

# Electoral arrangements of the National Assembly for Wales: issues and questions for consultation

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## Members of the Commission

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# The electoral arrangements of the National Assembly for Wales: issues and questions for consultation

## Background

1. The Commission was appointed in July 2002. Its job is to produce an independent report by the end of 2003. This report will contribute to decisions on the future of the National Assembly and the way Wales is governed in the future.
2. **In preparing our report we want to have the benefit of the views and experience of as many individuals and organisations as possible, especially from Wales but also from elsewhere.**
3. As a first step we would like to invite you to send us a written statement of your views – we may then wish to explore these in meetings with you later.
4. The Commission's Terms of Reference include two distinct elements relating to
  - a. the powers
  - b. the electoral arrangementsof the National Assembly for Wales.
5. This consultation relates to the second of these – the Commission issued a paper dealing with the powers of the National Assembly in November 2002- copies are available from the Richard Commission (contact details below).
6. The questions set out below are intended to help you in commenting on the issues but the aim is not to limit debate. If there are any other issues which you feel are relevant and which the Commission should consider please feel free to include them in your response.

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## The Commission's approach

7. In its first consultation paper the Commission indicated that it intended to take a very practical approach to the terms of reference – focusing on how things work at the moment and how they could be improved.

8. The Commission intends to take a similar approach to the electoral arrangements. It does not intend to examine in detail, from first principles, all the possible alternatives to the present electoral system - a summary of these is attached at Annex<sup>1</sup>. The approach is to consider the strengths and weaknesses of the existing system and then to consider possible improvements.

9. The Commission's Terms of Reference include three distinct elements:

- whether the size of the Assembly is adequate to its present job
- whether the present electoral system is sufficiently representative
- whether any changes would be needed if the Assembly were to acquire further powers.

These are discussed below.

## Principles

10. In relation to the size of the Assembly the Commission intends to be guided by two key principles:

- a. size should follow function
- b. any increase in size should be justified by the work which needs to be done.

## The size of the National Assembly – with no change in functions

11. The present Assembly consists of 60 Members, 40 constituency AMs and 20 list Members representing 5 electoral regions – the method of election is discussed below. The Scottish Parliament has 129 Members (see table 2 below) and the Northern Ireland Assembly has 108.

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<sup>1</sup> This reproduces the factual summary prepared originally for the Sunderland Commission's review of local authority electoral arrangements (Report of the Commission on Local Government Electoral Arrangements in Wales - July 2002).

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12. The first question for consideration is whether the size of the Assembly is adequate to carry out its existing executive functions bearing in mind that of the 60 elected Members, 9 are members of the Cabinet, 5 are deputy Ministers and 2 are the Presiding Officer and the Deputy Presiding Officer. This leaves 44 Members to carry out the work of the Assembly including the following roles:

- representative – representing their constituencies or regions and advocating on their behalf
- deliberative – debating issues that affect Wales
- scrutiny – examining the actions of the Assembly Government, including its use of devolved legal powers and its spending decisions
- policy development – analysing problems and recommending solutions.

This work is carried out by Members:

- in their constituencies or regions
- within Assembly Committees
- in plenary sessions of the Assembly.

The questions for consultation are:

- a. **is the current size of the Assembly (ie 60 Members) adequate to undertake its responsibilities in meeting the needs of Wales?**
- b. **what evidence is there that the current duties as set out in para 12 above are not being fulfilled adequately and what scope exists to re-organise working arrangements to improve effectiveness without creating more Members?**
- c. **if reorganisation would not achieve the necessary improvements, what number of Members would be required for the existing responsibilities to be discharged effectively?**
- d. **what are the advantages, other than cost, of a relatively small Assembly which might be lost if numbers were increased?**

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## The size of the Assembly – with the acquisition of further powers

13. The Commission's Terms of Reference require it to consider both the breadth (ie the range of issues over which it has control) and the depth (ie the capacity to effect change within those issues) of the Assembly's powers. If the Assembly were to acquire further powers either by extending its executive powers or by acquiring the power to make primary legislation similar to that of the Scottish Parliament or the Northern Ireland Assembly, this would be a major addition to its responsibilities. Primary legislative powers would allow the Assembly to create new rights and duties enforceable by the courts, which potentially go far beyond the powers it currently has to make secondary legislation. This would mean that Parliamentary analysis and scrutiny would have to be more intensive than is required in relation to the subordinate legislation for which the Assembly is currently responsible.

