another.**

England). Both major parties are able to build on areas of hegemonic support and fight elections focused on a relatively small number of “marginals”, currently no more than 150 seats out of 650.

By contrast, the system militates against a party with broad, but relatively thinly spread, national electoral support. This is perverse, since the ability to gain significant support across geographical divides is penalised, and results in a large number of “wasted” votes. Aside from this, the Commission argued that it was unsustainable that a system which claimed a special virtue of the direct relationship between constituent and representative could continue to elect representatives of a plurality vote – that is, without the support of a majority of their constituents.

***Had it been in place for the 1997 general election, AV would have improved the outcomes for the Liberal Democrats but only at the expense of the Conservatives.***

Finally, the Jenkins Commission argued that the FPTP system forced voters to conflate their decision about who should be their local representative with decisions about who should be Prime Minister and which party should form the next government. In effect, voters were asked to express several, possibly contradictory, preferences within a single vote. The evidence suggests that voters tend to focus on the national level decisions, thus voting for the Party which they want to form a government, leaving the

selection of the individual who eventually is elected to the membership of the party in question. Unless a particular MP manages to outrage local public opinion (as did Neil Hamilton in Tatton in 1997), personal popularity does not matter anything like as much as advocates of FPTP like to claim.

### *the alternative vote*

Although the logic of the Commission's terms of reference clearly implied that the FPTP system was already seen as unsatisfactory, there is no doubt that it nonetheless marshalled strong arguments against it. However, it did not find the Alternative Vote alone a substantially more attractive alternative.

In its favour, the Commission accepted that AV would retain the existing constituency link and, indeed, could be implemented without any redrawing of constituency boundaries (although the current Act does redraw several boundaries). MPs, furthermore, would have to be elected by a majority of constituents, when under the present system this is increasingly rare – again the product of smaller parties emerging and commanding an ever greater degree of public support. It also suggested that there would be less need for voters to act tactically (this will be explored at greater length below), and that AV would lead to increased voter choice, in the sense of enabling voters to express second, third

and fourth choices. In terms of its outcomes, the Jenkins Commission argued that it would be as likely as FPTP to deliver stable majority governments, and indeed could lead to increased majorities for winning parties under some conditions.

For the commission, however, several factors counted heavily against AV. The first was that it did not significantly resolve the issue of disproportionate results. It was calculated, for example, that had it been in place for the 1997 general election, AV would have improved the outcomes for the Liberal Democrats but only at the expense of the Conservatives. Indeed, the Commission estimated that the Conservatives, having taken roughly 30 percent of the vote in 1997, would have emerged with around 15 percent of the seats. In other elections its distorting effect would have been less pronounced, but at the expense of failing to correct the penalty for third party support.

The Commission also argued that its retention of a pure constituency based system would mean many negative aspects of FPTP would simply remain unchanged. For instance, there would still be large tracts of the country which remained permanently aligned to a single party, and the majority of seats would remain “safe” for one party or another.

AV, then, had some advantages over FPTP but not enough for the commission to recommend it as a suitable alternative. The Jenkins Commission reported in October 1998 in favour of an Alternative Vote with top-up system.<sup>2</sup> It was welcomed by the Liberal Democrats but rebuffed by the Conservative Party. The Labour Government issued a statement to the effect that there was no need to make an early decision on the timing of a referendum. By 2001, the Labour manifesto had softened its 1997 commitment, stating a desire to review the operation of the alternative systems in place for the Scottish Parliament and Welsh Assembly, alongside the recommendations of the Jenkins Commission. In 2005, the Labour manifesto dropped any mention of the commission, stating simply that “Labour is committed to reviewing the experience of the new electoral systems — introduced for the devolved administrations, the European Parliament and the London Assembly. A referendum remains the right way to agree any change for Westminster”.

