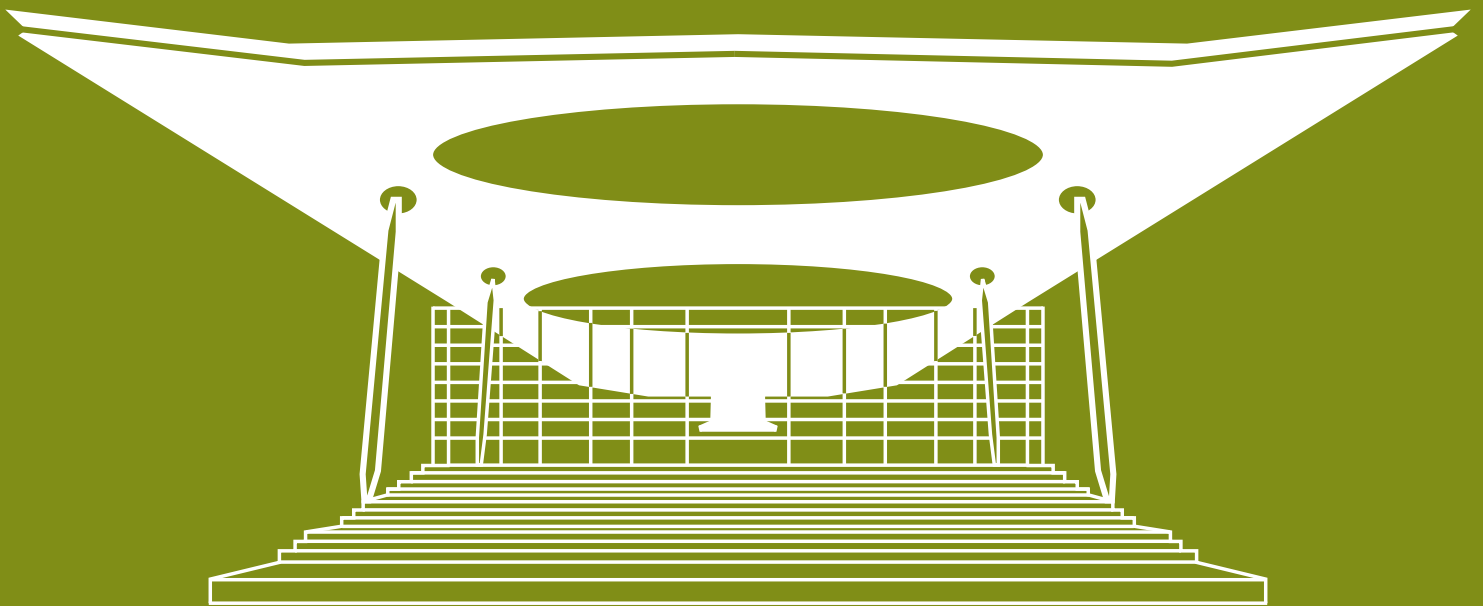


# The 2011 Welsh Assembly Election In Depth

5 May 2011 | Written by Roger Scully and Dr Owain ap Gareth

Report  
and  
Analysis



- Electoral
- Reform
- Society



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Sefydliad Gwleidyddiaeth Cymru  
Institute of Welsh Politics

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# Acknowledgements

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This report was drafted by Professor Roger Scully from the Institute of Welsh Politics in Aberystwyth University, and Dr Owain ap Gareth, Campaigns and Research Officer of Electoral Reform Society Wales. We are both very grateful for the support and feedback we have received in drafting this report. Thanks in particular to Katie Ghose, Ashley De and Magnus Smidak for their invaluable comments and advice. Thanks also to Eleni Simeou, Freelance Project Manager, for coordinating the report.

The work on the new boundaries is based on the previous report, "Reduce & Equalise" and the Governance of Wales by Lewis Baston and Owain ap Gareth on behalf of the Electoral Reform Society.

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# Executive Summary

The 2011 elections for the National Assembly for Wales were the first to occur after the substantial increase in the body's legislative powers following the March 3rd referendum.