14. The tasks involved would include:

- a. formulation of and consultation on the policy to be implemented by the new legislation
- b. the detailed drafting of Bills putting into effect the changes required
- c. the scrutiny and amendment of the detailed provisions, both in Committee and in plenary sessions.

15. The implications of the acquisition of primary legislative powers, both for **staff workload** and for the **legal structure** of the Assembly, will be considered in detail in the Commission's final report, based on evidence received. The issue for this paper is the **implications for the size of the Assembly** of the acquisition of further powers.

16. The following considerations are relevant:

- a. passing laws involves a substantial amount of work for Members in analysing and debating the proposals and consulting on them
- b. the revising function ie considering draft laws line by line to ensure that their effect is clear, fulfils the intention of the legislators and does not have perverse unintended effects, is crucial to producing good legislation
- c. the burden of the work of examining new laws falls mainly on Committees, and is not evenly spread – for example the volume of legislation is likely to be greater in the fields of health and education than in economic development.

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The questions for consultation are:

- a. would the present number of Members be able effectively to take on the additional work involved in acquiring either significant new functions or primary legislative powers?
- b. are there areas of current work which could be reduced, or could existing arrangements, such as the size of Committees and the frequency of meetings, be changed to accommodate such extra responsibilities and if so what changes would you recommend?
- c. is there a case for increasing the number of Members if additional powers are conferred on the Assembly– and if so, what would be its appropriate size?

## The Assembly's electoral system

17. The present Assembly consists of 60 members, 40 elected by a simple majority of votes cast in constituencies with the same boundaries as the Parliamentary constituencies, and 20 elected by five electoral regions by the Additional Member System which allocates seats to each party in order to bring their representation more closely into line with the proportion of votes received in each region. The results this system produced in the 1999 election is shown in Table 1:

**Table 1: Results of the 1999 Assembly elections**

Party	Constituency seats	List seats	Total
Conservative	1	8	9
Labour	27	1	28
Liberal Democrat	3	3	6
Plaid Cymru	9	8	17

18. This mixed system which combines majoritarian (First Past the Post) and proportional elements was seen as producing 2 advantages:

- a. maintaining the single member constituency model where each constituency AM represents all the people in the constituency regardless of party affiliation.

- b. adding an element of proportionality in order to provide greater legitimacy than would have existed had the Assembly's electoral system followed the Westminster model.

The Scottish Parliament, with 129 Members, has the same mixed system of election but the list seats represent a higher proportion of the overall total as shown in Table 2. The Northern Ireland Assembly has 108 Members, elected by the Single Transferable Vote System (STV).

**Table 2: size and electoral systems of devolved bodies**

UK Devolved Bodies	Constituency Members	List Members	Total Members	Ratio FPTP:List	Ratio Member: Population
Wales	40	20	60	66%/33%	1: 48,400
Scotland	73	56	129	57%/43%	1: 39,300
NI	Elected by STV system		108	n/a	1: 15,600

### Is the Assembly sufficiently representative?

19. The possible definitions of representativeness include:
- a. the close identification between an **individual elected Member** and the area represented;
  - b. the match between the representation of the **political parties** in the Assembly and the votes gained in the election;
  - c. the similarity between the membership of the Assembly and the **population of Wales** in terms of gender, ethnicity, age profile, disability or other identifiable characteristics;
  - d. the extent to which different **interests** in Wales, including minority interests, are represented amongst the membership;
  - e. the extent to which Members' **policy priorities** represent the concerns of the people of Wales.

20. The impact of the electoral system itself on representativeness according to these criteria varies. The system has the greatest effect in relation to 19 b. as set out in Table 3:

**Table 3: Comparison of the Parties' share of seats with their share of votes cast in the 1999 Assembly elections**

Party	% votes gained <sup>2</sup> as % votes cast	seats won as % of total seats
Conservative	16.2	15.0
Plaid Cymru	29.5	28.3
Labour	36.5	46.7
Lib Dems	13	10
<b>Total</b>	<b>95.2</b>	<b>100</b>

21. The overall result reflects the 2/3 share given to constituency seats and 1/3 to list seats: the party that is most successful in the constituencies does best, with the List system partly compensating for this – but not sufficiently to create an overall representation which is strictly proportional to the votes cast for the parties.