In the run-up to the 2010 general election, Prime Minister Gordon Brown committed to offer a referendum on AV, perhaps as a pre-election attempt to woo the Liberal Democrats. After the election, it was offered by both Labour and the Conservatives as part of potential coalition programmes, and formed an important part of the coalition agreement. On 22 July 2010, the Parliamentary and Voting System and Constituencies Bill was introduced. It contained not only the legislative groundwork for the move to the Alternative Vote system, but also measures to reduce the number of constituencies, and therefore of MPs, to 600 and to equalize them in size. After much wrangling and several moves to amend it the Bill received Royal Assent and became an Act of Parliament on 16 February 2011. In the following weeks, the “Yes” and “No” campaigns were launched and it is to their arguments that we now turn.

## first past the post

Both the Yes to AV (Y2AV) and the No to AV (N2AV) camps have mounted essentially negative campaigns, tending to attack the viability of the system which they oppose rather than establish the qualities of the system they propound.

The Y2AV campaign makes the following claims about the First Past the Post System:

1. FPTP system fails the test of “fairness”, under which heading they include the fact that FPTP can select a candidate with less than 50 percent of the vote, but also that this can lead to seats being safe, leading to a “job for life” complacency in many seats. The Yes campaign also claims that this creates a need for tactical voting, where voters act strategically to avoid a particular outcome by voting for a candidate not of their first choice;
2. FPTP does not create a viable constituency link (because few candidates have a mandate from the majority of voters in their constituency);
3. FPTP does not always deliver strong majorities (citing 2010 as an obvious example), and does not necessarily enable voters to turn out unpopular governments;
4. FPTP offers no protection against extremist parties, and indeed extremist parties have won local elections under the FPTP system. They argue that, under the system, parties can be elected with the support of 3 in 10 voters. The Y2AV campaign cites the example of Oldham East, where Phil Woolas was re-elected in a closely fought election on 31.9% of the popular vote.
5. FPTP means that some votes (votes in the relatively small number of marginal constituencies) have greater value than others (votes cast in safe seats). Safe seats attract no attention from politicians, either because they can't be won or because they can be won without great effort.

To the extent that the N2AV campaign makes a case for the present system, it is (frustratingly) the exact opposite to the Y2AV campaign. FPTP, they claim, leads to strong governments, is fairer than AV (where the second preferences of supporters of weak candidates are more likely to be counted), is simple to understand and cheap to operate, is

widely used, and provides a defence against extremist parties (citing the election of 11 far right candidates in the Queensland legislature under AV, where eight would have won under FPTP).

## the alternative vote

The N2AV camp claim that the AV system will be costly to implement (a claim we will not seek to adjudicate here). Beyond that, they also lodge the following complaints:

1. AV is complex;
2. AV is “unfair”, in that the most preferred candidate (i.e., the candidate that collects the most first preferences) does not necessarily win. Rather, the second or third placed candidate can win on the basis of the distribution of further preferences;
3. AV would lead to more hung Parliaments, and therefore give power to political elites who could shape a political agenda, after the election, for which the public has not expressed overall support.

The No campaign also sought to undermine what it calls a number of myths about the AV system, observing for instance that candidates can win with less than 50 percent of the vote if voters do not list preferences for all the candidates on the ballot paper. To the extent that voters decline to give second, third and fourth preferences and so on, the results of an AV election will increasingly simply mirror the results of an election under FPTP. The N2AV campaign also argues that a change in the voting system would not substantially change the number of marginal versus safe seats, that it would not end the phenomenon of wasted votes (the second preferences of the second place candidate at a minimum are not counted), that tactical voting is still present in the AV system, and that AV gives a greater voice to voters who support fringe parties (i.e., the second and third preferences of voters that support fringe parties would be counted early, since these parties are likely to be eliminated first).

Again, the Y2AV campaign claims the obverse, beginning with the view that MPs will have to work harder to reach out to a majority of voters. They suggest that the AV system is simple, that it “simply eliminates” the need for tactical voting, that it blocks extremist parties, and that it rewards politicians who can create a broad appeal amongst voters.