The Assembly elections were conducted under the Additional Member System (AMS), with 40 constituency seats conducted under First Past The Post (FPTP), and 20 regional 'top-up' list seats calculated through the d'Hondt formula. The proportion of list seats was lower than in other prominent legislatures such as Scotland or Germany. This system could best be described as a semi-proportional system.

In terms of the parties, the results were generally in line with what was expected. Plaid Cymru would have been disappointed not to have gained momentum from the March referendum. The Liberal Democrats did a little better than expected, but were fortunate in winning some of their list seats.

- Labour won half the seats in the National Assembly for Wales equalling their best performance in 2003, but falling short of an absolute majority.
- The Conservatives had their best ever Assembly election, coming second for the first time.
- Plaid Cymru had their worst ever performance in an Assembly election, gaining only 11 seats, and being only the third-largest party in the Assembly for the first time.
- The Liberal Democrats had their worst Assembly election, slipping below six seats for the first time.

Some general issues arose from the election:

- Turnout was 42.2%. This was lower than the

2007 and 1999 elections, but higher than the 2003 election. Given the increased legislative powers held by the National Assembly for Wales following the March 3rd referendum, this was disappointing. However, it did follow general trends in Scotland and in the last three UK general elections.

- The Assembly results were far more proportional than those of UK general elections, but less proportional than those of the Scottish Parliament due to the less proportional ratio of constituency seats to list seats in Wales.
- The representation of women fell from 46.7% to 41.7% of the total.
- There were now two members from ethnic minorities in the National Assembly for Wales, with Mohammad Ashgar remaining in place for the Conservatives on the South Wales East regional list (where he had been elected for Plaid Cymru in 2007), and Vaughan Gething newly elected for Labour in 2011.
- The Conservatives' good result in Mid and West Wales led to the loss of their leader, Nick Bourne, on the list seat. The continuing ban on 'dual candidacy' made this a more likely outcome in Wales than in other legislatures in the UK using the AMS system.

The election results would have looked different under different voting systems.

Questions arose about the present voting system, having been given impetus by the UK Coalition Government's policy of reducing the number of Westminster seats, which would bring the number of Westminster seats in Wales to 30. This opened up the possibility of changing the voting system and

so link assembly constituencies with the new Westminster boundaries, or to have different constituencies for Westminster and the National Assembly for Wales.

Any proposed change to the voting system would need to take into account whether it is necessary to link the National Assembly for Wales constituencies to Westminster constituencies.

It should also take into account the core issues of democracy that any change would effect, such as proportionality; types of Assembly members (AM) elected and their role; the reflection of communities and identities; and accountability of AMs to voters.

Given the substantial increase in legislative powers for the National Assembly for Wales, any changes would have a significant effect, given that those elected would then have greater powers to legislate in Wales. The advantages to this change would be:

- Less confusion for voters in not having different boundaries for the two tiers of elections.
- AMs and MPs' geographical areas of responsibility would be the same.
- Easier party organisation where the geographical areas are similarly drawn.
- The possibility of reforming the Additional Member System (AMS) to be 30 constituency seats to 30 list seats, in line with other legislatures.

Disadvantages would be:

- The new Westminster boundaries would require more frequent boundary changes, which might also confuse voters.

- The new Westminster boundaries would have a detrimental effect on voter representation, and in making accurate representation of community identities more difficult. If adopted for the Assembly, these problems would occur for new Assembly constituencies also.
- The new Westminster boundaries' quota for equal numbers of voters in each constituency is based on registration, and some groups are less likely to be registered. For example, Black Minority Ethnic (BME) groups, highly mobile groups (such as students), and tenants who do not own property are less likely to be registered. If adopted for the Assembly, these problems would occur for the new Assembly constituencies also.
- Increasing the capacity of the Assembly to 80 members – in line with the Richard Commission recommendations – would be more difficult.

We urge that the discussion on options for the voting system in the Assembly should not be dominated by partisan interests, and should follow the devolved body's commitment to inclusion, equality and plurality.

