



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 08/12

7 December 2011

NIAR 899-11

Ray McCaffrey & Leigh Egerton

Electoral systems for the Scottish Parliament and National Assembly for Wales

1 Introduction

This briefing paper provides information on issues relating to the electoral systems used to elect the Scottish Parliament and National Assembly for Wales. The Assembly and Executive Review Committee requested this information following a presentation on NIAR paper 768-11.

2 The systems used to elect Members to the Scottish Parliament and National Assembly for Wales

Both the Scottish Parliament and National Assembly for Wales use the Additional Member System (AMS) to elect their representatives. This is a legislative requirement under the Scotland Act 1998¹ and Government of Wales Act 2006².

¹ Scotland Act 1998 as amended

² Government of Wales Act 2006 as amended

What is the Additional Member System?

The AMS is a combination of first past the post and closed list proportional representation. The report of the *Commission on the Powers and Electoral Arrangements of the National Assembly for Wales* (the Richard Commission) explained the rationale for choosing this system: “It attempts to combine, in a single voting system, features of the First Past the Post (FPTP) and the Party List systems. The objective is to retain the clear link between a representative and his or her electoral area and, at the same time, provide a mechanism to compensate for the lack of proportionality which usually arises from elections conducted entirely under FPTP”³.

In Wales, forty Assembly Members are elected in constituencies, using the first-past-the-post system. Twenty Assembly Members are elected using the political party list system and independent regional candidates may also stand for election⁴.

In Scotland, there are 73 constituency Members of the Scottish Parliament (MSPs) who are elected using the first-past-the-post system. There are 56 regional MSPs across eight Scottish Parliament regions who are elected using a closed party list system⁵.

How does it work?

The website aboutmyvote.co.uk provides the following explanation of AMS (this paper has modified the text to use Wales as an example but the process is identical for Scotland):

The voter has two votes – one for the constituency member and the other for the regional members. The ballot paper for the constituency vote is marked with an X.

The second ballot paper is for the party or independent candidate attempting to win the regional seats. The ballot paper lists political parties and independent candidates. Under each party name is a list of candidates who wish to represent that party.

For elections to the National Assembly for Wales there are five regions, each electing four regional AMs. There are therefore 20 regional seats; these seats are awarded using a quota system. The quota is the total number of regional votes received by a party or independent candidate divided by the number of constituency seats already gained in that region +1.

So, for a party with no constituency seats the number of votes received is divided by one. If the party has secured one constituency seat in that region then its number of votes is divided by two, if it has two seats in that region it is divided by three, and so on.

³ Commission on the Powers and Electoral Arrangements of the National Assembly for Wales: <http://www.richardcommission.gov.uk/content/finalreport/report-e.pdf>

⁴ The Electoral Commission, *Report on the National Assembly for Wales general election 5 May 2011*, October 2011

⁵ The Electoral Commission, *Report on the Scottish Parliament election on 5 May 2011*, October 2011

This means that the more constituency seats a political party has won, the harder it is to gain any additional seats through the regional list system, so the overall allocation of seats is more proportional to the number of votes received.

The regional seats each political party wins are filled by the candidates in the order they appear on the regional ballot paper, this order is decided by the political party. An independent candidate is treated as though he or she were a party with only one name on its list.

The Richard Commission noted both advantages and disadvantages of using AMS:

Advantages

- the single Member constituency representation, elected by FPTP, is familiar and straightforward
- a broadly proportional result is achieved by the combined effect of the constituency and regional ballots

Disadvantages

- it creates two types of AM with overlapping responsibilities: the single constituency Member and the regional Member who is one of four representatives covering the region which includes the constituency
- the closed party list system reduces voter choice in favour of party control. Parties choose the candidates and determine their priority order on the list
- there is some evidence that people do not understand the dual-voting system, particularly the relationship between the first and second vote

In 2007 the Electoral Reform Society recommended that in Scotland and Wales STV should replace AMS to counter the weaknesses of AMS, such as the creation of two types of representatives⁶. The Richard Commission had also recommended the introduction of STV if the Welsh Assembly were ever to be larger than 60 as the problem with two types of members would be exacerbated. Furthermore, observers have noted that STV in Northern Ireland is the most proportional system of voting present in the UK⁷.

Women and people from black and minority ethnic backgrounds

It has been suggested that under AMS fair representation for women and people from black and minority ethnic backgrounds is increased. At the 2011 National Assembly for Wales election 24 women were elected, equalling the 40% achieved in 1999. In 2003,

⁶ Electoral Reform Society (2007), *Britain's Experience of Electoral Systems*

⁷ Ministry of Justice (2008), *The Governance of Britain: Review of Voting Systems: the experience of new voting systems in the UK since 1997* (London: TSO) p.92

the Assembly became the first legislature in the world to have equal representation for both men and women.⁸

In Scotland, the number of women elected in 2011 was 45, resulting in the second lowest number of women MSPs in four Scottish Parliament elections at 35%. The 2007 election produced the lowest number at 33%.

The 2011 election led to only a slight improvement in the number of black and minority ethnic members (BME) of the National Assembly for Wales and Scottish Parliament: in both places they doubled, to two.

Female representation in the Northern Ireland Assembly is lower than the legislatures in Scotland and Wales (18.5%), and there is only one MLA from a BME background in the Assembly.

Factors beyond the electoral system need to be considered when examining the issue of under-represented groups in legislatures. For example, what efforts do political parties make to encourage female/BME membership and subsequent candidacy at elections?

Status of constituency and regional members

Both the Scottish Parliament and National Assembly for Wales make it clear that Members must not describe themselves as regional Members if they are constituency members, and vice versa. These rules are laid down in Standing Orders, Codes of Conduct and, in the case of the National Assembly for Wales, section 36(6) of the Government of Wales Act 2006.

Decoupling Parliamentary/Assembly constituencies from Westminster boundaries

Unlike the Northern Ireland Assembly, the Scottish Parliamentary and National Assembly for Wales constituency boundaries are not coterminous with Westminster boundaries.

Section 2 of the Government of Wales Act 2006 specifies that the National Assembly for Wales constituencies are the parliamentary constituencies in Wales. Section 13 of the Parliamentary Voting System and Constituencies Act 2011 (PVSC Act) amended that section to provide that the Assembly constituencies are the constituencies specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006, as amended. The effect is that any future changes to Parliamentary constituencies made under the new rules introduced by the PVSC Act 2011 will not change Assembly constituencies.

⁸ Fox, Ruth (2011), "Boom and Bust' in Women's Representation: Lessons to be Learnt from a Decade of Devolution", *Parliamentary Affairs*, 64, 1

The Scottish Parliament (Constituencies) Act 2004 removed the statutory link between the Scottish Parliamentary constituencies and those for the House of Commons. This ensured the number of MSPs remains at 129, even if the number of MPs is reduced.

How could the electoral system for the Northern Ireland Assembly be changed?

The electoral systems for the Scottish Parliament, National Assembly for Wales and the Northern Ireland Assembly can only be changed by the UK Parliament. Section 33 of the Northern Ireland Act 1998 states:

The members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland

Each constituency shall return six members

The PVSC Act 2011 did not contain provision to amend Section 33 of the Northern Ireland Act 1998.

Furthermore, Paragraph 2 of Strand One of the Belfast (Good Friday) Agreement states that: "A 108-member Assembly will be elected by PR(STV) from existing Westminster constituencies"⁹. Therefore any potential change to the current electoral system would probably have to take account of Paragraph 2.

⁹ <http://www.nio.gov.uk/agreement.pdf> accessed 30 November 2011