## the arguments compared

Readers will be forgiven for finding it difficult to disentangle the claims and counter-claims of the two campaigns. Some of this is down to slippery terminology, such as the imprecise use of the word “fair”. Neither the FPTP nor the AV system produces results which are anything like proportionate to the popular vote, so neither are fair in that respect.

Of course, both contain elements which may be described as fair or unfair. As the Jenkins Commission argued, for example, FPTP presents long-term biases (currently against the

**Readers will be forgiven for finding it difficult to disentangle the claims and counter-claims of the two campaigns.**

Conservatives) which mean that some parties have to win, on average, more votes than others to win seats. However, this is partly the nature of any non-proportional constituency based system. Indeed, where constituencies vary in size, where turnouts differ, and without proportional correctives, a similar phenomenon would occur under the AV system. As the Jenkins Commission argued, even where AV would deliver “fairer” representation for the Liberal Democrats, this could be at the expense of less “fair” representation for the Conservative Party.

In effect, fairness – particularly when one ignores proportionality – is in the eye of the beholder, and depends on which aspect of an electoral system one emphasises. Many supporters for FPTP, for example, are worried about the possibility of a third-placed party having an influence in coalition unwarranted by their popular vote, which they consider to be unfair. Some of the other arguments are more susceptible to debate, however, and we will consider these under our headings of representation, strength and effectiveness of government, and system complexity.

### *representation*

As we have already observed, plurality (FPTP) and majority (AV) systems are, in reality, fairly similar. Neither system attempts in and of itself to deliver a “socially descriptive” or microcosm Parliament. In the 2010 general election, UKIP was the fourth largest party, polling 920,334 votes, thereby commanding significant support for its policy agenda, but it won no seats. AV would potentially make it even harder for minority parties to win seats since, broadly speaking, they will have to attract some measure of support from the majority of voters, rather than simply more support than any other candidate. In the same vein, neither system allows much space for extremist parties, who tend to be more successful in local elections if only because of extremely low turnout. Rather, both operate on a principle-agent understanding of what it is to be a representative, finding its legitimacy in what Parliament does rather than how it is made up.

The issue between the two campaigns is how constituents might *feel* about the mode of electing their constituency representative, and whether the link between constituents and MPs would be strengthened by the introduction of AV, which would ensure that a greater proportion of voters had expressed some support for the eventual winner. In effect, would the adoption of AV mean that representatives are chosen more “legitimately” in the eyes of voters? The answer depends of course on how you conceive of legitimacy – if it means “by way of a system which requires a candidate to demonstrate majority support”, then a change to AV will obviously be beneficial. Note here, though, that even under AV there might be a substantial democratic deficit. In areas where turnout is particularly low (for example, Liverpool Riverside with an turnout in 2010 of 52.1 percent), “majority” support still means only around ¼ of registered voters.

However, voters must bear in mind that, unlike the system in place in Australia, voting will not be made compulsory, nor will voters be forced to rank all the candidates. Some researchers suggest that many voters do not work all the way through the ballot paper. If voters do not list exhaustive preferences, then AV starts to function more like First Past the Post, and MPs can be elected on less than a majority vote – one estimate puts it at four in 10 being elected without an absolute majority in an AV election in the UK.<sup>3</sup> The argument made by the N2AV campaign that the second preferences of those voters supporting losing candidates are counted first, seeming to give these votes greater weight than those of supporters of more popular losing candidates, also weighs against the view that AV will create a greater sense of legitimacy, and therefore improve constituent-representative relationship.

### *strength, stability, effectiveness, and accountability*

The main argument in favour of FPTP is that it delivers strong and stable governments, able to pursue and be held accountable for a clear policy agenda. Ironically, this is also pleaded as an argument *against* the existing system: exaggerated majorities lead to over-powerful executives, confrontational politics, and ideological and policy swings. Conversely, one of the arguments used against AV is that it is more likely to deliver hung parliaments, and thus place greater power in the hands of politicians, who will shape the political agenda after the election without a mandate or public support.