Any move to First Past the Post would undermine this commitment.

If the Assembly constituencies were to be coupled with those of Westminster, we would recommend a change to 30/30 AMS.

If the Assembly and Westminster constituencies were to continue to be decoupled, we would follow the Richard Commission's recommendations of 80 members, elected via STV. A simple way to change this would be by pairing the current Assembly constituencies into 20 four-member constituencies. ■

# The 2011 Welsh General Election

The 2011 Elections were the fourth election since the National Assembly for Wales' inception in 1999. Following the referendum of March 3rd, it was the first Assembly elected with full legislative competency in the 20 areas of responsibility that had been devolved.

Assembly elections were conducted under the Additional Member System, with 40 constituency seats conducted under FPTP, and 20 regional 'top-up' party list seats calculated through the d'Hondt formula. Candidates elected from the list seat will generally do so on the basis of their party list (for Conservatives, Plaid Cymru and so on).

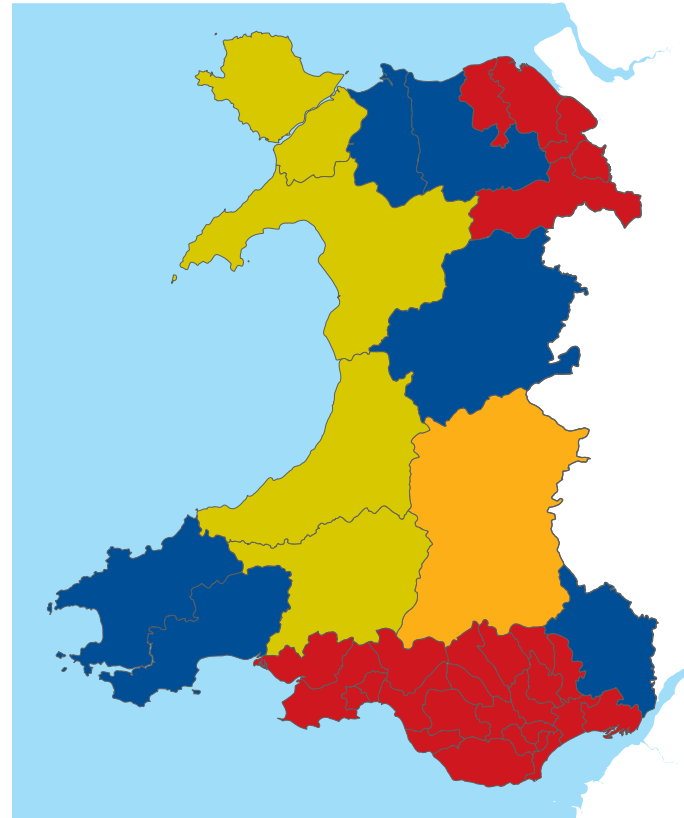
The point of the 'top-up' list was to compensate for the lack of proportionality inherent in the constituency seats result and thus yielded a more proportional result across the different parties. Voters voted on two ballot papers: the first was a ballot to choose their candidate by placing an X next to their favoured candidate (as in the UK general election); the second, by placing an X next to the party of their choice.

The proportion of list seats was lower than in other prominent legislatures such as Scotland or Germany. So, while far more proportional than would be the case under First Past the Post system alone, the outcome under the Assembly version of AMS was not fully proportional.

1. The "Yes" vote in the referendum meant that the Assembly moved from Part 3 to Part 4 of the Government of Wales Act 2006. Under Part 3, the Assembly had 20 areas of responsibility and a patchwork of legislative competency, and could apply for more legislative powers from Westminster through Legislative Competency Orders (LCOs). Under Part 4, the Assembly gained full legislative competency in the 20 areas devolved. Although a substantial increase in powers, it should be noted that the assembly does not command the same powers as the Scottish Parliament (which has fully devolved powers, except for the areas that have been reserved for Westminster), nor does it have any tax-varying powers.

