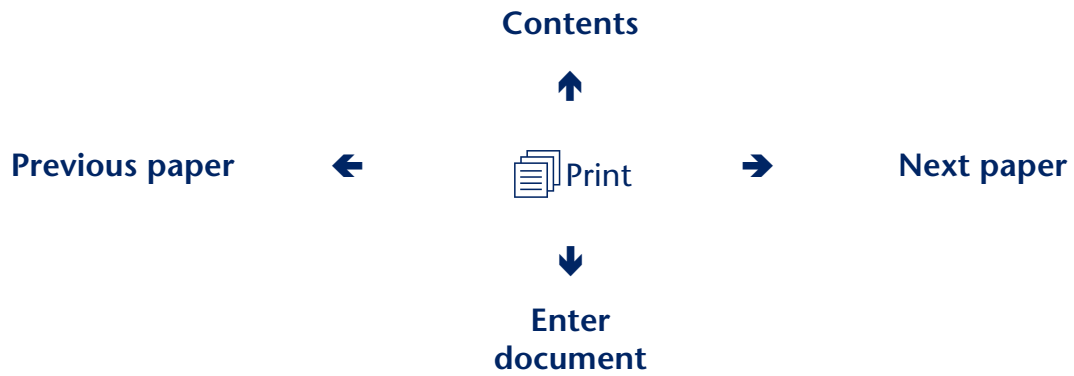# Royal Commission on the Reform of the House of Lords

Background papers

Electing Members of the Lords (or Senate)

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Report to the Royal Commission on Reform of the House of Lords:

ELECTING MEMBERS OF THE LORDS (OR SENATE)

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15 November 1999

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INTRODUCTION

1. This paper explores how either a fraction or the whole of the membership might be directly elected to a reformed second chamber - a Senate or a new House of Lords. On the face of it there are a large number of possible voting systems which might be employed. But on closer examination it becomes apparent that there are some important constraints on which systems are viable for this specific purpose. In most cases deciding about electoral systems rarely produces one set of arrangements which clearly dominates all others on all or most criteria. Instead, decisions usually involve choosing in dilemma situations - where certain benefits and costs attach to adopting option A, and different benefits and costs attach to option B. Research can be helpful in specifying as accurately as possible these factors, and thus allowing them to be better weighted or compared. A final stage which the Commission might like to consider would involve testing aspects of a probable recommended electoral system (such as the detailed design of ballot papers) by conducting some new survey research. With appropriate design work it is feasible for a wholly elected or partly elected second chamber to meet some quite complex requirements, depending on how the Commission decides to set some key parameters - notably the overall size of the chamber, the proportion of members to be elected, the fraction of members to be elected at any one time, and the term that members would serve.

2. The paper has three main sections, discussing:

- the principles which the Commission might wish to apply to designing a voting system for the Senate/Lords;
- how these principles could be implemented in a regional list voting system with either 100 or 142 members elected at a time;
- how these principles could be implemented in a regionally-based form of additional member system (AMS).

Some very brief overall conclusions are sketched. The Annexes provide longer and more detailed tables of results used to generate the tables included in the main text.

PART 1. CORE PRINCIPLES FOR ELECTING A SECOND CHAMBER

3. This part of the paper begins in a fairly general way by examining the distinctive principles which might apply uniquely to choosing a voting system for a second chamber such as a reformed Lords or Senate. It next considers some general principles which apply to all new electoral systems in current British conditions. And finally we look at some technical considerations in choosing between alternative voting systems which affect the kind of reform scheme that might be put forward. As the successive criteria are examined it becomes possible to set bounds to the decision space still open, and to indicate how decisions on one criterion are consistent with or cut across other criteria.

4. We have made a number of background assumptions on the constitutional roles of the Senate/Lords in constructing the paper, which we hope are not controversial:

   (i) The second chamber is constitutionally subsidiary to the House of Commons, which must remain the primary legislative chamber and the key source of electoral legitimacy for the government.

   (ii) The main roles of the Senate/Lords are:

   - To revise, amend and improve Commons legislation (the revising chamber role).

   - To act as a 'check and balance' on governments controlling an outright Commons majority, in the hope that initially non-consensual legislation might be made more acceptable to the largest feasible number of citizens. Senate/Lords amendments would act as a trip wire to signal a need for more consultation or consideration, while negotiations between the two chambers on disagreements would provide a timely mechanism for achieving this goal. Although the will of the Commons under (i) above would always in the end prevail, we assume that the Senate/ Lords would retain the right to enforce a 'cooling off' period of one year on non-financial legislation where agreement cannot be reached between the two chambers.

   - To initially process non-controversial or consensual legislation, thereby reducing the burden on the Commons.

   - To consider and review delegated legislation, including European Union regulatory provisions.

   - To scrutinize public administration in a way distinct from the Commons (for instance, paying more attention to cross-government issues and long-term planning).

Distinctive Principles for House of Lords/Senate elections

The following six principles apply solely to constructing an electoral system to fit the second chamber into the constitutional roles above.

Ia: The electoral system for the Senate/Lords should not rival or mimic that of the House of Commons.

5. This principle implies that members of the second chamber should *not* be chosen using a local constituency system, because that is a key element of the current voting method for the Commons, which uses plurality rule elections in 659 single member areas. (This traditional system is often misleadingly called 'first past the post', but there is no fixed winning post: whichever candidate has the largest number of votes - a plurality - in each local area, wins). Under the Jenkins' Commission's reform proposals between 80 and 85 per cent of MPs would still be elected in local constituencies, even if the Westminster voting system was considerably reformed to become broadly proportional.

6. The other key quality claimed for a plurality rule system is that it produces stable and effective government, usually taken to imply a single-party majority in the Commons and sole control of the executive. This effect follows from the typical exaggerative effect of plurality rule elections, which commonly award a 'leader's bonus' of seats to the party with most votes. They also discriminate against those parties which cannot run first in at least some constituencies. The Jenkins Commission accepted that any reform alternative for the Commons should retain a capability for single party governments to be formed when the electorate had a clear or settled preference for one party. Their reform alternative for electing MPs was accordingly only 'broadly proportional' in its operations. The second chamber has no role in choosing the executive or maintaining it in power, so that the consideration of producing majority government would not seem to apply to the methods of electing members of the Senate/Lords.

Ib: The Senate/Lords electoral system should create a fairly stable configuration of party support or voting blocs in the chamber - it should not

7. A corollary of plurality rule's ability to produce 'artificial' majorities is that small shifts in the balance of support amongst the political parties can trigger disproportionate shifts in the distribution of seats between them - the foundation of the 'pendulum effect'. Equally the relationship between parties' vote shares and seat shares under plurality rule is very variable and erratic. These features all suggest that if principle *Ib* is accepted then plurality rule is unsuitable for electing a Senate/Lords, a feature not apparently appreciated by some observers. For example, the Mackay Commission includes in its report a scheme for electing a second chamber in 80 areas across Britain, with six seats per area, elected in thirds every two years by plurality rule. The Commission does not examine any scenarios of how such a system would work in practice. But had this scheme applied in the 1990s, for instance, an inevitable consequence would have been the cumulative accretion of a huge Labour majority in the second chamber, just as occurred in successive local government elections. Before 1997 it would have been in stark opposition to the slender Conservative majority in the Commons, and in 1997 it would have had the same disproportionate Labour majority as prevails there. Table 1 shows the 'headline' results reported from a detailed test of the Mackay Commission system, reported in full in Annex C below. This result shows a high 'deviation from

Table 1: How the Mackay Commission scheme for an elected Lords would have operated in the 1997 general election in Great Britain

	Con	Lab	Lib Dem	Nats	Others	Total
Per cent votes	31.5	44.4	17.2	2.5	4.4	100%
Per cent seats	26.9	69.2	3.8	0	0	100%
Number of seats	42	108	6	0	0	156

proportionality' score of 25 per cent, compared with a general election score of 21 per cent, chiefly because the lead party (Labour) would be enormously over-represented. We conclude that a Senate/Lords constituted in this manner could not fulfil any useful role as a revising chamber or as a moderating check and balance mechanism on the behaviour of a government with a Commons majority.

8. If principle *Ib* is accepted therefore, it would point strongly towards the adoption of a proportional system for electing the Senate/Lords. Under such a system, party vote shares do not move disproportionately, but adjust strictly in line with shifts in citizens' votes. A PR system dramatically stabilizes the composition of a legislature, and when applied over a long period of time tends to produce fairly modest movements of public opinion between parties. Especially if a PR system is allied with a method of voting for the elected members in fractions - for instance, electing a third of members of the chamber every two years, or a half every two or three years - then the composition of the Senate/Lords will not be subject to violent swings, but instead should evolve in a predictable and moderate way.

Ic: *Ideally no one party should control the Senate/Lords with an overall majority, or enjoy a majority amongst the elected members in the chamber, unless it has majority (over 50 per cent) support in the electorate over a long period.*

9. Essential to the notion of revising chamber with a checks and balances and a 'cooling off' function is that it should not have a single-party majority. Such a majority might be 'whipped' into supporting government policy automatically if the Senate/Lords had the same political majority as the Commons, so that scrutiny of legislation effectively lapses. Or it might slip into a robotic adversarial opposition to government policy if the main opposition party controlled the second chamber and sought to use its control simply to obstruct the Commons' will. A second chamber with no single party majority is much better placed to take a dispassionate view of legislation and to act in the public interest to constrain the 'fastest law in the West' features of the current UK system. Of course, a majority coalition might well be constructed in the second chamber and would then be bound to prevail. But a majority coalition directly based on a majority of popular votes is at least more inclusive than an artificial majority based on a plurality of votes. And of course a coalition is likely to be more open to reflecting different perspectives than would a single party bloc.

10. If *Ic* is accepted, then it would also point towards the adoption of a proportional voting system for choosing the elected members of the Senate/Lords. Since 1974 when the modern British party system came into being, third and fourth parties have regularly received a fifth of votes. As a result no winning party in a UK general election has gained more than 44 per cent support, making it very unlikely that under a PR system any one party would have

gained overall control of an elected second chamber in this period. A similar pattern has been repeated at 27 local elections since 1972 and in five European Parliament elections since 1979 (including the 1999 election). Again, combining a proportional voting system with the election of senators/peers in fractions would imply that short-lived configurations of public opinion close to one election date could not convert easily into an artificial majority for one party or one coalition. With senators/peers proportionally elected in fractions then to gain majority control a party would have to accumulate close to 50 per cent of the votes on two or more occasions. This feat was last achieved in general elections by the Conservatives in 1955 and 1959, at a period when third and fourth party support was much lower than it has been since 1974.

Id: The Senate/Lords system should encourage members of the chamber to express views in an independent way, and it should not produce strong control by parties over their members there.

11. A revising chamber with only 'second look' and cooling off powers will work best if its members express views in a more differentiated way than can be achieved in a heavily 'whipped' and partisan House. There may be institutional devices which could be adopted to foster senators/peers deciding issues and voting on their merits, for instance using secret rather than open voting in divisions. But these measures usually have drawbacks of their own, such as an increased risk of corruption with secret voting in the chamber. The main British political parties are also relatively 'strong', centralized and ideologically-driven bodies compared with political parties in the USA or most European countries, so that this consideration is a difficult one to incorporate by institutional features alone.

12. If principle *Id* is adopted then it would point strongly against the use of any *closed* list PR system, such as that used in the 1999 European Parliament elections in Britain. Under closed list arrangements voters have only a single vote and they must endorse a whole slate of party candidates, rather than voting for individual candidates within each list. This system allows parties to fine-tune the chances of particular individuals being elected by adjusting their positions on the party lists. The Jenkins Commission reported strong opposition to closed list arrangements in their public consultations on a new voting system for the Commons.

13. Two main systems which might be used for the Senate/Lords incorporate a list element - List PR elections, and the Additional Member System (AMS) in the election of top-up members to give proportionality. For both systems there are alternatives to closed lists:

- 'Flexible' list arrangements allow voters to cast their one vote *either* for a party slate, *or* for individual candidates within each party list. When votes are counted the system will tend to move up the list lower-placed party candidates with many individual votes. But any votes cast for the slate as a whole count in favour of the party's own priority order of candidates. This approach rarely changes who gets elected compared with the parties' original list order.

- 'Fully open' list arrangements mean that voters *must* vote for some individual candidate in one party list or another. As soon as each party's entitlements to seats has been worked out from the total votes cast for their list, individual candidates are elected from the list in the order of their popular votes.

The principle of encouraging independent views would imply the adoption of fully open lists if either a List PR or an AMS system was adopted for the Senate/Lords. Additional devices might be used to accentuate the effect, such as mandatory listing of each party's candidates on the ballot paper in a random order determined by the Returning Officer.

14. Under a List PR or an AMS system it would also be feasible to consider setting aside a section of all ballot papers for Non-Party Candidates. People included here would need to satisfy the civil servants acting as regulators of parties (probably a new Elections Commission), that they were not party members or disguised candidates. All the votes cast for people on the non-party list would be added up to determine how many seats should go to such candidates. The seats won would then be allocated amongst the non-party list in the order of individual candidates' popularity with voters. Combining fully open lists for party candidates with a Non-Party Candidates list could create stronger incentives for members of the Senate/Lords to vote individually on the merits of issues - because their parties would not be able to determine their position on the party list; and if they were excluded from the party list altogether, they would have a more viable option of standing as a non-party candidate.

Ie: The Senate/Lords system should encourage people with relevant expertise for a revising chamber to offer themselves as candidates.

15. A number of features already discussed are likely to make Senate/Lords membership

attractive for people who would not wish to become MPs but who could contribute to the success of a revising chamber with limited 'second look' and cooling off powers. Particularly important would be the reduction in partisan control, membership of a chamber without local constituency functions, clear electoral legitimacy from PR elections, and the consensual/non-majoritarian style of operating. Open list voting could be helpful in encouraging political parties to look for well-known candidates with relevant expertise, those with the right 'star' qualities to attract votes for a revising chamber. Similarly such people might well perform strongly on a non-party list should this feature be included, thereby encouraging them to stand on their own volition. Other features that might be helpful in attracting well-qualified candidates would be fixed term elections and perhaps relatively longer terms of office, such as six years.