Unfortunately, this argument from outcomes is not clear cut. Both systems can deliver strong or weak governments, depending on the public mood. For example, in the twentieth century, the FPTP system produced seven hung parliaments in the UK and a series of instances where the party in government had a low majority, and thus could be described as relatively weak, and the government unstable. With a move away from a strong two party culture in British politics, hung parliaments have become more likely anyway. FPTP systems do not automatically lead to strong governments with large majorities, but neither do they necessarily lead to disruptive swings in policy as governments change.

Once again, there is not so large a distinction between the two systems in this area as some would have us believe. Patrick Dunleavy, Professor of Politics at the London School of Economics, has observed that where there is a groundswell of support for a party that would have resulted in a landslide majority under First Past the Post (1983, 1997, 2001), the AV system would have exaggerated that majority. Where public opinion has not come down firmly in favour of any party, however, the AV system would deny parties “fake” majorities, and so they would have to rule as a minority government or in coalition.

***The main argument in favour of FPTP is that it delivers strong and stable governments. Ironically, this is also pleaded as an argument against the existing system.***

However, according to Dunleavy, this would not have substantially changed outcomes in British elections in the post-war period, since when public opinion was not settled strongly in favour of one party, elections have already resulted in hung parliaments or small majorities. Modelling of previous elections suggests a small but significant improvement in the performance of the Liberal Democrats (around 12 more seats in 2005, for example, depending on the rate of transfer). Of course, a stronger third party by definition makes a hung Parliament more likely (every seat that the Liberal Democrats take is one less with which one of the other two parties can form a majority), but unless the distribution of seats more or less tends to a balanced/hung Parliament, these figures are unlikely to make a difference.

**Where FPTP is likely to yield strong governments, AV is likely to yield strong governments, with all their attendant advantages and disadvantages. Where FPTP is likely to deliver weak majorities or hung parliaments, AV is similarly likely to deliver weak majorities or hung parliaments.**

The question of coalition or strong government is really not one which can be wholly addressed on the level of electoral systems and without considering the prevailing political climate. Where FPTP is likely to yield strong governments, AV is likely to yield strong governments, with all their attendant advantages and disadvantages. Where FPTP is likely to deliver weak majorities or hung parliaments, AV is similarly likely to deliver weak majorities or hung parliaments. In either case, and as the Jenkins Commission argued, it is not clear that either unassailable majorities or permanent coalitions are beneficial to the effective operation of parliament.

If the implications for the strength, stability and effectiveness of government are broadly similar, does the introduction of AV improve accountability by, for instance, making candidates work harder for votes by making previously safe seats more marginal? As the Jenkins Committee noted, one of the effects of the FPTP system has been a geographical bifurcation over time, where some areas of the country are firmly Labour, some firmly Conservative, and elections are fought in 100-150 marginal seats. Would AV mean that the other 500 or so seats would receive more attention, and that politicians would therefore have to work harder across the country to win a governing majority?

First, it ought to be observed that seats are only safe under FPTP when public opinion is stable. In 1992 Michael Portillo was elected as MP for Enfield Southgate with a majority approaching 10,000 over his nearest rival and 58 percent of the vote. Yet with the groundswell of support for the Labour Party in 1997 and a swing against the incumbent of 17 percent, the seat – like many other apparently safe seats – became a marginal taken by Labour and held in 2001 (then lost to the Conservatives in 2005 and now looking again like a Conservative safe seat). In short, there are examples of how safe seats can become vulnerable given the right conditions. The safeness of a seat is a consequence of voting patterns rather than the voting system, and voting patterns change.

