

Written evidence submitted to the House of Commons Welsh Affairs Committee on the Draft Wales Bill by Dr Thomas Lundberg, Lecturer in Politics, School of Social and Political Sciences, University of Glasgow

Summary:

With regard to the electoral arrangements for the National Assembly for Wales, I strongly support restoration of the right for candidates to stand for election both in constituencies and on regional lists simultaneously ('dual candidacy') because this would promote more electoral competition at the constituency level, helping voters both at election time and between elections, with the greater likelihood of the 'shadowing' of constituency Assembly Members by their regional counterparts who hope to seek election locally; it would also mean that parties would be more likely to get their strongest candidates elected, which would strengthen the democratic process; and it is the norm in mixed-member proportional (MMP – the term used internationally by most political scientists to describe what the British government calls the additional member system) electoral systems elsewhere in the world. Maintaining the ban goes against the logic of proportional representation (PR) and would perpetuate what appeared to be a partisan rigging of the Assembly's electoral system.

1. The Labour Party, in general, opposes dual candidacy in MMP elections (used for the Scottish Parliament, National Assembly for Wales, and London Assembly), with claims that it is undemocratic for candidates who were, in the terminology of some in the party, 'rejected' by voters in constituency races only to enter an assembly or parliament through the 'back door' of the regional party list. Former Welsh Secretary Peter Hain was so opposed to dual candidacy that he led the effort to have the practice banned for Assembly elections (from 2007), despite the fact that nearly all Labour constituency candidates in the previous (2003) elections were also party list candidates. At the most recent elections in 2011, dual candidacy remained banned in Wales, but not in Scotland, where 19% of Labour's nominees were dual candidates, compared to 78% for the Scottish National Party (SNP), 86% for the Conservatives, and 52% for the Liberal Democrats.

2. Critics of the ban pointed out the partisan appearance of the action. The Electoral Commission noted this problem in its 2005 statement opposing the proposal, where it rejected Labour's argument that the public opposed dual candidacy because it had found no evidence of such opposition. In the 2006 debate over this issue, Conservative Members of the House of Commons also pointed out the appearance of Labour partisanship, noting that because of Labour's advantage in Welsh constituencies, other parties would be more likely to nominate weaker candidates in strong Labour areas if dual candidacy were banned because the regional list route would probably be safer. While the result since the ban was enacted is hard to test because many other factors are involved in elections ('correlation is not causation', as social scientists would say), the ban could have made constituency contests less competitive and, therefore, might have been bad for voters.

3. My research into the constituency role of MMP-elected representatives (and relations between them) shows that there have been tensions between constituency- and list-elected members of the National Assembly for Wales and the Scottish Parliament, and that the situation in the UK is worse than the situation in Germany, where the modern form of MMP originated. Chapter 6 of my 2007 book (see below) recounts the frustration many constituency representatives felt when encountering 'shadowing' by list-elected representatives who sought to raise their profile locally, responding to the electoral incentive provided by MMP and dual candidacy – representatives elected via their party's regional list would focus constituency service on a geographical constituency in which they planned to

seek their party's nomination at the next election. In the early years of devolution, most Welsh and Scottish constituency-elected representatives were from the Labour Party facing regional list-elected representatives from other parties, so there is a partisan dimension to the tensions. While this competitive situation may have been uncomfortable for representatives elected in constituencies, it focused more attention on constituents in some constituencies previously seen as safe, so could have been good for those constituents' interests.

4. For parties, there are problems associated with banning dual candidacy – they may fail to elect their strongest candidates, resulting in a weakening of the democratic process. In Wales, the 2011 election saw the Conservative leader fail to win a regional list seat due to the unexpectedly strong performance of his party's constituency candidates in that region. In Scotland, many high profile Labour candidates did not partake of dual candidacy and lost their constituency seats in 2011, so were not able to re-enter the Scottish Parliament. Some have become assistants to novice candidates who did win (and were presumably not expected to do so). Scottish Labour went from 53 constituency and 3 list members of the Scottish Parliament (MSPs) in the first (1999) election to 15 constituency and 22 list in 2011. The loss of so many experienced Labour MSPs in the last election makes it more difficult for the opposition to the SNP majority government (the party won 69 of the 129 seats) to scrutinise it effectively.

5. MMP is a form of PR, so the winner-take-all element derived from constituency contests can, for many people, be a confusing holdover from the 'first-past-the-post' system. It is understandable that people might find it difficult to accept the apparent resurrection of candidates who lose constituency contests, and part of the Labour Party's opposition to dual candidacy probably comes from a highly majoritarian understanding of democracy. Such a zero-sum view, however, is incompatible with the positive-sum logic of PR. MMP is about a larger contest that takes place across the electoral regions of Wales in which a party's overall (constituency plus regional) seat allocation is determined, more or less, by its party vote because of the (roughly) compensatory linkage between the constituency and regional tiers of seats. The constituency contests determine who is the 'local' Assembly Member (AM), though list AMs typically undertake a constituency role, and this can be important for those voters who were unsuccessful in electing their choice of a constituency candidate as a means of linking them into the political system.

6. Because dual candidacy is a typical feature of MMP systems (as well as most mixed-member majoritarian (MMM) systems, in which constituency and regional or national list seat tiers are not linked and PR overall is not achieved), and because the dual candidacy ban for Welsh Assembly elections was not in place at the outset, nor was it enacted for Scottish Parliament or London Assembly elections, I was shocked when the British government enacted the ban. While I have studied electoral systems for years, and am familiar with other countries' experiences of the manipulation of these systems for partisan advantage, I would never have expected a British government to carry out what appeared to be such a blatantly partisan attempt to rig an electoral system. Perhaps I was naïve, having grown up in the United States believing British democracy to be of a higher calibre than this. For those electoral systems experts looking at Britain from outside, noting that the few countries with mixed-member systems that ban dual candidacy include the less-than-democratic Ukraine and Thailand (among a few others), the inclusion of Wales in this group is disturbing.

7. In Germany, longstanding user of MMP, dual candidacy is not controversial. While there was some controversy, New Zealand has recently examined dual candidacy and has chosen to retain it. I hope the National Assembly for Wales will revert to its former situation of

allowing dual candidacy. While it may be outside the remit of this committee's enquiry, I would also recommend increasing the size of the Assembly to 80 by simply adding another 20 regional members (four more to each of the five existing electoral regions). This would increase the proportionality of election results and make the Assembly more representative of the voters of Wales.

Yours sincerely,

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Reference:

Lundberg, Thomas Carl (2007) *Proportional Representation and the Constituency Role in Britain*. Basingstoke: Palgrave Macmillan:
<http://www.palgrave.com/products/title.aspx?is=0230006523>