If: *The new voting system should help the Senate/Lords create links between nations or regions with devolved powers and the Westminster Parliament.*

16. In the last twenty five years all the larger west European states which were previously in a unitary model of government have adopted new structures with regional governments (notably Italy in 1974, Spain in 1977 and France in 1982). Since 1998 Britain has joined this move, with the creation of the Scottish Parliament, Welsh National Assembly and Northern Ireland Assembly, and (in 2000) a strong London Mayor and Greater London Assembly. If Labour wins a general election in 2001 or 2002, forecasting work by LSE Public Policy Group envisages that elected regional assemblies are likely to be set up within England around 2003-4, with early candidate regions being the South West, North West, Yorkshire and Humberside and North East. The Greater London Authority could acquire regional status, powers and budgets at the same time, or earlier. All the regions involved would be Government Standard Regions (see Table 2 below). Britain's MEPs will be elected to sit for areas which are the government standard regions in June 1999, the first political expression of regionalism across the UK.

17. These considerations point strongly towards choosing a voting system for the Senate/Lords which has a strong regional basis to foster connections with existing or future devolved bodies. The main options here are:

- *All* elected members chosen on a regional basis. This approach would point towards adopting either List Proportional Representation (with open lists, see above) or the Single Transferable Vote (STV). We show below that using these systems solely at a regional level could restrict the number of senators/peers to be elected at any one time.

- Elected members chosen on a sub-regional basis, but within areas which add up to the standard regions. This approach would allow more members to be elected at any one time by List PR or STV.

- *Some* members elected on a regional basis and some on a sub-regional basis (within areas which add up to the standard regions). This approach would point towards the Additional Member System (AMS).

Ig: The voting system for Senate/Lords should be consistent with a stable long-term role for the chamber which fits into the evolving constitution.

18. In liberal democracies around the world elections based on the votes of politically equal citizens have normally been the most significant basis for providing legitimacy to law-makers. A wholly elected second chamber might be expected to have a much more stable and guaranteed future than one based on a mixture of different selection methods. The stability and prestige of the second chamber will be an important factor in attracting well-qualified candidates to seek membership of the Senate/Lords, especially in view of its limited powers in the first place. There are two main alternatives to direct election:

- 'Indirect election', that is, appointment of members of the chamber by other already elected bodies, can seem attractive. But it has some key consistency problems if combined with the direct election of members. In the UK, feasible proportionally-elected appointing bodies exist only in Scotland, Wales, Northern Ireland and London. Across the rest of England the only possible appointing chambers would be ad hoc regional groupings of local councils elected by plurality rule, but these councils are currently constituted in a highly disproportionally way. Even if a party-proportional system of indirect election was mandated therefore, the second chamber members elected from local government in England (outside London) would not

reflect voters' views at all closely, and might for long periods contain an artificial majority for one party (violating principles *Ib* and *Ic* above, if these are accepted). And where the nominating bodies are themselves proportionally based, it may not be automatically easy to ensure that a majority coalition does not capture *all* rather than some of the chamber places, without the Senate/Lords legislation also intervening in the internal affairs of other Parliaments and assemblies. Adopting indirect election with non-geographically based bodies (such as trade unions or professions with existing internal constitutions) poses exactly the same problems of potentially building in disproportionality from outside.

- Appointment by the UK government or a body nominated by it could be made more easily consistent with direct election. For example, the Commission might specify that party quotas for appointment should maintain broad proportionality. Also including a quota of cross-benchers or independent senators/peers might help ensure that no one party has an overall majority amongst the non-elected members. A key problem with any appointment method in a mixed house would be to ensure that the legitimacy of the appointed members was not lower than those of elected members. It is often suggested that the experience of some conditional legitimacy for an inherited non-elective Lords in Britain since 1948 shows that appointment is acceptable to British public opinion. However, the UK experience is a highly unusual one in comparative terms. And the past position of the old chamber may not provide a good guide to how the public would view a *new* chamber constituted in part or in whole by an appointed method. In autumn 1999 an opinion poll carried out by ICM for Democratic Audit showed that voters split 5 to one in favour of an all elected House of Lords rather than an appointed one. The detailed results of this poll also strongly suggest that the legitimacy of appointment is so low that there would be great problems in getting people to participate in elections for any mixed second chamber, where some members are appointed and others elected. This problem would be likely to become sharply worse if elected members constituted less than half of the chamber, and if the remaining non-elected members could be automatically enlarged to give the governing party a majority.

19. In a chamber that is constituted using mixed processes, employing *any* system of appointment not accompanied by a definite term limit on office (such as the current life peerage) will imply that the second chamber will get progressively bigger with each

appointment round. For example, new appointments could be needed at each general election, if the party balance changes and people have not retired or left office in the required ratios. Hence in a mixed chamber, part elected and part appointed without term limits, it seems inevitable that either the initial elected component will be diluted over time, or the number of elected members will also increase. Neither alternative is likely to be very comprehensible or appealing to voters at large.

General Principles for designing new elections

We turn now to issues which arise in a similar way for any new voting system which has to be inserted into an existing structure of elections. We hope that these considerations are non-controversial.

IIa: The new system should be consistent with other UK electoral systems
already in use or likely to be in use in Britain in the foreseeable future.

20. Any new electoral system needs to fit in with other methods of voting which citizens have to operate. This requirement applies in a general background way if different methods of election just co-exist but are not used by voters simultaneously. However, consistency considerations apply with special force if elections for the Senate/Lords were to be 'piggy-backed' with elections for any other body (see paragraph 22 below). Table 2 shows the systems already in use within the UK, plus the Jenkins Commission's proposal for reform of voting for the House of Commons. We have graded the combinations into four categories, one of which is identity, plus:

- 'very good fit': here the method of voting is essentially the same for citizens, but the systems involved are not quite identical. So there is only a pretty minor risk of voters making small mistakes or 'wasting' some of their votes.
- 'good fit': here voters complete the same task in marking ballot papers, but it may have different meanings or implications. For instance, filling in a single X vote under plurality rule and under List PR will have different effects. There is the potential for some voter confusion here.

Table 2: The level of fit between electoral systems which might be used for the Senate/Lords and the systems used for electing other bodies

Possible voting systems for Senate/Lords:	Systems currently used for electing other bodies:				Possible new system:
	Plurality rule (House of Commons now, local council elections now) Single X vote	*Additional Member System (Scotland, Wales, London assembly)* Two X votes. Two ballot papers.	List PR (European elections) Single X vote.	*Single Transferable Vote (Northern Ireland Assembly and local councils)* Voters number preferences from 1 to n. One ballot paper.	*AV Plus (put forward by Jenkins Commission for Commons)* Voters number constituency preferences from 1 to n, and X vote for the top-up stage. Two ballot papers.
Plurality rule Single X vote	Identical	Good fit	Very Good fit	Poor fit	Poor fit
Additional Member System Two X votes	Good fit	Identical	Good fit	Poor fit	Poor fit
List PR Single X vote	Good fit	Good fit	Identical	Poor fit	Poor fit
Single Transferable Vote Numbering preferences 1 to n	Poor fit	Poor fit	Poor fit	Identical	Mixed: good on constituency vote , but poor on top-up vote

- 'poor fit': here voters have to carry out quite different tasks, such as numbering candidates in one system and casting one or two X votes in another. If the two elections are held on the same day there is a real danger that people will complete one ballot paper in a manner appropriate to the other (for example, numbering multiple choices on a single X vote ballot, which might lead to the ballot paper being declared invalid). If the two elections are held at different times citizens may still be confused about what they need to do.

21. Table 2 needs to be interpreted a little cautiously since there is a general process of electoral reform underway in the UK. The majority proposal of the Jenkins Commission was for a particular system called AV Plus, which is equivalent to an AMS system with an Alternative Vote method used at the constituency stage. We doubt that this extra complication will in fact survive the process of the government framing a question for a voting systems referendum. A simpler alternative, called SV Plus would mean that voters at the constituency stage use a procedure known as the Supplementary Vote (SV), and mark their first and second preferences against candidates using X votes. The SV system (which will be used to elect the London Mayor in 2000 and possibly other local Mayors) is much more consistent with plurality rule and AMS elections, the two main systems already in use in mainland Britain. Alternatively, the government might adopt for the referendum a straightforward AMS version of the Jenkins scheme, as recommended in a minority report by one of the commission members Lord Alexander.

22. In assessing the immediate consistency of Senate/Lords elections it is important to decide whether they will be held separately from all other elections on a fixed cycle, or whether they would be 'piggy-backed' with other elections. There are four possible options for piggy-backing to consider:
- Linking Senate/Lords elections formally and regularly with elections for the Commons would have some advantages but also numerous drawbacks. On the 'plus' side it would deliver a higher turnout and establish a configuration of opinion in the Senate/Lords at the same time as the Commons' result, somewhat reducing the risk of inconsistent majorities in the two chambers. However, the upper chamber's composition could still be significantly different, unless its electoral system copied that of the Commons exactly, violating principle *Ia*. On the 'minus' side this approach would mean that senators/peers could not have fixed terms of office, could

not be elected in fractions, and would be elected in conditions of high partisan debate, and in circumstances likely to reinforce party control over them.

- Even if the upper chamber has a separate and fixed electoral timetable, none the less future Prime Ministers might choose to call Commons elections on the same day as the fixed Senate/ Lords election, just as some general elections have been called on the same day as regular municipal elections, as in 1997. Turnout levels are highest at general elections, 71 per cent in 1997.

- Piggbacking Senate/Lords elections with local government elections held in May every year is the most likely formal option, especially if senators/peers are elected in fractions. Local elections are currently planned to move to an annual cycle in England by current legislation. However, this move is still controversial in England because it could well cut turnout in council elections even further. And in Scotland and Wales it is quite likely that local government elections may go the other way, towards having elections only once in the mid-terms of the Scottish Parliament and Welsh National Assembly, in order to reduce possible 'voter fatigue' problems there. There is a strong chance that a proportional system will be adopted for local government elections in the near future, beginning in Scotland by around 2001 and perhaps spreading to England by around 2003. The most likely reform systems being considered are a local version of AMS, preferred by Labour local reformers and already adopted for the Greater London Assembly, or the Single Transferable Vote, advocated by the Liberal Democrats and a strong runner from early public consultations by the Macfarlane committee in Scotland. To achieve piggybacking with *only* municipal elections the best bet would be to phase Senate/Lords elections in even numbered years (thereby avoiding clashes with the devolved bodies' elections). Current local election turnouts are low, reaching below 29 per cent in England in both 1998 and 1999.

- Piggybacking Senate/Lords elections with elections to devolved bodies held in May is also quite likely - either with the Scottish Parliament and Welsh National Assembly in four-yearly odd-years from 1999, or with the GLA elections in London four-yearly from 2000. Turnout rates were higher here, over three fifths in Scotland but under half in Wales. We currently expect turnout for London next year to be around 45-50 per cent.

- Finally Senate/Lords voting could be piggybacked with European Parliament elections, held every five years from 1999, in early June. There are possible

advantages here, since the Euro elections use a regionally-based voting system, currently closed list PR, but quite likely to shift to 'flexible' lists in 2004. However, there are also some drawbacks, because the Euro elections will perhaps converge on a single or common electoral system in the near future, which will of course be determined on a Europe-wide basis over which the UK has only partial influence. The allocation of MEPs to Britain will also be reduced with the enlargement of the EU to include new member countries (probably in 2005). This alteration will change the number bases for MEPs' allocations between regions, although not of course the regions' relative representation. Turnout at European elections was stuck at just over a third of voters from 1979 to 1994, but then plunged to just 24 per cent in 1999, which coincided with the introduction of a closed list regional PR system. However, to what extent the electoral system contributed to this result, as distinct from the strategies of the political parties and the orientation of British pubic opinion towards the European Union generally, is hard to ascertain. Certainly the complete absence of local candidate-focused campaigns was no spur to party activists or to turnout. Subsequently the Labour National Executive Committee have voted to scrap closed list elections and to look instead at introducing some form of MAS system for the next Euro-elections in 2004.

23. Some election administrators take the view that voters should not be asked to handle more than three ballot papers at once, although this advice is based on hunch rather than detailed research. A Senate/ Lords election held at the same time as municipal elections in even-numbered years would avoid conflict with the Scottish Parliament and Welsh Assembly elections, which both have two ballot papers already. But every four years from 2000 it would clash with the GLA elections in London, where voters already have three ballot papers, one for the Mayor and two for the Assembly (one for local members, and one for top-up members who are elected London-wide). This could pose a problem in using a two-ballot AMS system for the Senate/Lords election in London. If local elections stay with plurality rule, or generally move over to an STV system, then voters would only have one ballot paper. If local elections shift to an AMS system with two ballots, and a significant number also adopt directly elected executive mayors, plus the government sticks with its current plan for annual elections for the English councils, then problems of achieving fit could increase. But these 'on the day' issues are all tractable ones, susceptible to detailed design solutions.

IIb: The system should produce ballot papers that are easy for voters to understand, and its operations should fit with what they already know about electoral systems.

24. Existing large-scale survey research by LSE Public Policy Group and the Democratic Audit suggests that simple AMS and List PR ballot papers have greater acceptance with the public in mainland Britain than STV ballot papers. Further evidence will emerge from current studies of the 1999 Scottish Parliament, Welsh Assembly and European Parliament elections, and there was some initial press comment critical of the size of ballot papers in some of the Scottish top-up areas, and of the size of the large regions' ballot papers for the European elections. These stories create good headlines before voters have actually seen the ballots in practice, and they underline the points discussed under *IIIa* below about the maximum size of ballot papers. But we expect that the research will show that relatively few voters had problems with any but the largest ballot papers. Evidence from Northern Ireland surveys suggests that STV works well there and has high public acceptance, where its operations are now familiar.

25. Voters in mainland Britain are already aware of plurality rule's operations, although working out how to try and achieve tactical voting effects can often create significant problems for citizens *ex ante*. But increasingly voters in Scotland, Wales and London will become familiar with AMS also. Other voters in England will only learn how AMS works by reading about AMS elections elsewhere, or if local government elections move over to AMS, or if AMS or AV Plus are adopted as a result of a voting systems referendum for Commons elections. Although some commentators decry the 'bewildering variety' of election systems now in use, there is good evidence that in fact reform systems are converging on a common model called 'British AMS'. British AMS shares some key features: two ballot voting; a majority of local representatives and a minority of top-up representatives; high thresholds for small parties to win seats; and the use of d'Hondt rules for allocating the top-up seats. See paragraph 40 below for an explanation of the d'Hondt method).