22. In respect of the other possible definitions set out in para 19 above the impact of the electoral system is less direct. The characteristics of Assembly Members are largely in the control of the political parties since it is their candidate selection procedures which determine the choices available to voters.

23. Nevertheless the rules governing the electoral system create opportunities for the political parties, either at local constituency or at an all Wales level, to influence the characteristics of the candidates selected by their Parties. Mechanisms which have been used to influence the gender balance of candidates for the Assembly include:

- a. constituency seats - twinning of constituencies (so that a party selects a male candidate for one constituency and a female candidate for its "twin" constituency)<sup>3</sup> and a requirement for gender equal shortlists;

<sup>2</sup> Figures are the average of constituency and regional votes.

<sup>3</sup> The Sex Discrimination (Election Candidates) Act 2002 now allows parties to select candidates from all-women shortlists.

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- b. regional seats - "zipping" (alternating women and men on a party's list of candidates).

24. In 1999 the voting system produced an Assembly consisting of 24 women and 36 men<sup>4</sup>, with no Members from the ethnic minorities, and two Members with self reported disability.

25. In respect of definitions d. and e. in para 19 above – the electoral system does not exert a direct influence but the closed list system does offer opportunities for the political parties to select candidates with a view to securing the election of under-represented groups. An alternative approach would be to allow voters to select from or re-prioritise the order of candidates in a party's list (a 'semi - open' list) or to operate a fully open list which allows voters to select candidates from several parties. Such approaches would give voters more choice but reduce the scope for parties to influence the characteristics of Assembly Members by techniques such as "zipping".

### Experience of the present system

26. Although it has achieved its objective of introducing a greater element of proportionality into the system, critics of the present system argue that it has produced two categories of Assembly Members, and that this can create demarcation problems between Members as well as confuse voters. Against this it can be argued that access to a constituency AM and a list AM gives constituents greater choice which may be particularly valued by constituents whose party affiliation is different from that of their constituency Assembly Member.

27. If the size of the Assembly were to be increased while retaining the present Additional Member System (AMS), this could be done by increasing either the number of constituency Members or the number of list Members, or both, or varying the proportion between them. Increasing the number of constituency Members and continuing with the FPTP system for their election would tend to make the overall composition of the Assembly less proportional and would benefit the largest party. Increasing the list Membership would make the overall result more proportional and benefit the smaller parties at the expense of the largest.

28. If the size of the Assembly were to be increased without retaining the AMS system the range of options included in the Annex could be considered.

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<sup>4</sup> This became 25 women and 35 men following the resignation of Alun Michael in February 2000 and his replacement by Delyth Evans.

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The questions for consultation are:

- a. what is your experience of the operation of the present electoral system – what are its advantages and disadvantages and what changes would you like to see?
- b. should more be done through the electoral system to influence the characteristics of the candidates put forward by the political parties and if so what measures would you recommend?

## The Constituency Boundaries

29. At present Assembly constituencies have the same boundaries as the 40 Parliamentary constituencies. These are currently under review as part of the 5th statutory review carried out by the Boundary Commission for Wales. It is possible that, as a result of population changes, the Commission will recommend that the number of Welsh Parliamentary seats should rise to 41 or 42. The Commission is an independent body whose conclusions cannot be influenced by the Assembly or the UK Government. Its recommendations are given effect by an Order subject to Parliamentary approval.

30. Such an increase would continue the gradual rise in Welsh Parliamentary representation since the establishment of the Boundary Commissions in 1944 when the number of Welsh MPs stood at 35. Both Scotland and Wales have their own Boundary Commissions which recommend constituencies having regard to electoral quotas (ie target populations of voters per constituency) of around 55,000, significantly smaller than the quota for England (just under 70,000). Successive reviews in England, Wales and Scotland have brought about a situation where Wales and Scotland have more Members of Parliament relative to population than England. If Wales had the same number as England relative to population – there might be around 32 Welsh MPs. On the same basis Scotland, which currently has 72 MPs, would have 59.