It is worth noting that the number of seats taken with a majority of the vote has substantially decreased over time. Nevertheless, a significant number are still taken with majority vote (as stated above, 214 from 650). On the one hand, therefore, it seems that seats are already more competitive than they were. On the other, while the number of seats taken with a majority has decreased, the proportion of safe seats has remained high, indicating that the proliferation of smaller parties has fragmented the vote. AV here could be seen as a way of re-aggregating that fragmented support (so, for instance, UKIP voters will, most likely, transfer to the Conservative Party). Counter intuitively, therefore, it is possible that seats that are marginal under First Past the Post may become safe under AV. In particular, seats that are currently two way marginals with a weakly placed third party whose voters lean strongly towards one of the first two, could be expected to become fairly safe. In short, if seats under the FPTP system are safe because of entrenched voting patterns, the introduction of AV, and the potential to list preferences for different candidates, is unlikely to mean that voting patterns become less entrenched. Safe seats will still be safe seats and some marginal seats may become safer still. Overall, elections would still be fought over a handful of swing seats.

**The number of seats taken with a majority of the vote has substantially decreased over time.**

This problem could be compounded if two parties formed a pre-election pact, advising their voters to second preference an ally. Conservative Member of the Jenkins Commission, Lord Alexander of Weedon, raised the concern that Labour and the Liberal Democrats could gang up on the Conservative Party (this occurs in Australia *against* Labor).

There are problems with this argument. For example, given that it is the least popular parties that are knocked out first in AV and whose second choices are the first to be counted up, it is not clear that the second choice of the third most popular party (e.g. the Liberal Democrats where the seat is effectively a contest between Conservatives and Labour) will necessarily make the difference, thus weakening the impact of any silent pact between centre-left parties. Moreover, in the light of the Conservative-Liberal coalition, the prospect of a tacit coalition of the centre-left looks somewhat more doubtful than it did in 1998. Indeed, it is not beyond the realms of possibility that the Conservatives and Liberals could form a tacit alliance against the Labour Party. Although this seems improbable, given the very real policy tensions between Conservative and Liberal Democrat parties, it remains a possibility under the AV system, and one that would not improve the culture of British democracy.

Nevertheless, all parties will be handed something of a bargaining chip. Under FPTP their job is essentially to encourage voters to vote for them. Under AV, how will they advise their voters to make transfers? It is hard to imagine that any party will leave it up to voters to decide for themselves.

It is not clear, therefore, that AV will substantially increase the number of marginal seats. Perhaps a third of seats will be won without the need to redistribute votes. Other seats could even become safer than they are under the FPTP system.

### *complexity*

One of the arguments in favour of the FPTP system is that it is the least complex system of all. As already observed, it requires voters to identify a single candidate for support, and the candidate with the most support takes the seat. In Parliament, the party with a functioning majority (i.e., more Members of Parliament than all other parties combined) forms a government, and if no party achieves a majority a coalition or minority government must be formed.

In terms of government formation, AV is equally simple. As a constituency and “winner takes all system”, it requires no further distribution of seats via mathematical formulae. In terms of the voting process it is marginally (although only marginally) more complex. As the Y2AV campaign argues, the system simply requires the numbering in priority of as many candidates as the voter wishes. Since the British system will not compel voters to number all candidates on the ballot paper, many voters may elect to “plump”, or vote just for their most preferred candidate and perhaps one or two others. If voters do this, there is no way for their vote to be transferred when their preferred candidates are eliminated and, if they do so in sufficient numbers, a candidate will win without an absolute majority.

One obvious measure of the complexity of the system is the number of spoiled, wasted or “informal” votes. As we suggested above, system complexity does not always mean that voters find it difficult to complete ballot papers, but in countries where the AV system is in place for general elections rates of spoiled ballots are relatively high. For example, 5.64 percent of votes were spoiled in the Australian Federal Election in 2010, compared to 1.01 percent in the last UK general election – though it is important to recognise that much of this may be down to deliberate spoiling of votes in the compulsory Australian voting system. Nevertheless, it also indicates that an extra informational burden could have an impact on voter understanding.