IIc: The system should maximize turnout and avoid voter fatigue.

26. Britain has become a more middle class, longer-educated and more graduate society in the last two decades - all factors which predict higher turnout levels. However, turnout levels

have been static in the 1990s and are now falling appreciably, by 10 per cent for instance between the 1994 and 1999 European elections for instance. Underlying propensities for people to vote are falling, most clearly in plurality rule local elections in England with some turnout levels in inner city areas sinking below a quarter of voters. 'Piggy-backing' Senate/Lords elections with local, or devolved, or European elections would restrict the number of occasions when citizens have to go to the ballot box. A link with council elections or European Parliament voting would also almost certainly help pull up turnout for these bodies also. Local council votes rise to twice normal levels when general elections and local elections coincide, as they did in 1997. But the turnout achieved for a combined election with either councils or MEPs would still probably be quite low, we would guesstimate realistically no more than 40 to 50 per cent on a best scenario. Piggy-backing with devolved bodies' elections would probably raise turnout for the Senate/Lords in Scotland and also in London, but perhaps not in Wales. We would expect turnout levels to be less for a Senate/Lords that is only partly elected, and to be especially low if elected members do not constitute a clear majority in the second chamber as a whole.

IId: The system should encourage the creation of a chamber (or of an elected element within the chamber) that is socially representative of the UK population, in particular giving fair representation to both genders and to different ethnic groups.

27. Just as we would not expect a toaster to be much good at making coffee, electoral systems are not necessarily appropriate vehicles for achieving 'social engineering' results - for one reason, because appreciable numbers of citizens may not share aspirations to achieve a socially representative legislature. The essential finding of existing research is that the internal operations and behaviour of political parties are the dominant influences on the social make-up of MPs or other sets of representatives. In the UK there has been a general policy in the past of the state not intervening, or intervening only minimally, in internal party affairs.

28. However, there is now some well-established research which confirms two key ways in which electoral systems can influence the social make-up of a legislature, for good or ill:
- Systems with a list element, that is List PR and AMS, are generally the most successful at securing gender balance and ethnic group representation across all liberal democracies. When parties have to present a whole slate to voters there are

strong incentives for them to achieve balance. In Scotland and Wales AMS has proved very successful in raising the representation of women dramatically towards parity with men amongst MSPs and AMs. Ethnic group representation has been less prominent as an issue in these areas heretofore. The London-wide AMS elections for the capital in 2000 are likely to produce again something more like a gender balance. And with a quarter of the capital's population being black or Asian voters the AMS lists are likely to be better balanced ethnically than any previous election in Britain. LSE Public Policy Group research currently suggests that the 1999 European elections will be less successful in achieving change, mainly because Labour has ring-fenced most of its MEP slots for its existing members who are preponderantly male. We expect only 30 per cent of successful MEPs to be women and at most two or three (out of 87) to come from ethnic minorities.

- Plurality rule elections in single member constituencies or wards are the most likely to produce a high preponderance of white male representatives, because local party selection mechanisms tend to focus heavily on picking candidates seen as 'the norm'.

If principle *IId* is accepted, therefore, these considerations would point towards using List PR or AMS elections for the Senate/Lords, and point away from using plurality rule.

29. How STV elections would perform in Britain on this criterion is hard to say. Parties would have some strong incentives, as with List elections, to produce slates of candidates reflecting the population make-up in the electoral district. Voters who are concerned about balanced gender or ethnic group representation can also use the system's ability to pick amongst candidates in a fine-tuning way across parties, so as to achieve their preference. But other voters may equally use this capacity in a way that militates against achieving balance. In research on how STV would have worked at the 1997 and 1992 general elections we found a small but recognizable net effect in all parties for candidates with ethnic names to be less supported, and an effect amongst Conservative voters alone to prefer male candidates. Lesser effects on these lines might also occur under fairly open lists, but here citizens have only one vote and not multiple votes.

Technical considerations

In this section we turn to some specific constraints which must be respected in any election system. We also suggest a number of possible areas and number combinations that could be used for a Senate/Lords elections.

IIIa: Maximum magnitudes for electoral districts - there are limits to the size of ballot papers that voters can cope with.

30. The larger electoral districts become, the more positions as representative are elected at the same time. But this in turn implies larger ballot papers. In England for List PR and the List element in AMS the parties will commonly stand candidates in all available seat slots. Hence we need to multiply the number of slots to be filled by 4 (Labour, Conservative, Liberal Democrats and Others). In Scotland and Wales we need to multiply by 5 because of the presence of the nationalist parties. The largest number of representative elected at one time at present in mainland Britain is 11 - the number of MEPs in the two largest government standard regions, and the number of top-up GLA members in London. Filling 11 slots at a time implies a ballot paper with at least 44 names on it in England, and 55 in Scotland and Wales. We regard this 11 or 12 seats per electoral district as a practical maximum number. This constraint impacts most severely on List PR carried out solely at the regional level. Note that nominating behaviour in the European Parliament elections has been for more candidates to stand under List PR. In Scotland also there were many nominations for the AMS lists, and the success of some 'fringe' or non-major party candidates there is likely to sustain a future pattern of numerous nominations there. Party fragmentation of the vote in Britain is generally increasing, and 'other' candidates beyond the big three parties and the nationalists scored over 4 per cent of the vote nationwide in the 1997 general election, and 11 per cent in Scotland and 5 per cent in Wales in the 1999 devolution elections. In the European Parliament elections of 1999 candidates were elected in the largest regions for the Greens and the UK Independence Party.

31. For STV the size of ballot papers could be exactly the same as List PR if the parties were to stand candidates in all available seat slots. But under STV in Northern Ireland and Eire it is normal for parties to only field candidates equal to the number of seats they realistically expect to win plus one. This difference arises because under STV fielding too many

candidates may cause your people to drop out in the process of eliminating bottom candidates used in later seat allocation rounds. Hence the total number of candidates for STV might well be around half the number found under List PR. On the other hand, STV may encourage the fragmentation of political parties, creating partly offsetting tendencies for numbers of nominations to increase. In the Northern Ireland Assembly elections of 1998 a total of 12 clearlyl-established parties contested seats.

IIIb: Minimum magnitudes for the new electoral districts - there are lower limits to the number of Senators/peers who can be elected in one district if proportional results are desired.

32. It is generally accepted in political science that proportional results can only be achieved in systems where the electoral districts have at least 4 representatives each. In Scotland and Wales (which already ahve four-party systems) the appropriate minimum size is higher, 5 members each. So we strongly recommend that district magnitudes of 5 or more members are used for List PR or STV. In AMS the relevant district magnitude is the total number of local seats plus top-up seats elected within any given top-up area: again it should never fall below 5.

IIIc: Possible geographical areas to be used for Senate/ Lords elections.

33. The four main contenders to serve as electoral districts for choosing Senators/peers are:
    (i) *Government standard regions.* The 87 MEPs have been allocated to the nations (Scotland, Wales and Northern Ireland) and the English regions on a basis roughly proportional to their populations, although Wales is still over-represented (see Figure 1 for a map of the regions). The regions mostly have between 5 and 11 members each, but there are only 4 MEPs in the North East and 3 in Northern Ireland. A fairly small increase of the number base could move Northern Ireland to 4 senators/peers and the North East to 5, however. Choosing the same regional areas for electing the Senate/Lords would aid voter recognition of the regions and fit closely with existing and possible future devolution. Regional-only elections would point strongly to either open List PR or STV as the systems to be used. There might be some problems in electing enough representatives in this way because of the limit on maximum size of ballot papers. However, we consider in

Part 2 below a method for expanding this number base which avoids this difficulty.

Insert Figure 1 here

(ii) *Sub-regions adding up to the government standard regions.* It would be possible to separate out conurbation areas from their hinterlands within the standard regions, and to distinguish in Scotland, Wales and London between very different kinds of areas. This would give up to 20 regions or sub-regions shown in Table 3. (Although it is socially quite a homogenous area, we have assumed that it would also be necessary to divide the South East into two or more sub-regions, since it already has 11 MEPs' seats). Seat numbers would still have to be proportional to population, however, and it would be necessary to more than double the number base beyond 87 in order to meet the minimum size criterion for say Mid and North Wales (which would merit only 2 seats at present). Any substantial increase in the number base would also mean that the East Midlands, south West and Eastern regions would have to be sub-divided also. Representatives from sub-regions could easily be grouped into the standard regions to facilitate links to devolved bodies. Electing only in sub-regions would again point to List PR and STV. However, as the number of electoral districts increases, the constraints in these systems on the numbers of senators/peers who could be elected at one time would become less severe.

(iii) *The 80 'County' areas proposed by the Jenkins Commission* as the top-up areas to be used in AV Plus elections for the Commons. In their scheme for an elected House of Lords the Conservatives' internal commission headed by Lord Mackay proposed using the same areas. In fact historic counties form the Jenkins areas only in England outside the metropolitan areas, and even then four larger counties are split into two areas each. Inside London and the English metro areas, and also in Northern Ireland, the boundaries outlined by the Jenkins Commission were drawn up for them by LSE Public Policy Group. We also persuaded the Jenkins Commission to use the top-up areas for the Scottish Parliament and the Welsh National Assembly as top-up areas for any new Commons system in those two nations, which will tend to enhance voter understanding of the system. The only more problematic element of the Jenkins scheme was the rather artificial groupings of boroughs necessarily used within London, but even here it would now be possible to realign these areas somewhat to bring them into line with groupings of the two-or three borough constituencies used in the GLA elections. Apart from London, all the 'county' areas used in the Jenkins report will have very good levels of voter recognition already. This recognition would only increase if the Jenkins

scheme for Commons elections is implemented at any stage.

Table 3: Possible sub-regions within Government Standard regions

Government Standard Region or Nation (and number of MEPs as in indicative of size)	Possible sub-regions
Scotland (8)	• Highlands and Islands • Central Scotland • Southern Scotland
Wales (5)	• South Wales • Mid and North Wales
London (10)	• Middle London • London suburbs
West Midlands (8)	• West Midlands metro conurbation • West Midlands remainder
North West (10)	• Merseyside/Manchester conurbation • Remainder of the North West
Yorkshire and Humberside (7)	• West and South Yorkshire conurbations (1 area) • Remainder of Yorkshire and Humberside
South East (11)	• Wessex and northern • South coast
North East (4)	no sub-regions
East Midlands (6)	no sub-regions
Eastern (8)	no sub-regions
South West (7)	no sub-regions
Northern Ireland (3)	no sub-regions

The 'county' areas were proposed to have either one or two members each by Jenkins, using a simple allocation rule drawn up by LSE Public Policy Group. In this version the 80 areas would elect 134 representatives. However, the Mackay proposal was to give all the areas two seats at each fractional election, giving 160 representatives elected at a time, or with one member each they would give 80 representatives.

County areas were proposed for use with plurality rule by Lord Mackay, but as we noted in paragraph 6 above this system would severely distort the composition of the chamber and risk creating artificial single-party majorities.

(iv) 'County' areas could be used *in combination* with the government standard regions (or with sub-regions). This combination would create a basis for a strong AMS system. The 'counties' would form the 'local' seats - without in any way rivalling Westminster constituencies. A half to two thirds of Senators would be elected by plurality rule at this level (or you could use the Supplementary Vote or the Alternative Vote for this stage). The standard regions would then form the top-up areas, where the other third to a half of members are elected so as to give an overall proportional outcome.

34. Some less likely options in the current state of debate should also be registered for completeness. We could explore them in more depth if Commission members thought them relevant:

- Regions or sub-regions might be used as local areas in an AMS system, combined with a *national list* top-up, that is, at UK-wide level. The total number of members elected at any one time in this approach would be severely constrained, with an effective maximum of 33 members elected in total if proportionality was to be achieved without the national list becoming longer than 11 seats. And even at this level, we can be certain that a large number of candidates would stand for the national list, however weak their chances of success. However, with one third fractional elections every two years this constraint would still permit a Senate/Lords with 100 members.

- Election might be solely by national list. At the UK level only 11 or perhaps 12 members could be elected at one time. At the level of England, Scotland, Wales and Northern Ireland more members could be simultaneously elected. But here the population differences between countries are so large that getting a minimum number of members for (say) Wales would imply a quite massive list in England, clearly breaching the upper limit on ballot paper size. Hence, we regard this option as not viable within a population-proportional allocation of seats.

- All our discussion of possible areas assumes that the number of senators/peers varies across areas in proportion with population. It might be possible to explore

also flat-rate representation of areas, as in the US Senate where each state has two senators whatever its size. However, in multi-party British political conditions this would imply quite high deviations from proportionality at least some of the time. It would clearly conflict with criterion *Ic* above. It would be likely to breach also criterion *Ib*, and it might imply the creation of a Senate/Lords with a permanent bias in party representation towards the least populous regions.

- Some seats might be set aside for national list elections where voters at large would choose amongst candidates nominated by trade unions, professional bodies or other civil society associations under special procedures. Here there would be almost certainly party pentration of the nominating process, but the fact that citizens as a whole decide who is elected would provide some counterweight.

- There might be a 'guild' representation system involving the 'functional election' at national level of a quota of senators/peers with separate electorates composed not by citizens in general but rather by the members of nominated civil society associations, or groupings of such associations. Methods of functional election to state representative bodies have tended to die out in liberal democracies in favour of geographically-based representation. But internal election processes are vigorous in many of the possible 'guild' bodies, and detailed design work could no doubt produce viable schemes, again within the older tradition of functional elections. Developments such as the spread of the Internet/Web and electronic voting methods might enhance the future practicability of such schemes.

However, considerable care and research would be needed to ensure that principle *Ib* was not breached, and that an artificial majority of senators/ peers did not result from the internal election methods used in the outside bodies. And while this kind of approach looks attractive in terms of encouraging independent-minded people to stand as candidates, comparative experience with other upper houses similarly constituted (such as that in Eire) suggests that political parties tend to penetrate occupational electorates quite extensively.

IIId: Possible number bases for the size of the elected members group or overall size of an all-elected chamber.