31. Under the arrangements put in place when the form of devolution to Scotland was determined, the Scotland Act 1998 removed the previous guarantee of at least 71 Scottish seats at Westminster and required the Boundary Commission for Scotland to determine the level of Scottish representation by applying the same electoral quota as in England. That will lead to a reduction in the number of Scottish MPs. The Secretary of State for Scotland consulted in March 2002 on whether there should be an equivalent reduction in the number of constituency seats (and so also of regional members, in order to maintain the existing ratio of constituency to regional members) in the Scottish Parliament, as required by the provisions in the Scotland Act.

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32. In December the Secretary of State announced that, following consultation, this reduction would not take place, and that the number of seats in the Scottish Parliament should remain at 129. The link between the Scottish and Westminster Parliamentary boundaries will therefore be broken. There will in future be around 59 Scottish MPs returned from constituencies to Westminster whereas there will continue to be 73<sup>5</sup> constituencies for elections to the Scottish Parliament.

33. Whether as a result of the work of the Boundary Commission for Wales or for any other reason, it seems prudent to avoid the assumption that the present number of 40 Parliamentary/Assembly constituencies represents a stable building block for the constituency element of the Assembly's representation.

The question for consultation is:

- bearing in mind that the number of Welsh Parliamentary constituencies may change in the future – how important is it to maintain common boundaries for Assembly and Parliamentary constituencies?

### Factors to be considered in constructing a possible larger Assembly

34. Taking into account the considerations outlined above there are a number of ways of constructing a larger Assembly.

The question for consultation is: if there were to be a case for increasing the size of the Assembly – how should it be constructed and which considerations should be given most weight:

- a. maintaining the link with the Westminster constituency boundaries discussed above
- b. continuity in the electoral system – retaining the mixed system and preserving broadly the same ratio of Constituency Members to List Members as now
- c. retaining the mixed system but enhancing one or other (ie constituency or regional) of its elements – if so which one?
- d. retaining the mixed system but replacing the regional lists with a national list
- e. replacing the mixed system with another proportional system

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<sup>5</sup> The Islands have one more seat in the Scottish Parliament than at Westminster.

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- f. replacing the mixed system with a majoritarian (First Past the Post) system
  - g. some other option.

## Meeting the Commission

The Commission is holding a series of public meetings up to the end of July 2003 which will provide an opportunity for members of the public to voice their views on the issues in this paper and the Commission's earlier paper on the powers of the National Assembly. The dates of the planned meetings are as follows – details will be available from the Commission nearer the time and will appear in the press:

Llandudno - 26th March

Haverfordwest - 10th April

Llandrindod Wells - 8th May

Newport - 22nd May

Merthyr - 26th June

Cardiff - 10th July

The Commission's first public meeting was held in Swansea on 15th January 2003.

## Submitting evidence

Responses to this paper should be sent to [richard.commission@wales.gsi.gov.uk](mailto:richard.commission@wales.gsi.gov.uk) or to the Secretary to the Commission at

**Richard Commission**  
**Caradog House**  
**1-6 Saint Andrews Place**  
**Cardiff**  
**CF10 3BE**

Responses are sought by the end of **June 2003**. It would be helpful if as many contributions as possible could be received before this date so that where responses call for further discussion in oral evidence sessions these can be added to the Commission's forward programme.

Evidence will be published and made available on request unless contributors indicate that they would prefer their evidence to remain private. Individuals and organisations providing written evidence are of course free to publish it on their own account as a contribution to public debate.

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# Electoral Systems

This Annex provides a brief introduction to the most widely known voting systems and identifies elections where that system is used.

The systems are

1. First Past The Post (also known as Simple Majority)
2. Party list
3. Additional Member System (also known as Mixed Member Proportional)
4. Single Transferable Vote
5. Alternative Vote
6. Supplementary Vote
7. Alternative Vote plus

## 1. First-Past-The-Post (FPTP) – also known as Simple Majority System

### How the system works:

Under First-Past-The-Post (FPTP) the emphasis is upon a direct link and clear accountability between the voter and his / her elected representative. The representative represents a designated electoral area ("constituency", "electoral division", "ward" etc) and each of those areas has a fixed number of representatives. In the ballot for those representatives the voters in the electoral area have as many votes as there are representatives. If the electoral area has one representative, voters in that area have one vote, but if there are three representatives, the voters are entitled to three votes. Voters may choose to cast all or just some of their votes. In the UK, voters mark their choice (or choices) by putting an 'X' on the ballot paper next to the name (names) of the candidate (candidates) they support.

