

Commission on Parliamentary Reform

Consultation response from Dr James Gilmour

1. The voting system used to elect members to the Scottish Parliament should be changed. The Additional Member System (AMS) should be replaced by the Single Transferable Vote system of Proportional Representation (STV-PR). This change would address many of the concerns that have been raised about the operation of the Scottish Parliament, in particular, concerns that MSPs are too partisan and not sufficiently independent to hold the Scottish Government properly to account.

2. The voting system used to elect members to a representative assembly, such as the Scottish Parliament, determines the basic relationship between the voters and the elected members, and the relationships among the elected members within the assembly. Too often, discussion of voting systems is dismissed as “too technical”, “too complicated” or just “boring”, but such is the fundamental effect of the voting system on the behaviour of the whole political structure that it must not be ignored.

The present voting system - AMS

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

4. The Additional Member System is a party-based voting system, designed to secure only proportional representation of the registered political parties that contest each election. It should thus be no surprise to anyone that MSPs elected by a party-based voting system should behave like party politicians. The politicians should not be blamed for acting rationally. The AMS voting system does not give MSPs sufficient incentive to place the voters at the centre of their concerns, but rather AMS reinforces their dependence on their respective parties for their election and re-election as MSPs. This is equally true for both Constituency MSPs and Regional MSPs.

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

be changed to give the voters an effective say in determining their local representation as they wish.

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

7. Some of the problems experienced in the Parliament arise from electing two quite different kinds of MSP with different responsibilities. These problems can be particularly acute where a locally dominant party wins all or most of the constituency seats within an electoral region and the regional seats are then allocated to the opposition parties. This party difference exacerbates the difference between Constituency MSPs and Regional MSPs. Changing the voting system to elect all MSPs on the same basis would also remove the perception that AMS allows the election of "constituency losers" through "the back door" of the regional lists. Having full equality among all MSPs can only be of benefit to Parliament and people alike.

8. There is good evidence that many electors do not properly understand the purpose of the two votes in AMS. Some electors regard the two votes as first and second preferences, which they most clearly are not. Some electors have used their two votes, voting for different parties in the constituency and the region, in a way that had the opposite effect to their publicly declared intention. None of this should be any surprise because it is extremely difficult for any elector to obtain the information needed to cast the two AMS votes most effectively to secure the representation the voter really wants. From the voter's point of view, AMS is much the most difficult to understand of the five voting systems currently in use for public elections in Scotland. This lack of understanding and lack of information has led to hundreds of thousands of votes being 'wasted' at several elections to the Scottish Parliament, i.e. validly cast votes that had no effect whatsoever on the outcome.

9. It must also be remembered that AMS is open to gross strategic manipulation by collaborating political parties in ways that could greatly diminish the effective representation of more than one-half of the voters. This ploy has not yet been used by any political party in Scottish Parliament elections, but it has been suggested and there is no defence against it as it is within the law.

10. The case for changing the voting system must, therefore, be examined seriously if the performance of the Parliament is to be improved. It will not be enough to tinker at the edges of AMS, for example, by introducing "term limits"

or "forced choices" for constituency and list candidates as has been proposed recently. Instead, the voting system should be changed completely, to make the voters central to the process instead of the parties, to elect all MSPs on the same basis, and to make all MSPs directly accountable to local voters.

Changing to STV-PR

11. Changing the voting system for the Scottish Parliament to STV-PR would make all the MSPs directly accountable to their constituents and less beholden to the party machines. Redressing the fundamental balance in this way, by making the voters the focus of the voting system, would also allow the 'checks and balances' already within the Parliamentary structure to function more effectively. This change would do much to reduce the power of the parties within the Parliament and enhance the role of MSPs as scrutinising parliamentarians.

12. Among the many PR voting systems, STV-PR is unique, in the full literal meaning of that word. STV-PR is uniquely centred on the voters and on the candidates as individuals. All other PR voting systems, including AMS, are centred on the political parties. The objective of STV-PR is to obtain proportional representation of the wishes of the voters, as expressed through their responses to the candidates who have offered themselves for election. The objective of all other PR voting systems is to obtain PR of the registered political parties. PR of the political parties will be the outcome of an STV election when that is what the voters want, but "party PR" is never the objective of STV-PR. This fundamental difference should commend the adoption of STV-PR to the Commission, given the problems that have been identified and the issues the Commission has been asked to address.

13. Each successful candidate in an STV-PR election is elected because he or she has the personal support of a constituency of local voters. That changes the relationship between the elected members and their constituents and changes the relationship between the elected members and their parties. Because STV-PR would make MSPs much more directly accountable to the voters than they are at present, changing the voting system would reduce the power of the political parties.

14. Because MSPs would be elected by a personal constituency of voters, the local links between MSPs and their constituents would be stronger than they are in the current geographically defined single-member constituencies and much stronger than in the current electoral regions. The experience of politicians elected by STV-PR in Ireland and Northern Ireland confirms this. With STV-PR, this would apply to all 129 MSPs as all of them would be elected on the same basis and they would all be constituency representatives.

15. As well as recommending that the voting system should be changed to STV-PR, the Commission should recommend that casual vacancies in Parliamentary representation should not be filled by holding by-elections. Instead, the original STV ballot papers should be retained for the duration of the Parliamentary session and 'counted again', passing over any preferences for the candidate whose death or resignation had caused the casual vacancy. The candidate thus elected to fill the casual vacancy would be chosen by the voters

and the overall proportionality of representation would be determined by the voters.

16. Filling casual vacancies by the 'counting again' procedure would give the political parties an incentive to nominate more candidates than the number they expected to win seats at each general election. The voters would thus have a wider choice of candidates within each party at the general election which would consequently increase the personal accountability of the elected MSPs to their local constituents.

17. While it would be rash to claim that changing the voting system to STV-PR would significantly increase engagement with the Scottish Parliament, STV-PR would certainly give electors incentives to vote that are not available or are not so powerful under other voting systems. There would be no safe seats with STV-PR because the voters would have free choice among candidates of the same party as well as free choice among candidates of different parties. That makes the elector's vote count in a way it cannot under other voting systems. When there is 'something to fight for' electors are more likely to vote and more likely to be engaged.

18. STV-PR can be implemented flexibly to accommodate varied geography and differences in population distribution. This was certainly achieved when STV-PR was used to elect the Scottish Education Authorities in the 1920s. It would be relatively easy to produce a coherent scheme of multi-member constituencies to elect the 129 members of the Scottish Parliament that will meet the requirements of the varied geography and population distribution across Scotland and at the same time respect the boundaries of existing social, political and economic communities

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Identity and terminology

The media frequently use the term "Holyrood" in ways that confuse the distinction between "the Scottish Parliament" and "the Scottish Government". This is very unhelpful. In contrast, the terminology used by the media to describe the comparable institutions at UK level maintains the essential distinction:

"Westminster" is shorthand for the UK Parliament.

"Whitehall" is shorthand for the Government Ministries.

Similar distinct 'shorthand' terminology is required for "the Scottish Parliament" (= "Holyrood", its location) and "the Scottish Government" (new term required).

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