35. When the Royal Commission is considering the overall size of the Senate/Lords, or the size of the elected membership of the chamber, the main number bases to bear in mind for

Britain are therefore:

- The allocation of 87 seats across the 12 standard regions used for MEPs.
- The 80 'county' areas from the Jenkins Commission.
- The 134 seat allocations to the 80 'county' areas suggested by Jenkins.
- Election of senators/peers in thirds would multiply all these base numbers by three, and elections in halves by two.

It should therefore be a fairly simple matter to devise number bases for the election of anywhere between 100 and 500 members of the second chamber. A wholly elected chamber of less than 100 (or an elected member component of less than 100) is inadvisable if proportionality is sought.

36. **Conclusion to Part 1:** This part of the paper has outlined some possible principles which the Commission might choose to adopt in considering how members could be elected to a second chamber. We have also indicated in very general terms some options which would be made more or less feasible depending on the outcome of the Commission's decisions. In the next two parts of this paper, and following discussion with Commission staff, we move on to develop *two* detailed designs for electoral systems adapted to the Commission's preferences and decisions; and evaluate systematically how these developed options would have worked under recent (1990s) electoral conditions, utilizing databases of voter's behaviour on a range of alternative ballots papers compiled in large regionally based surveys of 8,500 to 9,000 people carried out at the 1997 and 1992 general elections.

PART 2. A REGIONAL LIST SOLUTION

37. In response to guidance from the Commission this part explores the performance of a regional list solution for electing either a fraction or the whole of the membership to a reformed second chamber, using an open list form of List PR, with all members being elected at the regional level.. We begin by undertaking a detailed simulation of how the system would have worked in the 1997 and 1992 general elections, for which we have the best data and can use the current government regions as a base. We next extrapolate back to how regional list elections would have worked over a longer period of time, using data available from published sources. We are not entirely confident of the data quality here, and these backward projections have had to be made on the basis of the old government 'standard regions', so that there are small differences in the results for the 1990s. But so long as these data are construed as denoting basic patterns (rather than simulations correct to the nearest seat) they will not be misleading. Finally we consider from the available, rather scanty, evidence, how an open list PR system would be likely to operate, and what differences we might expect in the results as a result of voters being able to choose amongst candidates as they wish.

The basic operation of the List PR system

38. The first approach which the Commission asked us to consider was a regional List PR system with open list voting. We looked in detail at three possible schemes for allocating seats in mainland Britain:

- one with 138 seats giving larger numbers of seats per region (up to 18 seats in the south-east, and 16 seats in London and the north west). With 5 Northern Ireland seats, 143 seats would be elected at a time.

- another with 118 seats (*inter alia*, cutting the south east-east and north-west regions down to 15 seats each, and London to 14 seats). With 4 Northern Ireland seats, 122 seats would be elected at a time

- and a third, suggested by the Commission, with 96 seats in mainland Britain (where the maximum number of seats per region was kept down to 12, in the south-east and London). With 4 Northern Ireland seats, 100 seats would be elected at a time.

Our aim here in looking at these variations was to explore in some detail the impact of alterations in the regional list size on the proportionality of the basic regional list PR system..

39. This paragraph explains how the seats were allocated between regions for the 138, 118 and 100 seat schemes; *it can be skipped* by any reader willing to take our allocations on trust.

(i) The 138 seat schema (set out for all regions in Annex B) starts from the a population proportional adjustment of the allocations of seats suggested by the Jenkins Commission. We chose this method because we wanted to compare between the regional list method covered here and the regional AMS method described in Part 3, to see if the method of election would introduce any significant differences in results. In the event the variations proved to be very tiny indeed, hinging mainly upon things like the treatment of the 'other' vote.

(ii) The 100 seat schema was then requested by the Commission with the objectives of keeping down the maximum size of the ballot papers that would confront voters in the largest regions, and also achieving a slight equalization of the numbers of seats across regions, so as to favour the smaller regions. Our allocation here begins from a different basis, the allocation of MEPs to the government regions used in the 1999 European Parliament elections, which totalled 87 seats (three of which were in Northern Ireland). We considered a number of ways in which an additional 13 seats could be allocated so as to bring the total to 100 seats, but in the end recommend a fairly simple procedure. One additional seat is allocated to each region, irrespective of its current population size. Effectively this favours the smaller regions. The final seat is then allocated to one of the large population regions which are under-represented, but subject to the constraint that no region should have more than 12 seats - because beyond this level the size of the ballot paper could be off-putting for voters. With one extra seat the South East, the biggest and most under-represented region, already has 12 seats. The next most under-represented region on the population criteria is London, which thus gets the final extra seat. The resulting seat allocations, and population numbers per representative, are shown in Table 4.

Table 4: Suggested allocation of 100 seats across regions

Region	MEPs	Lords Seats	Average population per seat
South East	11	12	653
Greater London	10	12	636
North West	10	11	618
Eastern	8	9	589
West Midlands	8	9	589
Scotland	8	9	567
Yorkshire/Humberside	7	8	625
South West	7	8	600
East Midlands	6	7	586
Wales	5	6	483
Northern	4	5	520
Northern Ireland	3	4	425
Total	**87**	**100**	
Median population			**589**

(iii) Because the Northern Ireland party system and voting patterns are completely different from the rest of the UK, we have excluded the province from our main calculations below. There would be either 4 or 5 seats here, and the likelihood would be that two at least would go to parties from the unionist bloc and two parties from the nationalist bloc at virtually all elections. Beyond this, in a 12 party system it is hard to estimate in finer detail which party would win these seats.

40. We have simulated the regional list system by taking the votes won by each of the parties at the actual general election in each region, and then allocating seats using the d'Hondt divisor method. The essence of this procedure is that each party's regional vote total is divided by one, and then the first top-up set is allocated to the party with the largest number of 'unrewarded votes'. The votes totals are next divided by *the number of seats each party has won already plus one*, and the second top-up seat goes to the party that now has the largest unrewarded vote. This process repeats until all the top-up seats are allocated, as shown for a four seat region in Table 5:

Table 5: How the d'Hondt voting procedure works

	Conservative	Labour	Liberal Democrat
Total regional votes for each party	1,000,000	600,000	330,000
Votes divided by local seats plus 1	1,000,000	600,000	330,000
1st seat allocated to:	*Con*		
Seats won at end of first round	1	0	0
Votes divided by new seats totals plus 1	500,000	600,000	330,000
2nd seat allocated to:		*Lab*	
Seats won at end of second round	1	1	0
Votes divided by new seats totals plus 1	500,000	300,000	330,000
3rd seat allocated to:	*Con*		
Seats won at end of third round	2	1	0
Votes divided by new seats totals plus 1	250,000	300,000	330,000
4th seat allocated to:			Lib Dem
Seats won at end of fourth round	2	1	1

The d'Hondt process is a proportional one, but it is generally somewhat more favourable to large parties than to small, because a large number divided by successive larger seats totals will decrease in smaller and smaller increments. To take a simple hypothetical example, suppose that there are six seats to be allocated between two parties, Z with 100 votes and X with 39 votes. Z starts off with 100 votes and no seats, and will see its 'unrewarded' votes go down in sequence to 50 when it wins one seat, 33 when it wins two, 25 when it wins three, 20 when it wins four, and just under 17 when it has won five seats. By contrast, party X starting on 39 votes will see its unrewarded total fall to 19.5 when it wins one seat, and will not win another seat in competition with party Z, which will end up with 5 seats. In this example, party Z with only 72 per cent of the vote ends up with 83 per cent of the seats. The more the vote is fragmented between one (or two) large parties and several smaller ones, and the smaller the total number of seats in each region, the more pronounced the d'Hondt effect favouring the larger parties will tend to be.

41. Table 6 shows the List PR outcomes in terms of how many seats each of the major parties wins. The key difference from general election results is readily apparent, with all the major parties (including the Liberal Democrats) receiving seats pretty closely in proportion to their vote shares. The only source of divergence between votes shares and seats shares is that the votes for 'other' parties would not have produced any seats for them, going from the basis of the general election votes, and in 1997 Labour would consequently have received 3.4 per cent more of the seats in the 138 seats schema. In the 118 seats schema would have received 6.6 more of the seats than its vote share in 1997, due to the non-representation of 'other' parties and some slight under-representation of the Liberal Democrats. In the 100 seat schema, with differing allocations of seats across regions from the other two, proportionality results are better than in the 118 seats schema - mainly because there are more seats in the smaller regions, allowing a fairer overall result to be reached. In 1997 on the 100 seat schema all three main parties would have received slight boosts from the non-representation of the 'other' vote. In the 1992 election the Liberal Democrats would have done best by a small margin of over-representation .

Table 6: How Regional List PR would award seats to the main parties in Great Britain

Electing 138 members	Con	Lab	Lib Dem	Nat	Other	Total
1997 election seats	44	66	24	4	0	138
Per cent seats share	31.9	47.8	17.4	2.9	0	100%
Per cent votes share	31.5	44.4	17.2	2.5	4.4	100%
1992 election seats	60	51	24	3	0	138
Per cent seats share	43.5	37.0	17.4	2.2	0	100%
Per cent votes share	42.8	35.2	18.3	2.8	1.4	101%

Electing 118 members	Con	Lab	Lib Dem	Nat	Other	Total
1997 election	38	59	19	2	0	118
Per cent seats share	32.2	50.0	16.1	1.7	0	100%
1992 election	53	45	18	2	0	118
Per cent seats share	44.9	38.1	15.3	1.7	0	100%

Electing 100 members	Con	Lab	Lib Dem	Nat	Other	Total
1997 election	32	44	18	2	0	96

Per cent seats share	33.3	45.8	18.8	2.1	0	100%
1992 election	41	36	17	2	0	96
Per cent seats share	42.7	37.5	17.7	2.1	0	100%

42. We can measure the accuracy with which the two regional list schemes translate votes into seats at the national level by subtracting their vote shares from their seat shares, converting any minus signs on all the resulting deviations into pluses, adding up the deviations, and dividing by two. This measure is called *deviation from proportionality (or DV) score* and shows what proportion of members of the second chamber hold seats to which they are not entitled by virtue of their party's vote shares. Practicable proportional systems are those which attain DV scores of between 4 per cent (virtually the minimum attainable) and around 8 per cent, beyond which level an electoral system could only be 'broadly proportional' at best. In the 1997 general election the actual DV score was 21 per cent, compared with an excellent DV score of 4.4 per cent for the 138 seat scheme, and a still proportional 6.3 per cent for the scheme with 118 seats; but the deviation from proportionality with the 100 seat schema would have been a very reasonable 4.8 per cent . In the 1992 general election the actual DV score was 17 per cent, while the first two regional list schemes achieved 2.7 per cent with 138 seats, and 4.8 per cent with 118 seats; but the deviation from proportionality with the 100 seats scheme would have been low at 3.1 per cent.. We conclude that the allocation of seats in the 100 seat schema offers improved overall proportionality compared with that used for the other two options.

43. All three regional list schemes would deliver a 'hung' chamber in terms of the cohort of people elected in 1992 or 1997. The 118 seat version would have given Labour half of all seats elected in Great Britain in 1997, but there are in addition seats elected in Northern Ireland - so even here Labour would not have had an absolute majority. Moreover, if the chamber was elected in halves in 1992 and 1997 then in 1997 Labour's share of seats would have been 121 out of a combined total of 276 seats (44 per cent) on the 138 seat scheme, and 104 out of 236 seats (44 per cent) on the 118 seat scheme. Annex B shows that under the 138 seat scheme the three major parties (Conservatives, Labour and Liberal Democrats) would win one or more seats in every region of the country, and the nationalist parties would be represented in both Scotland and Wales under both schemes. Under the 118 seats scheme there would have been two departures from this evenness of representation - the Liberal Democrats would not be represented in the North East region under 1997 or 1992 conditions,

and nor would Plaid Cymru have won a seat in either year. Under the 100 seats scheme Labour would have gained 44 out of 96 seats in 1997 (46 per cent), but across both years would have had only 80 out of 192 seats (42 per cent). Annex A shows that all three main parties would be represented in both elections across all the English regions on the 100 seats scheme, and the SNP in Scotland. But the Liberal Democrats would have failed to win a seat in either Scotland or Wales in 1992, and Plaid Cymru would not have won a seat in either year. *We conclude* that a regional list PR scheme with 138 seats would be significantly more proportional than one with 118 seats; would better guard against a party gaining an artificial majority in the second chamber; and would better guarantee representation for parties across the regions. However, the 100 seat scheme is a very close competitor to the 138 scheme, offering almost the same proportionality and spread of party representation.

Party representation in an elected second chamber over time

44. We noted in Part 1 that it was very likely that no one party would have had an overall majority in a second chamber elected by any form of proportional representation system. In this section we flesh out this estimate on a comparable basis for regional list PR by going back to the available regional breakdowns for voting in previous general elections back to 1974. We have been able to assemble reasonably accurate (but not perfect) regional data for voting at all general elections back to October 1974 from published sources, and for three European elections back to 1989. (This data run is somewhat imperfect because it includes some years using the old regional scheme with a large south-east region plus a small East Anglia, and a different Northern region; and other years using the current government regions, with a large eastern region and a smaller South East region). We have applied a d'Hondt election process as before to all years. There is a recurrent problem here in estimating the seats which would be won by 'other' parties, whose vote is mostly recorded in published accounts as a single bloc, even though in most cases the 'other' vote is fragmented between several different parties. Especially for the Euro elections of 1999 and 1989 we cannot assume a priori that this fragmentation would prevent the 'other' parties winning seats. But nor can we justifiably treat the other' vote as a single bloc. We have followed a middle way in estimating how many seats the other parties would get under the d'Hondt voting rule - but the figures given for 'other' parties are necessarily estimates only.

45. Annexes A and B include the detailed tables showing the regional allocations of seats

within Great Britain for all these elections, assuming that cohorts of either 100 elected members or 138 elected members would be elected at any one time (plus either 4 or 5 seats in Northern Ireland which we have made no attempt to model here). As with all previous simulations, the results there suggest that a proportional method of election would produce a pretty stable pattern over time. The range of the fluctuations in Conservative and Labour support are pretty much already covered by Table 6, but the Annex tables do show in detail the extent to which the 'other' parties could have expected to win seats in the 1999 and 1989 European parliament elections. On the 96 seats schema we estimate that they would have gained 14 and 11 seats in these two years, mostly going to the Greens and the UK independence Party in 1999, and to the Greens in 1989. On the 138 seats schema the figures would have been 22 and 19 seats respectively because of the bigger numbers of seats being elected in populous regions. The Annex tables also show the generally weaker performance of the Liberal Democrats in the European parliament elections, and in the 1979 general election, pushing their seats total for all these elections below 20, and down to a historic low of just 4 seats on the basis of the 1989 European election result.