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Under FPTP the percentage of votes won by a candidate in a ballot has no direct bearing on the allocation of the seats for that area. The determining factors are the candidate's position in the final tally of votes and the number of representatives that the electoral area has on the body for which the election is held. Thus, in an electoral area with one representative, the candidate who gets the most votes in the ballot wins the seat; in an electoral area with three seats, the three candidates with the most votes all win seats.

Where the system is used: for elections to the House of Commons, the US Houses of Congress, the Canadian and Australian lower houses of parliament. For local government elections in the UK and in USA, Canada and India.

## 2. Party List System

### How the system works:

The party list system is one of the more commonly used systems of proportional representation. The main principle of proportional representation is that the number of representatives each political grouping has in an elected body should broadly reflect the proportion of the total vote won by that grouping in the election to that body.

In a party list system voters cast a single vote, choosing between lists of candidates drawn up by political parties. All the votes cast for each party list in an electoral area are counted and each party receives seats in the area roughly in the same proportion as the votes it won in that area.

The electoral areas tend to be large both in geographical size and numbers of voters and several representatives are elected from each electoral area. Sometimes the entire electoral body may be elected from a single electoral area, covering the entire area for which the body is responsible; alternatively, the electoral body may have several electoral areas and a separate party list ballot is held in each.

Each political party putting forward a list of candidates ranks its candidates according to its own preference. The number of candidates a party includes on a list varies – and may depend on the rules for the election in question and/or the availability of candidates to the party. In general, the upper limit will correspond to the number of seats available in the electoral area; alternatively the list may include just one name. Candidates not standing for a political party may be allowed to contest party list elections as independent candidates – in which case, each independent candidate is treated, effectively, as if he or she were a party list of one.

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The names of the candidates making up a party list may or may not be included on the ballot paper. The higher the number of representatives elected from the electoral area the more difficult it becomes to include the names of the list candidates on the ballot paper. In these cases other arrangements will be made for publicising candidates' names – eg displaying them on the walls of polling stations or including them in official leaflets distributed before the election.

Once the votes for each party list have been counted a formula is used to calculate the number of seats each party is entitled to. There are several formulae in use. Each party's seat entitlement is then allocated among the candidates on that party's list; generally the candidates declared elected would be those placed highest in the party's list of candidates. So, if a party list is entitled to three seats those seats will be allocated to the three highest placed candidates on the list.

Generally under party list systems, voters simply vote for the political party and they have no say as to which of the candidates on the party's list are elected. This is called the **closed list** system. A variation, called the **open list** system, allows the voter to vote either for the list as published or to vote for a preferred individual candidate on that list, wherever that candidate appears on the list. The possible effect of this is to alter the order in which candidates have been placed on the list, and therefore the list of successful candidates, while still registering support for the voter's preferred party.

**The system is used:** in parliamentary elections in several countries in continental Europe and Israel and was used in Great Britain for the 1999 European Parliamentary Elections - using the closed list system.

### 3. Additional Member System (AMS)

#### How the system works

The Additional Member System is another form of proportional representation. It was developed for use in the new Federal Republic of Germany after the Second World War. It attempts to combine, in a single voting system, features of First-Past-The-Post and the Party List System. The objective is to retain the clear link between a representative and his / her electoral area and, at the same time, provide a mechanism to compensate for a lack of proportionality which sometimes arises from elections conducted entirely under FPTP.

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Under the AMS the elected body is made up of representatives who are elected either by FPTP from single-member electoral areas or by the party list system. Each voter in an AMS election has two votes, one for a candidate for a single-member electoral area and the other for a party list. The party list ballot will cover either the whole area covered by the electoral body or sub-divisions of that area. If the latter, the sub-division must still be made up of a number of whole single-member electoral areas. This geographic link is essential - since the purpose of the party list (or "additional") seats is to provide a means of correcting a lack of proportionality in the overall results from the single-member ballots.