When it comes to tactical voting, the Y2AV campaign argues that the introduction of AV would “simply eliminate” the need for it. What the campaign means by this is that AV offers the opportunity to formalise what voters would have done tactically under FPTP with the added advantage of them not having to sacrifice their real preference. So, in a hypothetical FPTP election between candidates A, B and C, where a voter really prefers candidate C, he may be forced to vote tactically for B because B has a chance of defeating A where C does not. In an AV election, even if candidate A is still the most likely to win, supporters of candidate C can still vote safely for him, knowing that their preference for B over A would still be taken into account when their second preferences are redistributed.

In such a simple scenario, there is clearly no incentive for tactical voting in the form familiar under FPTP.

It is nevertheless worth noting that most electoral scenarios are more complicated than this and although AV makes tactical voting far more complicated, it would not necessarily eliminate it altogether.<sup>4</sup> In particular, both parties and individual voters may seek to influence the outcome of an election by attempting to influence which party is eliminated first, and hence whose votes are redistributed first. This could have a real impact on election outcomes. In reality, it will be much harder for voters to predict outcomes clearly enough to be able to build a tactical voting strategy.

# chapter 3 references

1. Labour Party Manifesto, 1997, p. 33.
2. 80% of Members of Parliament would be elected as constituency MPs using AV, and the remainder from regional party lists in a way which offsets the disproportionality of the allocation of seats under AV.
3. Colin Rawlins and Michael Thrasher, LSE Politics Blog, *Suppose UK voters accept the Alternative Vote in the May referendum... but then don't use AV to signal multiple party preferences?* 25 October 2010. <http://blogs.lse.ac.uk/politicsandpolicy/2010/10/25/suppose-uk-voters-accept-the-alternative-vote-in-the-may-referendum%E2%80%A6-but-then-don%E2%80%99t-use-av-to-signal-multiple-party-preferences/?cpage=1>. Accessed 18 March 2011.
4. Under FPTP voters only have to anticipate one outcome (who is likely to win if everyone votes sincerely) and act to avoid it by giving a tactical vote to a second place candidate. Under AV, voters must anticipate a number of outcomes correctly, including not only the first and second place, but the last place, and the likely subsequent redistributions of preferences amongst all candidates fighting the election. Given these more complex rules, tactical voting may not seem to be a feasible strategy for individual voters.

## conclusions

In 2011 voters in Britain (and New Zealand) will have a chance to vote on one of the most important aspects of our political system – that of the voting system itself. This resource has attempted to be neither a theoretical study of electoral systems, nor a practical study of what to do on 5 May, but rather to help voters understand better the landscape and ideas that lie behind and beneath electoral reform in order that they may vote with greater confidence in this referendum (and in any subsequent ones).

We began by sketching the key differences between plurality, majority, proportional and mixed systems, before moving on to an exploration of the principles that underpin these systems – the nature of legitimate representation, the importance of stability, effectiveness and accountability, and the issue of system complexity.

We then examined the debate between the Y2AV and N2AV campaigns in both an historical and a contemporary context. In summary, most of the claims advanced by either camp in defence or attack of FPTP or AV are in some way open to question: FPTP, for instance, clearly does not necessarily deliver strong governments, nor does AV necessarily mean that MPs will have to “work harder”, since candidates will be as free as they are under any other system to bank on relatively entrenched voting patterns, and it is not clear that there will be a substantial increase in the number of margin seats. What has not, therefore, emerged in the debate thus far is how similar the two systems actually are – indeed, the Jenkins Commission considered them so similar that, though rejecting AV as a viable option on a number of counts, it argued that a move to AV could be made without a referendum.

No electoral system is perfect, and no amount of electoral reform will solve all of our political problems. Competing claims to the “fairness” of the respective systems are, in particular, often tendentious and have evaded any discussion about how people might weigh different aspects of electoral systems differently, and why. Fairness, in this sense, plays hardly any part in the debate at all. Emotive appeals to such ill-defined concepts indicate that there is little consensus on what we want an electoral system to do.