## Overall Result

### Constituency Results

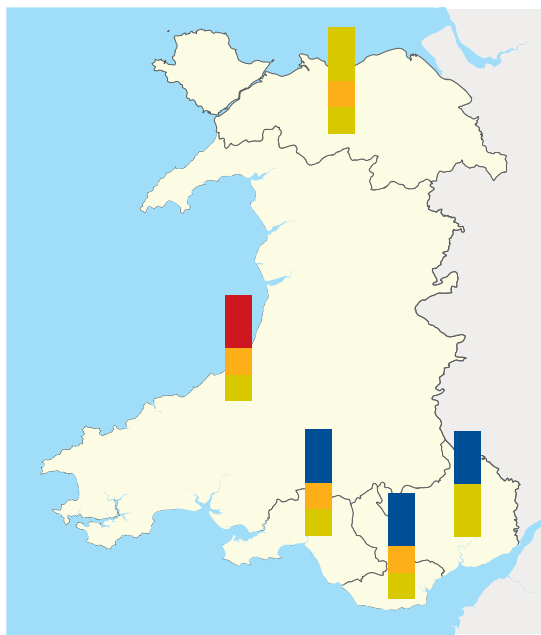


### Regional Results

The election to the National Assembly for Wales on 5th May 2011 was the fourth such poll since the creation of the Assembly in 1999. Labour gained half the seats, but did not command an absolute majority. The election produced the following overall result: Several features of this result were worthy of note:

- As in all three previous National Assembly for Wales elections, no party gained an





came third. Prior to this, Plaid had been the second largest party in the chamber.

- The 2011 election was the worst ever result for the Liberal Democrats, seeing them slip below six seats in the Assembly for the first time.
- As has been the case throughout the life of the National Assembly for Wales, no parties other than the 'big four' were successful in electing any candidates through the regional list vote. And unlike in both 2003 and 2007, no such candidates won a constituency seat.

## Party Targets and Performance

overall majority in the 60-seat chamber. Labour remained comfortably the largest party in the Assembly, as they have been throughout since its inception. But as in the 2003 election, by winning half the seats in the chamber they fell one seat short of an absolute majority over all other parties.

- The 2011 National Assembly for Wales election was the first where the Conservatives finished second in both seats and votes, and in which Plaid Cymru

The results in 2011, overall, were broadly in line with expectations and the findings of the pre-election opinion polls. However, such broad predictability in several cases masked unexpected local results.

**Labour:** The Labour Party had experienced its worst National Assembly for Wales election result in 2007. With the party in opposition at the UK level, and performing strongly in Welsh opinion polls, it had high expectations of improvement for 2011. In the main, these expectations were realised, with the party

Party	Constit. Vote	Constit. Seats	List Vote	List Seats	Total Seats
Labour	42.3% (+10.1)	28 (+4)	36.9% (+7.3)	2	30 (+4)
Conservative	25.0% (+2.6)	6 (+1)	22.5% (+1.0)	8 (+1)	14 (+2)
Plaid Cymru	19.3% (-3.1)	5 (-2)	17.9% (-3.1)	6 (-2)	11 (-4)
Liberal Democrats	10.6% (-4.2)	1 (-2)	8.0% (-3.7)	4 (+1)	5 (-1)
Others	2.8% (-5.4)	0 (-1)	14.7% (-1.6)	0	0 (-1)

equalling its seat total from 2003, and on the basis of Labour's strongest ever vote share in a devolved election.

In 2007, Labour had been fortunate to escape relatively lightly in terms of seat losses, despite a substantial fall in its vote share. One consequence of this was that in 2011, Labour was defending large numbers of apparently highly marginal constituency seats – of the 12 most marginal seats from 2007, 10 were Labour-held. Labour's much stronger performance in 2011 meant that many of these seats simply reverted to being safe Labour seats once more. Labour's gains in 2011 came mainly through a very strong performance in South Wales. This allowed the party to hold all its existing seats, recapture Blaenau Gwent from independent hands, and also to pull off gains in both Cardiff North and Cardiff Central. The latter was particularly notable: in 2007 it had been the fourth safest constituency seat in Wales. Outside South Wales, Labour's performance was less strong. It held onto its two Mid and West Wales list seats, but mainly because of its failure to recapture constituency seats in Preseli Pembrokeshire and in Carmarthen West and South Pembrokeshire. Similarly, in North Wales, Labour's performance was sufficient for it to comfortably retain its existing seats, but the party missed out on the single constituency gain there, which would have given it an overall National Assembly for Wales majority.