The election of the representative for each single-member electoral area is conducted on the same basis as elections under FPTP (see section 1 above). The party list ballot is conducted under the principles outlined in section 2 above - up to the point where the party list seats are to be allocated. The allocation of the party list seats under AMS is calculated using a formula which takes account of the single member seats each party has already won in the area covered by the party list ballot. The effect of the formula is that if the number of single member seats a party has won does not really reflect its level of support, it should gain some of the party list seats. Overall, the final distribution of seats in the elected body (taking account of single member and party list representatives) should then reflect the distribution of votes between the parties.

Once a party's entitlement to party list seats has been determined, the seats are allocated to candidates on that party's list on the same basis as in straightforward party list elections. Again, there is the option of using open or closed lists.

The ratio of party list seats to single member seats in an electoral body may vary, but, generally, the higher the proportion of party list seats, the more likelihood there is of the overall result being precisely proportional.

The system is used: for elections to the National Assembly for Wales, the Scottish Parliament, the Greater London Assembly, in Germany and for parliamentary elections in New Zealand (where it is called Mixed Member Proportional Representation or MMP).

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## 4. Single Transferable Vote

### How the system works:

The single transferable vote (STV) was invented in the 19th century and is another form of proportional representation.

Under STV, voters are asked to vote for candidates in designated electoral areas. Each electoral area will have several representatives – normally at least three, but often more. Candidates may stand with or without the formal backing of a political party and the names of all candidates appear on the ballot paper.

Voters give a preference ranking to as many candidates on the ballot paper as they wish, in numerical order: 1st, 2nd, 3rd, 4th, 5th, etc. The political parties may have put forward as many candidates as there are seats in the electoral area, but when indicating their preferences voters may choose to rank candidates in any order they wish regardless of party affiliations.

In order to win a seat, a candidate must receive a specified "quota" of votes in the electoral area. This quota is, broadly speaking, determined by taking the number of valid votes cast in the electoral area and dividing them by the number of seats to be won plus one and then adding one to the result of that division. So, if an electoral area has 5 representatives the quota is determined by dividing the total number of valid votes by 6 (i.e. 5+1) and then adding one.

When the votes are first counted, the first preferences on all ballots are examined, and any candidate who received enough first preference votes to meet the quota will be declared elected. It often happens that some candidates have more first preference votes than the quota actually required for election. In that case, all votes which a candidate received in excess of the needed quota are declared surplus votes. But these votes are not disregarded; instead they are transferred to the candidate who was indicated on the ballot paper as the voter's next-ranked choice. Once these votes have been transferred, a second count will be made to determine whether any other candidate has now achieved the quota.

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Additional counts will usually be necessary to determine the various winners in succession until all the available seats have been won. If on any count no candidate meets the quota, the candidate with the fewest number of votes is eliminated and his or her votes are transferred to the candidate who is the next-ranked choice on the ballot paper. (If a ballot paper no longer indicates a preference for a remaining candidate, then the vote becomes 'non-transferable' and remains unused.) These transfers of votes, from candidates who have either been elected or eliminated, continue through successive counts until all seats have been filled.

The most important features of the single transferable vote method are that (1) several candidates will be elected in each electoral area; (2) voters cast their votes for individual candidates in preferential order, not for a list of party candidates; and (3) voters may distribute their preferences among candidates of different parties or independent candidates.

**The system is used:** for parliamentary elections in the Republic of Ireland and Malta, elections to the Australian Senate, and in Northern Ireland for Assembly, local government and European Parliamentary elections. STV has also recently been introduced as an option for local government elections in New Zealand.

## 5. The Alternative Vote

### How the system works:

The alternative vote (AV) offers a variation on FPTP. Under AV, representatives are elected from single member electoral areas but rather than marking a single 'X' against their one preferred candidate, each voter is asked to rank the candidates on the ballot paper in an order of preference, putting '1' next to their favourite, '2' by their second choice and so on. If a candidate receives a majority of first place votes, he or she would be elected. However if no single candidate gets more than 50% of the vote, the candidate with the fewest number of votes is eliminated and the votes redistributed to the next-ranked candidate on those ballot papers. The process is repeated until one candidate gets an absolute majority of the votes counted. The alternative vote is not considered to be a proportional system, but a majoritarian system.