46. From the tables in Annexes A and B it is possible to construct two sequences of how the composition of a second chamber would have changed over a relatively long period if the members were elected in a staggered fashion, shown for the 100 seats schema in Table 7 and for the 138 seats schema in Table 8. The general election sequence assumes that half the membership of a second chamber (or alternatively half the elected membership within a possibly larger chamber) was chosen at every general election, while half the membership rolled forward from the last general election. The second parts of Tables 7 and 8 assume that election in halves takes place at general elections and at the times of intervening European parliament elections. (Note that the italicized results for 1987 and before in this second sequence are included just for comparison - they are based only on general election results, due to the difficulties of acquiring accurate regional data for the 1979 and 1984 European parliament elections). In a chamber of both 200 and 286 members (including either eight or ten seats from Northern Ireland, also elected in halves each time) no one party exceeds 44 per cent of the seats on the general election sequence. This top level was built up and maintained by the Conservatives in the 1980s. However, if the chamber's composition followed the sequence of general and European elections, the contrast in patterns of alignments at primary national elections for the House of Commons and at the secondary elections (like the European Parliament contests) produces a certain degree of oscillation, especially in the

representation of parties beyond the big three and the nationalists in Scotland and Wales. On the general plus European elections sequence Labour would have gained 47 per cent of seats for two years from 1997 to 1999 in the 138 schema shown in Table 9, but only 45 per cent in the 100 seats schema. These levels are not exceeded in the other years. We conclude

Table 7: The composition of a second chamber with 200 elected members, assuming that members were elected at the same time as general and European parliament elections, 1974 to 1999.

	Numbers of seats							Percentage share of seats						
General election sequence	**Con**	**Lab**	**Lib Dem**	**Nat**	**Other**	**Northern Ireland**	**Total**	**Con**	**Lab**	**Lib Dem**	**Nat**	**Other**	**NI**	**Total**
1997	73	80	35	4	0	8	200	37	40	18	2	0	4	101
1992	88	67	34	3	0	8	200	44	34	17	2	0	4	101
1987	90	58	43	1	0	8	200	45	29	22	1	0	4	101
1983	87	67	37	1	0	8	200	44	34	19	1	0	4	102
1979	79	80	28	5	0	8	200	40	40	14	3	0	4	100
General plus European elections sequence	**Con**	**Lab**	**Lib Dem**	**Nat**	**Other**	**Northern Ireland**	**Total**	**Con**	**Lab**	**Lib Dem**	**Nat**	**Other**	**NI**	**Total**
1999	68	73	30	7	14	8	200	34	37	15	4	7	4	101
1997	59	90	34	6	3	8	200	30	45	17	3	2	4	101
1994	77	65	29	7	14	8	200	39	33	15	4	7	4	102
1992	76	80	20	5	11	8	200	38	40	10	3	6	4	101
1989	82	75	20	4	11	8	200	41	38	10	2	6	4	101
1987	90	58	43	1	0	8	200	45	29	22	1	0	4	101
1983	87	67	37	1	0	8	200	44	34	19	1	0	4	102
1979	79	80	28	5	0	8	200	40	40	14	3	0	4	100

Notes: Reliable regional data are not available for the 1979 and 1984 European elections, hence the italicized rows in the second part of the table, which are the same as the general elections only sequence. Regional data for general elections start in October 1974, so that the situation after the 1979 general election is the first one that can be calculated for a chamber elected in halves.

Table 8: The composition of a second chamber over a long period, assuming members were elected at the same time as general and European parliament elections, 1974 to 1999.

	Numbers of seats							Percentage share of seats						
General election sequence	Con	Lab	Lib Dem	Nat	Other	Northern Ireland	Total	Con	Lab	Lib Dem	Nat	Other	NI	Total
1997	104	117	48	7	0	10	286	36	41	17	2	0	3	99
1992	125	96	51	4	0	10	286	44	34	18	1	0	3	100
1987	126	85	63	2	0	10	286	44	30	22	1	0	3	100
1983	126	93	54	3	0	10	286	44	33	19	1	0	3	100
1979	116	111	42	7	0	10	286	41	39	15	2	0	3	100
General plus European elections sequence	Con	Lab	Lib Dem	Nat	Other	Northern Ireland	Total	Con	Lab	Lib Dem	Nat	Other	NI	Total
1999	97	107	39	11	22	10	286	34	37	14	4	8	3	100
1997	82	134	46	9	5	10	286	29	47	16	3	2	3	100
1994	113	92	39	10	22	10	286	40	32	14	3	8	3	100
1992	111	111	28	7	19	10	286	39	39	10	2	7	3	100
1989	116	105	31	5	19	10	286	41	37	11	2	7	3	101
1987	126	85	63	2	0	10	286	44	30	22	1	0	3	100
1983	126	93	54	3	0	10	286	44	33	19	1	0	3	100
1979	116	111	42	7	0	10	286	41	39	15	2	0	3	100

therefore that our previous estimate was well-founded. A proportionally elected second chamber would have been very unlikely in the past to have ever been controlled by a single party majority, implying a permanent need to construct majority coalitions, which might be thought conducive to fulfilling a revising chamber role.

How open list voting would work

47. The final issue to consider in relation to regional list voting is how much difference an open list ballot would make to the way in which the electorate would cast their votes. Here regrettably the available data is very limited. However, immediately after both the 1997 and 1992 general elections we conducted large-scale surveys with 8,500 and 9,200 respondents respectively asking them to fill in alternative ballot papers. Although an open regional list ballot paper was *not* included in these surveys, all those responding did complete ballot papers for another system called the single transferable vote (STV), which gave them a choice of multiple candidates to vote for. Under STV citizens cast their votes by numbering as many candidates as they like in order of preference. The candidates are listed in order by each party, but voters can choose to number preferences in any sequence they like and to vote for candidates from a single party only or from as many parties as they wish. The ballot papers contained a mixture of names, drawn from prominent and less well known real candidates at the two elections, with a mix of genders and ethnic or English names. We used 18 regional ballot papers in 1997 and 13 regional papers in 1992.

48. From respondents' behaviour when they can cast multiple votes on the STV ballot we can make at best some plausible extrapolations about how voters will behave on an open list ballot, where they have a choice of candidates, from which they must choose one. We classified people's responses by looking at how they cast their first set of votes, equal to the number of seats to be filled in each STV election, which was five on our ballot papers. The following types of respondents could be distinguished:

> (i) *Very loyal party voters*: voted only for a single party's slate of candidates, in the order that the party listed them;
>
> (ii) *Loyal voters with second preferences*: voted first for their top party's complete slate of candidates in the order they were listed, but then also went on endorse

candidates from at least one other party;

(iv) *Selective but loyal voters*: chose candidates only from one party but used their own ordering of candidates, not the party's list;

(v) *Selective voters with second preferences*: voted for candidates from one party using their own ordering, and then voted for candidates from another party or parties;

(vi) *Multi-party voters*: endorsed candidates from several parties from the outset.

In general the likelihood that people would utilize the facility to choose an individual candidate to endorse under open list voting will tend to increase from type (i) through to type (vi) voters. We would expect very loyal voters to simply tick whichever person is top of their party's list, whereas we would expect multi-party voters to make a specific choice of whom they judge the best individual candidate.

49. Table 9 shows that in 1997 the most loyal of party supporters were those backing Labour and the Conservatives, with over a third of their voters having only preferences across one party. But only one in six of the big two parties' supporters voted a straight party ticket on the STV ballot paper, and less than this with other parties' supporters. Over two fifths of voters endorsed candidates from two or more parties in their first five choices on the STV ballot. (Note that the high proportion of multi-party people amongst 'other' voters is an artificial effect here - in our ballot papers these parties were never represented as fielding a full slate of candidates). Table 10 shows how respondents from different regions were distributed across these types of voters. There is no simple pattern, for while people in the south west were half as likely as those in the West Midlands to simply vote a party slate, they were not the most likely to vote for multiple parties in their top five slots - a pattern found most commonly in Scotland (which is a four-party system at least). There seem good grounds in Table 10 for thinking that at the least a substantial minority of voters in each region will feel able to pick a candidate to match their own preferences, rather than simply adopting whoever their first preference party chooses to put at the head of the list.

50. There is collateral support for this conclusion from other work we have undertaken on alternative ballots. In a smaller 1991 survey giving respondents a choice between ticking to endorse a whole party slate or instead marking individual candidates on an STV ballot, we

Table 9: How party supporters divided between the different types of voters in 1997

	Lab	Con	Lib Dem	Nat	Other	All
Very loyal voters	17	16	13	12	8	16
Selective but loyal voters	17	19	7	14	7	16
Loyal voters but with second preferences	18	13	22	17	0	16
Selective voters with second preferences	11	8	9	9	1	10
Multi-party voters	37	45	49	49	85	43
Total	100	100	100	100	100	100
Numbers in survey	*3235*	*1521*	*946*	*236*	*182*	*6120*

Table 10: Variations in percentages of respondents falling into each type of voter across regions in 1997

	Percentage of respondents in each region in type:					
	Very loyal	Loyal but with second preferences	Selective but loyal	Selective with second preferences	Multi-party voters	Total
West Midlands	21	20	10	8	41	100
Yorkshire	19	17	17	7	41	100
South East	17	16	14	9	44	100
East Midlands	17	10	22	9	44	100
Wales	16	18	13	16	37	100
North West	15	16	19	12	38	100
East Anglia	15	19	18	8	40	100
Scotland	14	12	12	8	54	100
North East	14	9	27	9	41	100
London	13	18	17	10	42	100
South West	10	28	15	7	40	100
Great Britain	*16*	*16*	*16*	*10*	*43*	*100*

showed that around two out of five people would go with the individual route. In another smaller February 1998 survey, when respondents were given an open list PR ballot paper with the option of ticking a whole party slate or instead choosing an individual candidate to vote for, again 38 per cent opted to choose a particular individual candidate and the remainder endorsed a whole party list. Liberal Democrat supporters were the most likely to vote for an individual (46 per cent of their supporters chose this option).

51. Any projections of how an open list system would work are bound to be 'guesstimates' at this stage. But we are confident that British voters would appreciate the chance to support particular individuals, and that at least two out of five would vote their own preferences against the ordering put up by their favourite party, if the two were to diverge. Of course, political parties in an open list system are likely to take great care so as to arrange their candidates in order of popularity, for this strategy is the best one in order to maximize the vote for the whole list. Hence differences between the lists that parties' propose and the order of candidates elected may be not be very noticeable, or even apparent at all, because parties correctly anticipate and accommodate voters preferences.

PART 3. A REGIONAL AMS SOLUTION

52. The major problem with the regional list system, which emerged forcefully in the low turnout 1999 European parliament election, is that it does not connect representatives in any close way with an area below the regional level - which is fairly remote from most voters' consciousness still. At the same time, any effort to counteract this problem needs to stay well clear of recreating anything resembling House of Commons constituencies. We develop here a regionally based Additional Member System (AMS) in which 80 members would be elected from the 'county' areas suggested by the Jenkins Commission report, with either 40 or 60 additional 'top up' members elected at regional level to give proportionality. This system picks up on the valuable idea in the Mackay Commission report that 'county' areas could form a suitable sub-regional base for elected members of the second chamber, but adds to it the top-up members needed to avoid the very severe disproportionality inherent in the original Mackay Commission scheme, analysed in detail in Annex C below.

53. The great attraction of the Additional Member System (AMS) is that it has been very successfully used in Britain to elect the Scottish Parliament and the Welsh National Assembly in 1999, achieving respectable turnouts in both cases. The system will also be used to elect the Greater London Assembly in May 2000, and is a front runner should proportional representation be considered for local government. Following the perceived poor performance of a closed List PR system in the 1999 European Parliament elections, the Labour party's National Executive Committee has recently voted to review the system to be used for the 2004 European parliament elections, with a view to adopting an AMS solution. The system tested here is designed to be familiar, but not to mimic the constituency areas of the House of Commons, either in its current form or in the event of the Jenkins Commission's recommendations for a modified form of AMS being implemented at any point in the future.

54. The system would elect members in two types of areas:
   - One member would be elected by the familiar plurality rule (or 'first past the post') system at the 'county' level in most of England, in the top-up areas already used inside Scotland and Wales for their devolved elections, in sub-divisions of London and the other English metropolitan conurbation areas, and in two areas in Northern

Ireland. The areas to be used are those defined as top-up areas by the Jenkins Commission, but here they would form instead the local 'constituencies' part of an AMS election. Figure 2 shows the areas and gives a list of their names. The Jenkins Commission argued that they would be familiar areas for the most part, with which there is a good chance that people will identify, a view with which the Conservative party's Mackay Commission on reform of the House of Lords concurred.

- Across the country a number of top-up members would be elected at the level of the government's 12 standard regions, shown in Figure 1 on page 21 above. The number of top-up members can be decided within a wide margin, ranging from half the membership of the second chamber being elected in this way (the approach used in Germany and New Zealand) through 43 per cent (the approach used in Scotland and London) to as low as a third (the ratio used in Wales). A scheme with 50:50 local and top-up member representation is virtually certain to give a fully proportional result, and hence we have not separately simulated it. We have tested here in detail two schemes:

> Scheme A: 80 local members plus 63 regional top up members (44 per cent of the total). Thus 143 members would be elected at any one time. If the elections were conducted in halves the total number of elected members would be 286, and if in thirds their number would be 429.

> Scheme B: 80 local members plus 42 regional top-up members (34 per cent of members). At any one time 122 members would be elected, giving an elected member total of 244 members with election in halves, and of 366 members with election in thirds.

Note that the division of members elected between local and top-up seats means that the considerations of limiting the size of ballot papers that voters confront does not apply in either of these schemes. The largest region has only 9 top-up seats elected by the list component in Scheme A, while in Scheme B the largest region has only 7 top-up seats.