We have considered some of the arguments for and against reform. We have sought to present which, on a purely “factual” level, are stronger and which are open to question. Ultimately, however, voters must consider exactly what it is that they value most dearly

about our Parliamentary democracy, and why. The “charge sheet” against FPTP is long, and there are many respects in which the political ground has shifted underneath the system – particularly the rise of a more plural political culture. The question is, does AV represent a desirable, or even a substantial change?

Proponents of reform have observed that the change to AV represents an evolution in the British system. It retains the strong constituency link, with one member directly elected in one area, accountable to one group of people.

Precisely because it is a small evolution, it is vulnerable to some of the charges levelled against the existing system. It has the potential to be as or more disproportionate than FPTP, and in some cases could exaggerate large wins even further beyond proportionality. And while, in its favour, all Members of Parliament will be elected by rules ensuring that more than 50% of votes are allocated to him or her, in so doing it will not necessarily make safe seats marginal, since a safe seat is simply a product of entrenched and predictable voting patterns.

As a new system becomes embedded, new entrenched and predictable voting patterns are likely to emerge in seats that are already safe. In seats that are marginal, and already the focus of attention and resources, it would make results more difficult to predict. In these seats, as critics of the existing system point out, politicians are already far from complacent.

The current debate is marred by the “fog of war”, by claim and apparently contradictory counter claim. Voters would be well advised not to listen solely to arguments put by the opposing campaigns. Ultimately, as *Counting on Reform* has argued, the decision can’t be made simply by “clearing up” the facts, or by bringing “greater clarity” to what the introduction of AV will mean in practice.

Rather, we must ask ourselves where our democracy works well and where it could be improved. In turn, our answers will rely on assumptions – albeit reasoned ones – about what a good democracy looks like.

Those who see democracy as delivered best by a strong government, a strong opposition and the opportunity to deliver a clear judgment on a government’s performance on Election Day are unlikely to see AV as an improvement, or indeed to think that there is any problem at all with the existing system. Even for those who view proportionality as *the* litmus test for electoral legitimacy AV may only seem a small step forward.

Nevertheless, this is not to claim that proponents of change are misguided or simply “wrong”. Rather, they have a different view of what makes for a good democracy. Thus, the fact that AV will increase the likelihood of hung parliaments is a positive consequence, as a hung parliament is a clearer expression of the public’s mood today, shifting as it has

from two broadly defined and oppositional alternatives to a more complex and plural party system.