**The system is used:** in the Australian House of Representatives

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## 6. The Supplementary Vote (SV)

### How the system works:

The supplementary vote (SV), is another variation of a majoritarian system vote. SV is similar to the alternative vote except that voters are offered the option of indicating a second preference (only) among the candidates contesting the electoral area – which is single member. Voters are not required to make a second preference if they do not wish to do so. Usually, there are two columns on the ballot paper - one for the first preference and one for the second preference. Voters mark an 'X' in the first column for their first preference and a second 'X' in the second column for their other preference.

Voters' first preferences are counted and if one candidate gets 50% of the vote, that candidate is elected. If no candidate reaches 50% of the vote, the two highest scoring candidates are retained and the rest of the candidates are eliminated. The second preferences on the ballot papers of the eliminated candidates are examined and any that have been cast for the two remaining candidates are given to them. Whoever has the most votes at the end of the process wins.

The system is used to elect the Mayor of London.

## 7. The Alternative Vote Plus (AV+)

### How the system works:

AV+ is a mixed system, similar to AMS, combining single-member electoral areas with party list additional members. Voters have two votes - one for their immediate single member electoral area and the other for a party list.

The representatives from the single member electoral areas are elected by the Alternative Vote (see above). The "additional" members are elected in the same way as the party list members under the Additional Member System (see above).

The system is not currently used anywhere in the world. It is the system proposed by the Independent Commission on the Voting System (chaired by Lord Jenkins of Hillhead) to be put to the electorate in a referendum as an alternative to First Past the Post for UK General Elections.

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## Commission on the Powers and Electoral Arrangements of the National Assembly for Wales

### Terms of Reference

The Welsh Assembly Government's document Putting Wales First contained a commitment *to establish an independent Commission into the powers and electoral arrangements of the National Assembly in order to ensure that it is able to operate in the best interests of the people of Wales. This review should investigate inter alia the extension of proportionality in the composition of the Assembly, and of the relevant competencies devolved.*

The Commission's detailed terms of reference are as follows.

### Assembly powers

The Commission should consider the sufficiency of the Assembly's current powers, and in particular

- whether the Assembly's powers are sufficiently clear to allow optimum efficiency in policy-making;
- whether both the breadth (*ie the range of issues over which it has control*) and the depth (*ie the capacity to effect change within those issues*) of the Assembly's powers are adequate to permit integrated and consistent policy-making on issues where there is a clear and separate Welsh agenda;
- whether the mechanisms for UK Government policy-making as regards Wales, and the arrangements for influence by the Assembly on these, are clear and effective, and in particular whether they correct any apparent shortcoming from the previous item;
- whether the division of responsibility between the Assembly and the UK Government places inappropriate constraints on Whitehall policy-making, both on matters over which the Assembly has control and otherwise.

The Commission should consider any possible financial implications arising from the implementation of its proposals.

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## Electoral arrangements

The Commission should consider the adequacy of the Assembly's electoral arrangements, and in particular

- whether the size of the Assembly is adequate to allow it to operate effectively within a normal working week, and without placing undue pressure on Members;
- whether the means of electing the Assembly, including the degree of proportionality, adequately and accurately represents all significant interests in Wales
- whether any changes which may be recommended to the Assembly's powers make either necessary or desirable changes to the size of the Assembly or the means of electing it .

## Report

- The Commission should report on its deliberations, including its recommendations on the above matters, by the end of 2003. It may make interim reports or recommendations if it sees fit.

## Procedural matters

- The Commission is to be free from any influence from either the Welsh Assembly Government or the Assembly as a whole. It shall determine its own agenda and priorities within these terms of reference.
- The Commission may determine its own working procedures. However, it should:
  - invite oral and/or written evidence from any who wish to provide it;
  - accept such evidence in either English or Welsh;
  - meet in public unless those giving evidence request otherwise or unless, in exceptional circumstances, the Commission resolves to meet in private;
  - publish periodic accounts of its proceedings and evidence received.
- The Commission has no power to compel any person to give evidence or to see any documents other than those available under the Assembly's freedom of information policy or similar equivalent regimes.

## Secretariat

The Commission will be supported by a Secretariat comprising seconded Assembly civil servants.