55. This paragraph is a brief technical asides and *can be skipped* by non-technical readers. Because the Jenkins areas were actually designed to be used with a seat allocation rule which equalized representation across the component countries of the UK, and provided for either one or two top-up MPs to be elected from each 'county' area, depending on the number of

electors there and the country concerned. In allocating the top-up seats under Schemes A and B therefore we have had to somewhat adjust the number of top-up members so as to give

Insert Figure 2 map here

Insert Figure 2 list of areas here

proportionality of representation in relation to population. This means that, for example, in scheme A there are actually more regional top-up members in London than there are members elected in the more local divisions - because otherwise London would be under-represented in relation to its population. Hence while top-up members make up 43 per cent of the total in Scheme A nationally, their share in most regions is between 38 and 44 per cent, with London on 56 per cent, the East Midlands on 50 per cent and the North East on 29 per cent. For scheme B the national top up share is 34 per cent, most regions are between 27 and 40 per cent, with London on 50 per cent and the North East on 17 per cent.

56. For the 1997 and 1992 elections we have tested the two AMS schemes in detail by compiling votes from the general election constituencies into the 'county' areas: in each case the local seat for the second chamber goes simply to whichever party has most votes in that area. The local seats for each party are added up at the regional level, and the top-up seats are then allocated using a d'Hondt voting rule. The essence of this procedure is that voters get a second ballot upon which they vote for either a party alone (in existing AMS schemes) or possibly for a particular candidate drawn from a regional list proposed by each party (this would be an 'open' list form of AMS). Each party's regional vote total is then divided by the number of its existing seats plus one, and then the first top-up set is allocated to the party with the largest number of 'unrewarded votes'. The votes are next divided by the new seats totals plus one, and the second top-up seat goes to the party that now has the largest unrewarded vote. This process repeats until all the top-up seats are allocated. For instance, Table 11 uses a simplified example to show how the d'Hondt process works to correct initial over-or under-representations of parties from the local seats stage:

Table 11: How the d'Hondt electoral system works in AMS

	Conservative	Labour	Liberal Democrat
Regional votes	1,000,000	606,000	330,000
Local seats already won	3	1	0
Votes divided by local seats plus 1	250,000	303,000	333,000
1st top-up seat allocated to:			*Lib Dem*
Seats at end of 1st top-up allocation	4	1	1
Votes divided by new seats totals plus 1	200,000	303,000	166,500
2nd top-up seat allocated to:		*Lab*	
Seats at end of 2nd top-up allocation	4	2	1
Votes divided by new seats totals plus 1	200,000	202,000	166,500
2nd top-up seat allocated to:		Lab	
Seats at end of 3rd top-up allocation	4	3	1

Because the d'Hondt process is a proportional one, but is generally somewhat more favourable to large parties than to small, and because the number of top-up seats available for distribution will be limited, allocations within a single region may not achieve full proportionality.

57. Tables 12 and 13 show how a regional AMS scheme would have worked in 1997 and 1992 with 60 top-up seats, or 138 seats in total for mainland Britain. Table 12 shows that this approach would produce a pretty close match between parties' national votes shares and seats. Labour would win 66 out of 138 seats (just under 48 per cent of seats on the basis of 44.4 per cent of the vote), only a very slight over-representation, achieved mainly because the 'other' parties with over 4 per cent of the vote would win no seats. In 1992, with the two main parties closer together in their vote shares, regional AMS would slightly over-represent Labour again, but also the Conservatives to a lesser degree - but the overall fit with vote shares is again impressive.

Table 12: Regional Totals for AMS election, 1997, with 60 top-up seats

	Local seats						Top-up seats						All seats					
	Con	Lab	Lib Dem	Nat	Other	Total	Con	Lab	Lib Dem	Nat	Other	Total	Con	Lab	Lib Dem	Nat	Other	Total
South West	4	1	2	0	0	7	1	2	2	0	0	5	5	3	4	0	0	12
Eastern	3	4	0	0	0	7	3	1	2	0	0	6	6	5	2	0	0	13
South East	10	0	0	0	0	10	0	4	4	0	0	8	10	4	4	0	0	18
West Midlands	1	7	0	0	0	8	3	0	2	0	0	5	4	7	2	0	0	13
East Midlands	1	4	0	0	0	5	3	1	1	0	0	5	4	5	1	0	0	10
Yorkshire & Humberside	1	6	0	0	0	7	2	1	2	0	0	5	3	7	2	0	0	12
North East	0	5	0	0	0	5	1	0	1	0	0	2	1	5	1	0	0	7
North West	0	9	0	0	0	9	5	0	2	0	0	7	5	9	2	0	0	16
London	1	6	0	0	0	7	4	3	2	0	0	9	5	9	2	0	0	16
WALES	**0**	**5**	**0**	**0**	**0**	**5**	1	0	1	1	0	3	1	5	1	1	0	**8**
SCOTLAND	**0**	**7**	**1**	**0**	**0**	**8**	2	0	0	3	0	5	2	7	1	3	0	**13**
ENGLAND	**21**	**42**	**2**	**0**	**0**	**65**	22	12	18	0	0	52	43	54	20	0	0	**117**
GB TOTAL	**21**	**54**	**3**	**0**	**0**	**78**	25	12	19	4	0	60	46	66	22	4	0	**138**
Percentage of seats													*33*	*48*	*16*	*3*	*0*	*100*

| *Percentage of votes* | 32 | 44 | 17 | 3 | 4 | 100 |

Table 13: Regional Totals for AMS election, 1992, with 60 top-up seats

	Local seats						Top-up seats						All seats					
	Con	Lab	Lib Dem	Nat	Other	Total	Con	Lab	Lib Dem	Nat	Other	Total	Con	Lab	Lib Dem	Nat	Other	Total
South West	7	0	0	0	0	7	0	2	3	0	0	5	7	2	3	0	0	12
Eastern	7	0	0	0	0	7	0	3	3	0	0	6	7	3	3	0	0	13
South East	10	0	0	0	0	10	1	3	4	0	0	8	11	3	4	0	0	18
West Midlands	5	3	0	0	0	8	1	2	2	0	0	5	6	5	2	0	0	13
East Midlands	3	2	0	0	0	5	2	2	1	0	0	5	5	4	1	0	0	10
Yorkshire & Humberside	2	5	0	0	0	7	3	0	2	0	0	5	5	5	2	0	0	12
North East	0	5	0	0	0	5	1	0	1	0	0	2	1	5	1	0	0	7
North West	3	6	0	0	0	9	3	2	2	0	0	7	6	8	2	0	0	16
London	5	2	0	0	0	6	3	4	2	0	0	9	8	6	2	0	0	15
WALES	0	5	0	0	0	5	2	0	1	1	0	3	2	5	1	0	0	8
SCOTLAND	1	6	1	0	0	8	2	0	1	3	0	5	3	6	1	3	0	13
ENGLAND	42	23	1	0	0	65	14	18	19	0	0	52	56	41	20	0	0	117
GB TOTAL	43	34	1	0	0	78	18	18	21	4	0	60	61	52	22	3	0	138

	Con	Lab	Lib Dem	Nat	Other	Total
Percentage of seats	*43*	*35*	*18*	*3*	*1*	*100*
Percentage of votes	*44*	*38*	*16*	*2*	*0*	*100*

Table 14: Regional Totals for AMS election, 1997, with 40 top-up seats

	Local seats						Top-up seats						All seats					
	Con	Lab	Lib Dem	Nat	Other	Total	Con	Lab	Lib Dem	Nat	Other	Total	Con	Lab	Lib Dem	Nat	Other	Total
South West	4	1	2	0	0	7	0	2	1	0	0	3	4	3	3	0	0	10
Eastern	3	4	0	0	0	7	2	0	2	0	0	4	5	4	2	0	0	11
South East	10	0	0	0	0	10	0	3	2	0	0	5	10	3	2	0	0	15
West Midlands	1	7	0	0	0	8	2	0	1	0	0	3	3	7	1	0	0	11
East Midlands	1	4	0	0	0	5	2	0	1	0	0	3	3	4	1	0	0	8
Yorkshire & Humberside	1	6	0	0	0	7	2	0	1	0	0	3	3	6	1	0	0	10
North East	0	5	0	0	0	5	1	0	0	0	0	1	1	5	0	0	0	6
North West	0	9	0	0	0	9	4	0	2	0	0	6	4	9	2	0	0	15
London	1	6	0	0	0	7	4	1	2	0	0	7	5	7	2	0	0	14
WALES	0	5	0	0	0	5	1	0	1	0	0	2	1	5	1	0	0	7
SCOTLAND	0	7	1	0	0	8	1	0	1	2	0	3	1	7	1	2	0	11
ENGLAND	21	42	2	0	0	65	17	6	12	0	0	32	38	48	14	0	0	100
GB TOTAL	21	54	3	0	0	78	19	6	13	2	0	40	40	60	16	2	0	118

	Con	Lab	Lib Dem	Nat	Other	Total
Percentage of seats	*34*	*51*	*14*	*2*	*0*	*100*
Percentage of votes	*32*	*44*	*17*	*3*	*4*	*100*

Table 15: Regional Totals for AMS election, 1992, with 40 top-up seats

	Local seats						Top-up seats						All seats					
	Con	Lab	Lib Dem	Nat	Other	Total	Con	Lab	Lib Dem	Nat	Other	Total	Con	Lab	Lib Dem	Nat	Other	Total
South West	7	0	0	0	0	7	0	1	2	0	0	5	7	1	2	0	0	10
Eastern	7	0	0	0	0	7	0	2	2	0	0	6	7	2	2	0	0	11
South East	10	0	0	0	0	10	0	2	3	0	0	8	10	2	3	0	0	15
West Midlands	5	3	0	0	0	8	0	2	1	0	0	5	5	5	1	0	0	11
East Midlands	3	2	0	0	0	5	1	1	1	0	0	5	4	3	1	0	0	8
Yorkshire & Humberside	2	5	0	0	0	7	2	0	1	0	0	5	4	5	1	0	0	10
North East	0	5	0	0	0	5	1	0	0	0	0	2	1	5	0	0	0	6
North West	3	6	0	0	0	9	3	1	2	0	0	7	6	7	2	0	0	15
London	5	2	0	0	0	6	2	3	2	0	0	9	7	5	2	0	0	14
WALES	0	5	0	0	0	5	2	0	0	0	0	3	2	5	0	0	0	7
SCOTLAND	1	6	1	0	0	8	1	0	0	2	0	5	2	6	1	2	0	11
ENGLAND	42	23	1	0	0	65	9	12	14	0	0	32	51	35	14	0	0	100
GB TOTAL	43	34	1	0	0	78	12	12	14	2	0	40	55	46	15	2	0	118

	Con	Lab	Lib Dem	Nat	Other	Total
Percentage of seats	*47*	*39*	*13*	*2*	*0*	*100*
Percentage of votes	*43*	*35*	*18*	*3*	*1*	*100*

58. Tables 14 and 15 show how the regional AMS scheme would work if the numbers of top-up seats were restricted to 40 (with 118 members being chosen across Britain at each election). In the difficult 1997 conditions the exaggeration of Labour's support would slightly but substantially increase, giving the party a slender majority (just over half) of all the seats elected on 44.4 per cent of the vote share, creating a possible problem for the principle that parties should not gain an artificial majority in a second chamber. In 1992 conditions Table 15 shows that the 40 top-up seat solution would work pretty well, but with both the top two parties being somewhat over-represented at the expense of the Liberal Democrats.

59. Comparing the AMS results for 138 seats here with the regional list results shown above in Table 6 above (and Tables B.1 and B.2 in Annex B), shows that the Liberal Democrats gain two fewer seats in 1997 under AMS (both going to the Conservatives) than in Table 6, and in 1992 they would also lose two more seats (one each to the Conservatives and Labour). With 118 members being elected, in 1997 the Liberal Democrats would gain three fewer seats than under regional list (two going to the Tories and one to Labour), and in 1992 conditions they would also win three fewer seats than under regional list PR (again two going to the Conservatives and one to Labour). We are limited in our ability to project back regional AMS results to earlier elections than the 1990s by the lack of voting data for the Jenkins Commission's 'county' areas. But comparison between the regional AMS scheme with 60 top-up seats and the 138 seats regional list scheme show that the overall national seats results are almost identical. We are confident that this similarity would apply also in earlier years, so that the results in Annex B would substantially apply to a regional AMS system with 60 top-up seats also.

60. As before we can measure the accuracy with which the two AMS schemes translate votes into seats at the national level using the *deviation from proportionality (or DV) score*, which shows what proportion of members of the second chamber hold seats to which they are not entitled by virtue of their party's vote shares. In the difficult 1997 landslide election conditions the DV score would be 3.5 per cent for the 60 top-up AMS scheme, and a still proportional 7.5 per cent for the scheme with 40 top-up seats. In the more balanced 1992 general election conditions the two AMS schemes would have achieved low DV scores of 2.5 per cent with 60 top-up seats, and 3.5 per cent with 40 top-up seats. As with regional list PR the AMS schemes would deliver a 'hung' chamber in terms of the cohort of people elected in 1992, as would the 60 top-up version for 1997. The 40 seat version would have given Labour

a tiny majority of two seats over all other parties elected in Great Britain in 1997, but there are in addition five seats elected in Northern Ireland - so even here Labour would not have had an absolute majority amongst those elected in 1997 on the 40 top-ups scheme. Moreover, if the chamber was elected in halves in 1992 and 1997 then in 1997 Labour's share of seats would have been 106 out of a combined total of 244 seats (43 per cent). With 60 top-up seats Labour would get a minority in 1997 (66 out of 143, including the Northern Ireland seats) and would have held 118 out of 286 in a combined house (41 per cent).

61. Under the 60 top-up scheme the three major parties (Conservatives, Labour and Liberal Democrats) would win one or more seats in every region of the country, and the nationalist parties would be represented in both Scotland and Wales. Under the 40 top-up scheme there are two departures from this evenness of representation - the Liberal Democrats would not be represented in the North East region under 1997 or 1992 conditions, and nor would Plaid Cymru have won a seat in either year. *We conclude* that a regional AMS scheme with 60 seat top-up seats would be significantly more proportional than a 40 top-up scheme; would better guard against a party gaining an artificial majority in the second chamber; and would better guarantee representation for parties across the regions.