# glossary

<b>Alternative/preferential voting system</b>	An alternative vote, or AV, is the system on offer in the 2011 referendum. The system is similar to First Past the Post, with the key difference being that voters number candidates preferentially. If their first choice comes low in the ballot and is eliminated, his vote is then transferred to the next preference until a candidate receives an absolute majority of support. AV is, therefore, a majority system – that is, requiring more than 50 percent support for a winning candidate. The system is also known as Instant Run-Off.	<b>Marginal seat</b>	A marginal seat is a constituency held by a small majority. Marginal seats are more likely to change hands during elections, and thus become the focus of party resources around elections. After the 2010 general election, around a third of seats were left marginal.
<b>Alternative Vote top up/ 'AV+'</b>	An electoral system in which most representatives are elected on a constituency based system using AV, but then using an open list system to improve the overall proportionality of the result. Under this system, MPs can be elected in two ways – either as a constituency MP or as a top-up MP, attached to a region rather than a constituency. The system was “invented” by the Jenkins Commission.	<b>Mixed systems</b>	Mixed electoral systems are a hybrid of constituency-based plurality or majority systems and proportional systems. These include the Additional Member System used in Scottish and Welsh national elections, and the Mixed Member Proportional System used in New Zealand.
<b>Balanced or “hung” parliament</b>	A balanced or hung parliament occurs when no one party can command an absolute majority in a legislative assembly. Put another way, no one has more than half of the MPs. Since governments are usually formed by the party that has a majority, this means that the leading party must either form a minority government or seek to form a coalition with other parties.	<b>Multi-member constituency</b>	A constituency that elects more than one member of a representative assembly – an important part of the Single Transferable Vote system, for example.
<b>Constituencies/electorate</b>	A constituency is an electoral division, in which candidates can stand for election. Under First Past the Post and Alternative Vote, constituencies elect a single representative. Most proportional systems utilize larger constituencies/ electoral districts, in which several representatives are elected in order to reach a proportional outcome. There are currently 650 constituencies in the United Kingdom, though this will be reduced to 600 with a rule for numerical equality.	<b>Plumping</b>	The practice of only listing one preference in a system where multiple preferences are possible. Under AV, this would mean that votes could not be transferred. If enough voters “plump”, it would mean that candidates might win without taking a majority of the vote.
<b>First Past the Post</b>	The current electoral system in the UK, based on single member constituencies. Candidates win by achieving a plurality or “simple majority” of the vote, i.e., one more vote than the nearest placed candidate. This system is also known as the Single Member Plurality, or SMP system.	<b>Proportional representation</b>	The nature of voting systems, such as list systems or Single Transferable Vote, which have as an intended outcome a distribution of seats which more or less reflects the distribution of the vote amongst parties. These systems may have the wider objective of giving greater expression to social diversity in a legislative assembly.
<b>List proportional systems</b>	A series of electoral systems which employ lists, drawn up by political parties, for elections. Party candidates are listed in order of priority of election in the list – the higher a candidate is on the list, the more likely he or she is to be elected. Closed list systems do not give voters the opportunity to distinguish between candidates on the list – they are only permitted to vote for the party in question. Open list systems give voters some influence on the order in which candidates are elected.	<b>Safe seat</b>	A seat which, because of predictable and entrenched voting patterns, is held by a particular party over a long term and with such a majority that other parties have little chance of winning the seat.
		<b>Single Transferable Vote</b>	A broadly proportional voting system based on preferential voting in larger, multi-member constituencies.
		<b>Spoiled/informal/invalid votes</b>	Where a ballot paper is not filled in according to the rules of the given system, the vote is called informal/invalid. If a voter actively chooses in protest to submit a vote which does not accord with the rules of the system, his or her vote could be called spoiled.
		<b>Tactical voting</b>	Tactical voting occurs when a voter votes insincerely (i.e., not according to their actual preference), in order to avoid what he or she considers to be an undesirable outcome. All voting systems are open to tactical voting, and there are various tactical voting strategies depending on the rules of the system. Tactical voting is particularly prevalent in the UK under First Past the Post elections.

# further reading

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## *Campaign websites*

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<http://www.no2av.org/>

Electoral Reform Society: <http://www.electoral-reform.org.uk>

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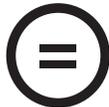
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# Counting on reform

## Understanding the AV referendum

On 5 May 2011, the UK will hold its first national referendum in a generation.

The issue at stake is the voting system for national Parliamentary elections and the choice is seemingly simple: should we retain the First Past the Post system, or change to the Alternative Vote?

*Counting on Reform* does not tell people how to vote on 5 May. Nor is it a theoretical study of electoral systems. Rather, it aims to help readers better understand the options on offer, placing them in the broader context of why we value what we value about democracy.

Proponents and opponents of electoral change often give the impression that voters should make their decision on the basis of the (often carefully selected) "facts" of the matter – an objective weighing of comparative examples, statistics and electoral predictions.

By contrast, *Counting on Reform* argues that while such analysis is critical, we will not be able to resolve the debate simply by dispassionately adjudicating between the alleged advantages or disadvantages of the two systems.

Instead, the report contends that any decision we make will invariably draw on deeply held personal commitments and beliefs around key questions of principle. What do we understand to be the basis of political representation? How should we weigh the relative value of political strength vs. political compromise? How important do we believe is the merit of electoral simplicity?

It is only by thinking through such issues will we grasp what is – and isn't – at stake on 5 May and feel confident about which box we choose to tick.

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