**Conservatives:** The Conservatives enjoyed their best ever National Assembly for Wales elections. They increased their vote share and seat numbers for the third successive election; and for the first time, emerged clearly ahead of Plaid Cymru in both seats and votes, as the second party in the Assembly. While the Conservatives lost Cardiff North to Labour,

they held on from Labour with surprising ease in Preseli Pembrokeshire, Carmarthen West and South Pembrokeshire and in Clwyd West. Their strong performance in North Wales was also signalled by capturing Aberconwy from Plaid Cymru. Indeed, one of the few pieces of bad news for the party on election night came via another success. Their gain of the former Liberal Democrat seat of Montgomeryshire, along with retaining their other constituency seats in Mid and West Wales, meant that their party leader in the Assembly, Nick Bourne, lost his seat. However, in both South Wales East and South Wales West, a strong performance on the list vote saw the Tories gain an additional list seat.

**Plaid Cymru:** 2011 was by far Plaid Cymru's worst ever National Assembly for Wales election. Despite the successful March referendum on enhancing the powers of the Assembly, a result that some observers had believed would give momentum to the party, Plaid lost both seats and votes to its main rivals. Llanelli was narrowly lost to Labour; Aberconwy rather more decisively lost to the Conservatives. The party also lost their second list seat in both South Wales West and South Wales Central.

**Liberal Democrats:** Amidst dire UK-wide poll ratings, expectations for the Liberal Democrats in the 2011 National Assembly for Wales election were very low. The party actually did a bit better in Wales than some were predicting. The Liberal Democrats' vote share declined by around four per cent across the constituency and list votes. While hardly a good performance, it nonetheless compared quite favourably with the situation in Scotland, where the party's vote share was down more than eight per cent on the constituency vote, and more than six per cent on the regional ballot. In a very difficult year,

to have a net loss of only one seat was a reasonable performance. However, the losses of Cardiff Central and Montgomeryshire were still heavy blows; and we should note that the Liberal Democrats were very fortunate in some respects: in all four regions where they won list seats (North Wales, Mid and West Wales, South Wales West and South Wales Central), they picked up the final list seat, and by a fairly narrow margin – 2011 could very easily have been much worse for the party.

**Others:** With the resurgence of Labour in Blaenau Gwent, it was entirely predictable that the one constituency seat not held by a major party in the National Assembly for Wales would revert back to Labour. What was suggested by some of the immediate pre-election polls, however, was that other parties might win list seats. As in 2007, UKIP talked up its chances, and the Greens also evinced some optimism. In practice, however, once more these parties failed to live up to expectations in a National Assembly for Wales election.

## Turnout

Official turnout at the 2011 National Assembly for Wales election was 42.2 per cent. This was down 1.5 per cent on the equivalent figure in the 2007 election; it was also lower than the turnout in the inaugural National Assembly for Wales election in 1999, but higher than the 38.2 per cent recorded in 2003.

The turnout figure was undoubtedly disappointing, particularly given that, as a result of the March referendum, the Assembly would now have significantly greater legislative powers than previously. It is generally accepted that institutions with more powers will attract a higher turnout as voters have a stronger instrumental incentive to vote.

Academics separate between ‘first order’ and ‘second order’ elections on this basis. While not a ‘first order’ election, significant new powers could have expected to lead to a stronger incentive for voters to turnout and vote.

However, there was a similar decline in participation in Scotland compared to the previous devolved election. Moreover, problems of low and declining turnout are certainly not specific to devolved elections, or to Wales. We can see this by looking at average turnout in the last three UK general elections (from 2001 to 2010) was 62.0 per cent. This compares with an average in the three previous elections (from 1987 to 1997) of 74.8 per cent.