CONCLUSIONS AND RECOMMENDATIONS

62. The considerations reviewed in Part 1 showed that it is eminently feasible to elect either all or some part of the members of a new second chamber in a way which fits with existing electoral systems and would attract voters' involvement. Having identified a number of possibilities here, the Commission asked us to investigate two in depth - regional list systems reviewed in Part 2, and regional AMS systems reviewed in Part 3. The analysis shows that the 100 seat and the 138 seat regional list systems perform best in terms of overall proportionality and securing even regional representation for the major parties. A regional AMS system with 60 top-up seats and 138 seats in all would also perform very well on both the proportionality and party representation dimensions. We recommend therefore that the Commission should:

- Adopt a regionally based system of proportional election for choosing elected members of the Senate or Lords.
- Choose one of the three best-performing systems upon which detailed modelling

work has been undertaken..

ANNEX A: PROJECTED RESULTS FOR SECOND CHAMBER ELECTIONS OF 100 SEATS AT A TIME UNDER PAST GENERAL ELECTION AND EUROPEAN ELECTION CONDITIONS

Table A.1: How the 96 seats regional list scheme would perform under 1997 general election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	17.5	45.6	13	22.1	2.1	100.3	2	4	1	2	0	9
Wales	19.6	54.7	12.3	9.9	3.5	100	1	4	1	0	0	6
Greater London	31.2	49.5	14.6	0	4.7	100	5	6	1	0	0	12
South East	41.4	31.9	21.4	0	5.4	100.1	8	5	4	0	0	17
South West	36.7	26.4	31.3	0	5.5	99.9	3	2	3	0	0	8
East Anglia	38.7	38.3	17.9	0	5.1	100	2	1	1	0	0	4
East Midlands	34.9	47.8	13.6	0	3.7	100	2	4	1	0	0	7
West Midlands	33.7	47	13.8	0	5.5	100	3	4	2	0	0	9
Yorkshire/ Humberside	28	51.9	16	0	4.1	100	2	4	2	0	0	8
North West	27.1	54.2	14.3	0	4.4	100	3	7	1	0	0	11
Northern	22.2	60.9	13.3	0	3.7	100.1	1	3	1	0	0	5
Great Britain	**31.5**	**44.3**	**17.2**	**2.6**	**4.4**	**100**	**32**	**44**	**18**	**2**	**0**	**96**
(Per cent of seats)							*33.3*	*45.8*	*18.8*	*2.1*	*0.0*	*100*

Table A2: How the 96 seats regional list scheme would perform under 1992 general election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	25.6	39	13.1	21.5	0.9	100.1	2	4	1	2	0	9
Wales	28.6	49.5	12.4	8.8	0.7	100	2	4	0	0	0	6
Greater London	45.3	37.1	15.9	0	1.7	100	6	4	2	0	0	12
South East	54.5	20.8	23.3	0	1.4	100	10	3	4	0	0	17
South West	47.6	19.2	31.4	0	1.8	100	4	1	3	0	0	8
East Anglia	38.7	38.3	17.9	0	5.1	100	2	1	1	0	0	4
East Midlands	46.6	37.4	15.3	0	0.7	100	3	3	1	0	0	7
West Midlands	44.8	38.8	15	0	1.5	100.1	4	3	2	0	0	9
Yorkshire/ Humberside	37.9	44.3	16.8	0	0.9	99.9	3	4	1	0	0	8
North West	37.8	44.9	15.8	0	1.5	100	4	6	1	0	0	11
Northern	33.4	50.6	15.6	0	0.5	100.1	1	3	1	0	0	5
Great Britain	**42.8**	**35.2**	**18.3**	**2.8**	**1.4**	**100.5**	**41**	**36**	**17**	**2**	**0**	**96**
(Per cent of seats)							*42.7*	*37.5*	*17.7*	*2.1*	*0.0*	*100*

Table A.3: How the 96 seats regional list scheme would perform under 1987 general election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	24	42.4	19.2	14	0.3	99.9	2	4	2	1	0	9
Wales	29.5	45.1	17.9	7.3	0.2	100	2	4	0	0	0	6
South East	52.2	22.3	25	0	0.6	100.1	16	6	7	0	0	29
South West	50.6	15.9	33	0	0.5	100	5	0	3	0	0	8
East Anglia	52.1	21.7	25.7	0	0.5	100	3	0	1	0	0	4
East Midlands	48.6	30	21	0	0.4	100	4	2	1	0	0	7
West Midlands	45.5	33.3	20.8	0	0.4	100	4	4	1	0	0	9
Yorkshire/ Humberside	37.4	40.6	21.7	0	0.3	100	4	3	1	0	0	8
North West	38	41.2	20.6	0	0.2	100	5	5	1	0	0	11
Northern	32.3	46.4	21	0	0.3	100	2	3	0	0	0	5
Great Britain	**43.3**	**31.5**	**23.7**	**1.7**	**0.4**	**100.6**	**47**	**31**	**17**	**1**	**0**	**96**
(Per cent of seats)							*49.0*	*32.3*	*17.7*	*1.0*	*0.0*	*100*

Table A.4: How the 96 seats regional list scheme would perform under 1983 general election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	28.4	35.1	24.5	11.7	0.3	100	3	3	3	0	0	9
Wales	31	37.5	23.2	7.8	0.4	99.9	3	2	1	0	0	6
South East	50.4	21.2	27.3	0	1.1	100	15	6	8	0	0	29
South West	51.4	14.7	33.2	0	1.1	100.4	4	1	3	0	0	8
East Anglia	51	20.5	28.2	0	0.3	100	2	1	1	0	0	4
East Midlands	47.2	28	24.1	0	0.8	100.1	3	2	2	0	0	7
West Midlands	45	31.2	23.4	0	0.4	100	4	3	2	0	0	9
Yorkshire/ Humberside	38.7	35.3	25.5	0	0.5	100	3	3	2	0	0	8
North West	40	36	23.4	0	0.9	100.3	4	4	3	0	0	11
Northern	34.6	40.2	25	0	0.1	99.9	2	2	1	0	0	5
Great Britain	**43.5**	**28.3**	**26**	**1.5**	**0.7**	**100**	**43**	**27**	**26**	**0**	**0**	**96**
(Per cent of seats)							*44.8*	*28.1*	*27.1*	*0.0*	*0.0*	*100*

Table A.5: How the 96 seats regional list scheme would perform under 1979 general election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	31.4	41.5	9	17.3	0.8	100	3	5	0	1	0	9
Wales	32.2	48.6	10.6	8.1	0.5	100	2	3	1	0	0	6
South East	51.5	31.7	15.3	0	1.5	100	15	10	4	0	0	29
South West	51.3	24.8	22.7	0	1.2	100	4	2	2	0	0	8
East Anglia	50.8	32.6	16	0	0.6	100	2	2	0	0	0	4
East Midlands	46.6	39.6	12.8	0	1	100	3	3	1	0	0	7
West Midlands	47.1	40.1	11.5	0	1.3	100	5	4	0	0	0	9
Yorkshire/ Humberside	38.8	44.9	15.4	0	0.9	100	3	4	1	0	0	8
North West	43.7	42.6	13	0	0.7	100	5	5	1	0	0	11
Northern	37.7	47.8	13	0	1.5	100	2	2	1	0	0	5
Great Britain	**44.9**	**37.8**	**14.1**	**2**	**1.2**	**100**	**44**	**40**	**11**	**1**	**0**	**96**
(Per cent of seats)							*45.8*	*41.7*	*11.5*	*1.0*	*0.0*	*100*

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Table A.6: How the 96 seats regional list scheme would perform under October 1974 general election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	24.7	36.3	8.3	30.4	0.3	100	2	3	1	3	0	9
Wales	23.9	49.5	15.5	10.8	0.3	100	1	3	1	1	0	6
South East	42.1	35.9	21	0	1	100	12	10	7	0	0	29
South West	43.1	29.1	27.4	0	0.4	100	3	3	2	0	0	8
East Anglia	43.8	35.5	20.6	0	0.1	100	2	1	1	0	0	4
East Midlands	38.2	43.1	17.2	0	0.8	99.3	3	4	0	0	0	7
West Midlands	37.5	43.9	17.8	0	0.8	100	3	4	2	0	0	9
Yorkshire/ Humberside	31.9	46.9	20.4	0	0.8	100	3	4	1	0	0	8
North West	37	44.6	18	0	0.4	100	4	5	2	0	0	11
Northern	31.7	49.9	17.1	0	0.3	99	2	3	0	0	0	5
Great Britain	**36.7**	**40.2**	**18.8**	**3.6**	**0.8**	**100.1**	**35**	**40**	**17**	**4**	**0**	**96**
(Per cent of seats)							*36.5*	*41.7*	*17.7*	*4.2*	*0.0*	*100*

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Table A.7: How the 96 seats regional list scheme would perform under 1999 European election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	19.8	28.7	9.8	27.2	14.5	100	2	3	2	2	0	13
Wales	22.8	31.9	8.2	29.6	7.5	100	1	2	0	3	0	8
Greater London	35	32.7	11.7	0	20.6	100	4	5	1	0	2	16
South East	44.4	19.6	15.3	0	20.7	100	8	3	3	0	3	18
South West	41.7	18.1	16.5	0	23.7	100	3	1	2	0	2	12
East Anglia	42.8	25.2	12	0	20.1	100.1	2	2	0	0	0	13
East Midlands	39.5	28.6	12.8	0	19.1	100	3	2	0	0	2	10
West Midlands	37.9	28	11.3	0	22.8	100	3	3	1	0	2	13
Yorkshire/ Humberside	36.6	31.3	14.4	0	17.7	100	4	3	0	0	1	12
North West	35.4	34.5	11.7	0	18.4	100	4	4	2	0	1	16
Northern	42.2	27.4	13.5	0	16.9	100	2	1	1	0	1	7
Great Britain	**35.8**	**28**	**12.7**	**4.2**	**19.3**	**100**	**36**	**29**	**12**	**5**	**14**	**96**
(Per cent of seats)							*37.5*	*30.2*	*12.5*	*5.2*	*14.6*	*100*

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Table A.8: How the 96 seats regional list scheme would perform under 1994 European election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	14.5	42.5	7.2	32.5	3.4	100.1	1	4	1	3	0	9
Wales	14.6	55.9	8.7	17.1	3.7	100	1	4	0	1	0	6
Greater London	29.8	50.3	12.1	0	7.8	100	4	6	1	0	1	12
South East	37.4	26.1	27.2	0	9.3	100	6	5	5	0	1	17
South West	32.9	23.9	32.7	0	8.8	98.3	3	1	3	0	1	8
East Anglia	33.5	40	19	0	7.5	100	2	2	0	0	0	4
East Midlands	30.3	49.5	13.6	0	6.7	100.1	2	4	1	0	0	7
West Midlands	28	50.3	14.1	0	7.7	100.1	2	5	2	0	0	9
Yorkshire/ Humberside	24.2	54.2	15.1	0	6.5	100	2	4	2	0	0	8
North West	27.2	55.2	11.8	0	5.8	100	3	7	1	0	0	11
Northern	18.6	65.9	10.4	0	5.1	100	1	4	0	0	0	5
Great Britain	**28**	**44**	**17**	**4**	**8**	**101**	**27**	**46**	**16**	**4**	**3**	**96**
(Per cent of seats)							*28.1*	*47.9*	*16.7*	*4.2*	*3.1*	*100*

Table A.9: How the 96 seats regional list scheme would perform under 1989 European election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	20.9	41.7	4.3	25.6	7.3	99.8	2	5	0	2	0	9
Wales	23.5	48.9	3.2	12.9	11.6	100.1	1	3	0	1	1	6
Greater London	34.9	43	4.9	0	17.1	99.9	4	6	0	0	2	12
South East	45.5	24.3	9.1	0	21.1	100	9	4	1	0	3	17
South West	43.4	22.2	13.1	0	21.4	100.1	4	2	0	0	2	8
East Anglia	43	30.3	6.3	0	20.4	100	2	1	1	0	0	4
East Midlands	38.8	40.9	4.2	0	16.1	100	3	4	0	0	0	7
West Midlands	36.4	41.7	4.9	0	17	100	3	5	0	0	1	9
Yorkshire/ Humberside	28.9	52.5	4.9	0	13.7	100	2	5	0	0	1	8
North West	32.6	49	5.8	0	12.5	99.9	4	5	1	0	1	11
Northern	24.7	59.4	4.4	0	11.4	99.9	1	4	0	0	0	5
Great Britain	35	40	6	4	16	101	**35**	**44**	**3**	**3**	**11**	**96**
(Per cent of seats)							*36.5*	*45.8*	*3.1*	*3.1*	*11.5*	*100*

ANNEX B: PROJECTED RESULTS FOR SECOND CHAMBER ELECTIONS OF 138 SEATS AT A TIME UNDER PAST GENERAL ELECTION AND EUROPEAN ELECTION CONDITIONS

Table B.1: How the 138 seats regional list scheme would perform under 1997 general election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	17.5	45.6	13.0	22.1	2.1	100.3	2	6	2	3	0	13
Wales	19.6	54.7	12.3	9.9	3.5	100	1	5	1	1	0	8
Greater London	31.2	49.5	14.6	0	4.7	100	5	9	2	0	0	16
South East	41.4	31.9	21.4	0	5.4	100.1	11	8	6	0	0	26
South West	36.7	26.4	31.3	0	5.5	99.9	5	3	4	0	0	12
East Anglia	38.7	38.3	17.9	0	5.1	100	3	2	1	0	0	5
East Midlands	34.9	47.8	13.6	0	3.7	100	3	5	1	0	0	10
West Midlands	33.7	47.0	13.8	0	5.5	100	5	7	2	0	0	13
Yorkshire/ Humberside	28.0	51.9	16.0	0	4.1	100	3	7	2	0	0	12
North West	27.1	54.2	14.3	0	4.4	100	4	10	2	0	0	16
Northern	22.2	60.9	13.3	0	3.7	100.1	2	4	1	0	0	7
Great Britain	**31.5**	**44.3**	**17.2**	**2.6**	**4.4**	**100**	**44**	**66**	**24**	**4**	**0**	**138**
(Per cent of seats)							31.9	47.8	17.4	2.9	0.0	100

Notes: This table uses different slightly regions from Tables 1, 3 and 5, for reasons of data comparability with the remainder of the general election sequence.