## Proportionality

The AMS, as used for National Assembly for Wales elections, can only properly be considered a semi-proportional voting system. While it is likely to produce, in most circumstances, far more proportional results than those produced by First Past the Post (FPTP), the low percentage of list seats (one-third) relative to constituency seats is insufficient to guarantee a high level of proportionality. (To guarantee strong proportionality, the percentage of list seats would need to approach half). Another feature of AMS as it was applied in Wales that is important to understand, is that the low numbers of list seats which were allocated per region (four seats, in each of five regions) means that there was a high effective threshold for representation for a party. That is, to win any list seats a party needed to gain a fairly significant share of the overall vote.

This can be illustrated through the experience

of the Liberal Democrats in 2011. In South Wales East, the Liberal Democrats won 6.0 per cent of the list vote. This was not sufficient for them to win a list seat. And the 6.9 per cent they won in South Wales West was only just enough to gain a list seat (by a margin of just over 50 votes). The exact vote share needed to win a list seat, however, would depend on the allocation of the constituency seats. In North Wales in 2011, 5.9 per cent was enough for the Liberal Democrats to win a list seat, because the other three main parties distributed the constituencies between them. The effective threshold would be higher in regions where the allocation of constituency seats was dominated by one party – such as South Wales West, where all the constituency seats were won in 2011 (as they have been in every National Assembly for Wales election) by Labour. The effective threshold is generally lower in Scotland as, although Scotland also uses AMS, the number of seats allocated per region is greater which explains why smaller parties have gained seats in Scotland. AMS is also more proportional in Scotland, as the percentage of list seats is greater.

An overall calculation of the proportionality of the 2011 election result can be made by using a standard index of proportionality, the Gallagher Index. This runs from 0 (where the proportion of seats and votes won by each party matches exactly) to 100 (the somewhat implausible case where all seats go to parties winning no votes at all!). The table below displays the Gallagher Index score for the 2011 National Assembly for Wales election. For purposes of comparison, Index scores are also listed for previous National Assembly for Wales elections, for the last three UK general elections in Wales, and for the 2011 Scottish Parliament election. We can see that while AMS in its Welsh variant was undoubtedly more proportional in its effects

than FPTP, it was also rather less proportional than in Scotland. This reflects the differing percentages of list seats used in AMS in the two nations

Election	Gallagher Index Score
1999 National Assembly for Wales	7.6
2001 UK General Election, Wales	30.5
2003 National Assembly for Wales	8.7
2005 UK General Election, Wales	24.3
2007 National Assembly for Wales	9.9
2010 UK General Election, Wales	22.8
2011 National Assembly for Wales	9.6
2011 Scottish Parliament	7.3

## Representation of Women and Minority Ethnic Groups

Prior to devolution, political representation in Wales had tended to be very heavily male dominated. For various reasons, including the use of all-women shortlists and other mechanisms by some parties to ensure substantial numbers of female candidates, this was not the case in the National Assembly for Wales. Indeed, the Assembly has been a world leader in terms of gender representation, and achieved gender parity in the 2003 election (rising to 51.7 per cent after a by-election in 2005). By contrast, 17.5 per cent (seven out of 40) of MPs from Wales elected in the 2010 UK general election and only 12 women have been elected for the House of Commons from Wales since women won the vote in 1918.

In 2011, the number of women elected fell from 28 to 25 AMs, or from 46.7 to 41.7

per cent of the total. This was the lowest proportion of female AMs to have been elected since 1999. If we were to take into account that one of the women was elected after John Dixon was ineligible to take his seat, it would have been equal to 1999 at 40 per cent. One worrying trend is that the proportion of newly elected women was its lowest ever at 35 per cent (30 per cent if one were to take the Liberal Democrats' original number). This is analysed in more detail in a report on Women's Representation by the Electoral Reform Society.<sup>2</sup>

In 2007, Mohammed Ashgar had become the first ethnic minority AM to be elected. He was born in Pakistan and is fluent in Urdu and Punjabi. He retained his seat in 2011 (although he was now standing for the Conservatives, whereas in 2007 he had been a Plaid Cymru candidate). A second ethnic minority AM, Vaughan Gething, was also elected for Labour in Cardiff South and Penarth. He was born in Zambia, brought up in Dorset and studied in Aberystwyth and Cardiff Universities.