Table B.2: How the 138 seats regional list scheme would perform under 1992 general election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	25.6	39	13.1	21.5	0.9	100.1	3	5	2	3	0	13
Wales	28.6	49.5	12.4	8.8	0.7	100	2	5	1	0	0	8
Greater London	45.3	37.1	15.9	0	1.7	100	8	6	2	0	0	16
South East	54.5	20.8	23.3	0	1.4	100	15	5	6	0	0	26
South West	47.6	19.2	31.4	0	1.8	100	6	2	4	0	0	12
East Anglia	38.7	38.3	17.9	0	5.1	100	2	2	1	0	0	5
East Midlands	46.6	37.4	15.3	0	0.7	100	5	4	1	0	0	10
West Midlands	44.8	38.8	15	0	1.5	100.1	6	5	2	0	0	13
Yorkshire/ Humberside	37.9	44.3	16.8	0	0.9	99.9	5	5	2	0	0	12
North West	37.8	44.9	15.8	0	1.5	100	6	8	2	0	0	16
Northern	33.4	50.6	15.6	0	0.5	100.1	2	4	1	0	0	7
Great Britain	**42.8**	**35.2**	**18.3**	**2.8**	**1.4**	**100.5**	**60**	**51**	**24**	**3**	**0**	**138**
(Per cent of seats)							43.5	37.0	17.4	2.2	0.0	100

Notes: This table uses different slightly regions from Tables 2, 4 and 5, for reasons of data comparability with the remainder of the general election sequence.

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Table B.3: How the 138 seats regional list scheme would perform under 1987 general election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	24	42.4	19.2	14	0.3	99.9	3	6	3	1	0	13
Wales	29.5	45.1	17.9	7.3	0.2	100	2	5	1	0	0	8
South East (including London)	52.2	22.3	25	0	0.6	100.1	23	9	10	0	0	42
South West	50.6	15.9	33	0	0.5	100	7	1	4	0	0	12
East Anglia	52.1	21.7	25.7	0	0.5	100	4	0	1	0	0	5
East Midlands	48.6	30	21	0	0.4	100	6	3	1	0	0	10
West Midlands	45.5	33.3	20.8	0	0.4	100	6	5	2	0	0	13
Yorkshire/Humberside	37.4	40.6	21.7	0	0.3	100	5	5	2	0	0	12
North West	38	41.2	20.6	0	0.2	100	7	7	2	0	0	16
Northern	32.3	46.4	21	0	0.3	100	2	4	1	0	0	7
Great Britain	**43.3**	**31.5**	**23.7**	**1.7**	**0.4**	**100.6**	**65**	**45**	**27**	**1**	**0**	**138**
(Per cent of seats)							47.1	32.6	19.6	0.7	0.0	100

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Table B.4: How the 138 seats regional list scheme would perform under 1983 general election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	28.4	35.1	24.5	11.7	0.3	100	4	5	4	1	Seats	13
Wales	31	37.5	23.2	7.8	0.4	99.9	3	3	2	0	0	8
South East (including London)	50.4	21.2	27.3	0	1.1	100	21	9	11	0	0	42
South West	51.4	14.7	33.2	0	1.1	100.4	6	2	4	0	0	12
East Anglia	51	20.5	28.2	0	0.3	100	3	1	1	0	0	5
East Midlands	47.2	28	24.1	0	0.8	100.1	5	3	2	0	0	10
West Midlands	45	31.2	23.4	0	0.4	100	6	4	3	0	0	13
Yorkshire/Humberside	38.7	35.3	25.5	0	0.5	100	5	4	3	0	0	12
North West	40	36	23.4	0	0.9	100.3	6	6	4	0	0	16
Northern	34.6	40.2	25	0	0.1	99.9	2	3	2	0	0	7
Great Britain	**43.5**	**28.3**	**26**	**1.5**	**0.7**	**100**	**61**	**40**	**36**	**1**	**0**	**138**
(Per cent of seats)							44.2	29.0	26.1	0.7	0.0	100

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Table B.5: How the 138 seats regional list scheme would perform under 1979 general election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	31.4	41.5	9	17.3	0.8	100	4	6	1	2	0	13
Wales	32.2	48.6	10.6	8.1	0.5	100	3	4	1	0	0	8
South East (including London)	51.5	31.7	15.3	0	1.5	100	22	14	6	0	0	42
South West	51.3	24.8	22.7	0	1.2	100	6	3	3	0	0	12
East Anglia	50.8	32.6	16.0	0	0.6	100	3	2	0	0	0	5
East Midlands	46.6	39.6	12.8	0	1	100	5	4	1	0	0	10
West Midlands	47.1	40.1	11.5	0	1.3	100	7	5	1	0	0	13
Yorkshire/Humberside	38.8	44.9	15.4	0	0.9	100	5	5	2	0	0	12
North West	43.7	42.6	13.0	0	0.7	100	7	7	2	0	0	16
Northern	37.7	47.8	13.0	0	1.5	100	3	3	1	0	0	7
Great Britain	**44.9**	**37.8**	**14.1**	**2**	**1.2**	**100**	**65**	**53**	**18**	**2**	**0**	**138**
(Per cent of seats)							47.1	38.4	13.0	1.4	0.0	100

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Table B.6: How the 138 seats regional list scheme would perform under October 1974 general election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	24.7	36.3	8.3	30.4	0.3	100	3	5	1	4	0	13
Wales	23.9	49.5	15.5	10.8	0.3	100	2	4	1	1	0	8
South East (including London)	42.1	35.9	21	0	1	100	18	15	9	0	0	42
South West	43.1	29.1	27.4	0	0.4	100	5	4	3	0	0	12
East Anglia	43.8	35.5	20.6	0	0.1	100	2	2	1	0	0	5
East Midlands	38.2	43.1	17.2	0	0.8	99.3	4	5	1	0	0	10
West Midlands	37.5	43.9	17.8	0	0.8	100	5	6	2	0	0	13
Yorkshire/Humberside	31.9	46.9	20.4	0	0.8	100	4	6	2	0	0	12
North West	37	44.6	18	0	0.4	100	6	7	3	0	0	16
Northern	31.7	49.9	17.1	0	0.3	99	2	4	1	0	0	7
Great Britain	**36.7**	**40.2**	**18.8**	**3.6**	**0.8**	**100.1**	**51**	**58**	**24**	**5**	**0**	**138**
(Per cent of seats)							37.0	42.0	17.4	3.6	0.0	100

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Table B.7: How the 138 seats regional list scheme would perform under 1999 European Parliament election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	19.8	28.7	9.8	27.2	14.5	100	3	4	1	4	1	13
Wales	22.8	31.9	8.2	29.6	7.5	100	2	3	0	3	0	8
Greater London	35	32.7	11.7	0	20.6	100	6	6	2	0	2	16
South East	44.4	19.6	15.3	0	20.7	100	8	3	3	0	4	18
South West	41.7	18.1	16.5	0	23.7	100	5	2	2	0	3	12
Eastern	42.8	25.2	12	0	20.1	100.1	6	4	1	0	2	13
East Midlands	39.5	28.6	12.8	0	19.1	100	4	3	1	0	2	10
West Midlands	37.9	28	11.3	0	22.8	100	5	4	1	0	3	13
Yorkshire/Humberside	36.6	31.3	14.4	0	17.7	100	5	4	1	0	2	12
North West	35.4	34.5	11.7	0	18.4	100	6	6	2	0	2	16
North East	42.2	27.4	13.5	0	16.9	100	3	2	1	0	1	7
Great Britain	**35.8**	**28**	**12.7**	**4.2**	**19.3**	**100**	**53**	**41**	**15**	**7**	**22**	**138**
(Per cent of seats)							38.4	29.7	10.9	5.1	15.9	100
(Actual result, scaled up to 138 seats)							57	46	16	6	13	138

Notes: The last row is included here for comparison purposes because the 1999 European election was held on a closed regional List PR basis, using a d'Hondt voting system. Note that with 138 seats being elected instead of 87 seats, the scaling up of the actual result will tend to systematically underestimate the number of 'other' seats - for instance, the threshold for someone to be elected in the largest regions with 11 seats in the actual election was around 7 per cent - but would be below 5 per cent in the largest regions with 138 seats.

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Table B.8: How the 138 seats regional list scheme would perform under 1994 European Parliament election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	14.5	42.5	7.2	32.5	3.4	100.1	2	6	1	4	0	13
Wales	14.6	55.9	8.7	17.1	3.7	100	1	5	1	1	0	8
Greater London	29.8	50.3	12.1	0	7.8	100	5	8	2	0	1	16
South East	37.4	26.1	27.2	0	9.3	100	7	5	5	0	1	18
South West	32.9	23.9	32.7	0	8.8	98.3	4	3	4	0	1	12
Eastern	33.5	40	19	0	7.5	100	5	5	2	0	1	13
East Midlands	30.3	49.5	13.6	0	6.7	100.1	3	6	1	0	0	10
West Midlands	28	50.3	14.1	0	7.7	100.1	3	7	2	0	1	13
Yorkshire/Humberside	24.2	54.2	15.1	0	6.5	100	3	7	2	0	0	12
North West	27.2	55.2	11.8	0	5.8	100	4	10	2	0	0	16
North East	18.6	65.9	10.4	0	5.1	100	1	6	0	0	0	7
Great Britain	**28**	**44**	**17**	**4**	**8**	**101**	**38**	**68**	**22**	**5**	**5**	**138**
(Per cent of seats)							27.5	49.3	15.9	3.6	3.6	100

Table B.9: How the 138 seats regional list scheme would perform under 1984 European Parliament election conditions

	Votes percent						Final numbers of seats					
	Con	Lab	Lib Dem	Nat	Others	Total	Con	Lab	Lib Dem	Nat	Others	Total
Scotland	20.9	41.7	4.3	25.6	7.3	99.8	3	6	0	3	1	13
Wales	23.5	48.9	3.2	12.9	11.6	100.1	2	4	0	1	1	8
Greater London	34.9	43	4.9	0	17.1	99.9	6	8	0	0	2	16
South East	45.5	24.3	9.1	0	21.1	100	9	4	1	0	4	18
South West	43.4	22.2	13.1	0	21.4	100.1	6	3	1	0	2	12
Eastern	43	30.3	6.3	0	20.4	100	6	4	1	0	2	13
East Midlands	38.8	40.9	4.2	0	16.1	100	4	5	0	0	1	10
West Midlands	36.4	41.7	4.9	0	17	100	5	6	0	0	2	13
Yorkshire/Humberside	28.9	52.5	4.9	0	13.7	100	3	7	0	0	2	12
North West	32.6	49	5.8	0	12.5	99.9	5	8	1	0	2	16
North East	24.7	59.4	4.4	0	11.4	99.9	2	5	0	0	0	7
Great Britain							51	60	4	4	19	138
(Per cent of seats)							37.0	43.5	2.9	2.9	13.8	100

ANNEX C: HOW THE MACKAY COMMISSION
PROPOSAL WOULD WORK IN DETAIL

C1. In the Conservative Party's Mackay Commission report on reform of the House of Lords there was a proposal that two members should be elected by plurality rule in each of the 80 top-up areas identified by the Jenkins Commission in its report on reform of the voting system.
We commented in our first report to the Commission that if it were implemented this proposal would be likely to produce a strongly biased representation of parties. We have now been asked to substantiate this view by undertaking a detailed analysis, and the results are shown in

C2. Table C1 below for the most recent general election voting patterns. The final column shows the deviation from proportionality scores in each of the regions and for Great Britain as a whole - an index which shows what proportion of representatives occupy seats not justified by their parties' share of the vote. At the Great Britain level this would have been 25 per cent, some four points worse than the actual 1997 general election DV score (which was 21 per cent). However, even this national second chamber result underestimates the effects of plurality rule within each of the regions, where some much high deviations from proportionality occur. In the south-east region, for instance, the Conservatives on 42 per cent of the vote would win all 20 of the large top-up areas, with plurality rule here achieving a DV score of 58 per cent. In fact this result would be the maximum DV score attainable in a liberal democracy, putting it on the border of being a democracy at all. In 1997 the Labour surge elsewhere somewhat offset the pro-Tory biases in the south east by creating huge over-representation of Labour elsewhere. Hence the median regional DV score at 36 per cent is the best available guide to how unrepresentative the system would seem to the average vote.

C3. It would seem strongly inadvisable to us to introduce a brand new electoral system with such a high degree of unrepresentativeness. Representative elected under such a system would be very unlikely to command any substantial public legitimacy. We conclude that the Mackay Commission proposal contradicts the principles for electing some or all of a second chamber set out in Part 1 above.

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Table C1: How the Mackay Commission scheme would have operated on 1997 voting patterns

	Seats under Mackay plurality scheme							Vote shares							
	Con	Lab	LibDem	SNP	PC	Other	Total	Con	Lab	LibDem	SNP	PC	Other	Total	DV score
South East	20	0	0	0	0	0	20	41.9	29.2	23.4	0	0	5.7	100.2	58.2
North West	0	18	0	0	0	0	18	27.6	53.6	14.5	0	0	4.4	100.0	46.4
Wales	0	10	0	0	0	0	10	19.6	54.7	12.4	0.0	9.9	3.4	100.0	45.3
Scotland	0	14	2	0	0	0	16	17.5	45.6	13.0	22.1	0.0	1.9	100.2	42.0
West Midlands	2	14	0	0	0	0	16	33.7	47.8	13.8	0	0	4.7	100.0	39.7
London	2	12	0	0	0	0	14	31.2	49.4	14.6	0	0	4.7	99.9	36.2
North East	0	10	0	0	0	0	10	19.8	64.0	12.6	0	0	3.6	100.0	36.0
Yorkshire & Humberside	2	12	0	0	0	0	14	28.0	52.0	16.0	0	0	4.1	100.0	33.8
East Midlands	2	8	0	0	0	0	10	34.9	47.8	13.6	0	0	3.7	100.0	32.2
South West	8	2	4	0	0	0	14	39.7	38.3	17.3	0	0	4.7	100.0	28.7
Eastern	6	8	0	0	0	0	14	39.5	38.6	17.1	0	0	4.8	100.0	21.9
England	*42*	*84*	*4*	*0*	*0*	*0*	*130*	*33.7*	*43.6*	*18.0*	*0.0*	*0.0*	*4.7*	*100.0*	*21.0*
GB TOTAL	**42**	**108**	**6**	**0**	**0**	**0**	**156**	**31.5**	**44.4**	**17.2**	**2.0**	**0.5**	**4.4**	**100.0**	**24.8**