No AMs with declared disabilities were elected in 2011. The age and social background of candidates will be explored in future reports.

## Dual Candidacy

The fact that Conservative leader, Nick Bourne, lost his list seat due to the party's strong performance is a canard that may be used to attack the voting system.

However, this is somewhat unfair. What 'did Bourne in' was the fact that he could only stand on the list, following the ban on dual candidacy, enacted by the then Labour government in Westminster in 2006. This change in electoral arrangements was unique

to Wales, and it was not seen as necessary for AMS systems elsewhere, such as the Scottish Parliament or the London Assembly. It was the only change to the electoral arrangements in the 2006 Government of Wales Act, and was a change that was not recommended by the Richard Commission.

When a Committee of MPs examined the proposed ban, Peter Hain told them the very low turnout in Welsh elections could partly be attributed to discontent over dual candidacies. A study of Welsh attitudes on dual candidacy was published, showing a slight majority against it – but the study turned out to have questioned just 47 people, and had been commissioned by a Labour MP.<sup>3</sup>

The Electoral Commission told the Commons Committee that in their surveys of Welsh voter opinions, not a single person had brought the issue up. It said, 'We do not believe that the case for change has been made,' and warned Labour that the move would be seen as partisan. Indeed, when the Committee voted, all the Labour MPs backed the ban; all the other MPs opposed it.

Along with other leading AMs, such as Peter Black and David Melding, Nick Bourne had to choose whether to stand in a constituency or on the list. Given the Conservatives dependence on the list for many of their seats (until 2011), he quite rationally chose to stand on the list. Had he been able to stand in both, he could have contested a winnable seat in 2011, such as Montgomery. ■

<sup>2</sup> Women's Representation in Scotland and Wales, forthcoming.

<sup>3</sup> H Nelson, The Welsh Assembly Election (ERS: 2007), p 34.

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# The 2011 Assembly Election under Different Voting Systems

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The UK Coalition Government has committed to redistributing Westminster boundaries so that there will be a 10% cut in the size of the House of Commons for the next election in 2015. Seats will vary by a maximum of 5% either side of the ideal quota, with the exclusion of some exceptional seats (none in Wales). The average constituency size at present is around 77,000 electors (that is, people on the electoral register). The proposed boundaries for consultation and review were originally set to be released in September 2011, but have now been delayed until January 2012.

The changing boundaries proposed for Westminster by the UK Government should have greatest effect in Wales, bringing down the number of Westminster seats to 30. This is because Welsh seats are on average smaller than in the rest of the UK. The National Assembly for Wales constituencies were decoupled in 2010 in response to the policy's unintended consequences.

However, there are valid arguments in linking together Assembly and Westminster constituencies. Having different boundaries for different elections leads to more confusion for voters, and makes party organisation difficult. Elected representatives from the National Assembly for Wales and Westminster from the same area would cover different constituencies, which add to the confusion. It should be noted, however, that Scotland's devolved boundaries and those of Westminster have been decoupled since 2005, seemingly with little controversy raised on such issues.

Coupled with these developments, questions have arisen from different quarters about the current electoral system used in the National Assembly for Wales. While the existing system allows for a fairer outcome and more pluralism

in Welsh politics than would be possible under First Past the Post, some issues have arisen concerning the AMS system.

The fact that Nick Bourne, the Conservative leader going in to the 2011 election, lost his list seat due to the strong performance of his party raises valid questions – although, as noted in the previous chapter, the real problem here lies in the ban on 'dual candidacy'. The issues arising around the eligibility of two Liberal Democrat candidates, which, had they been constituency candidates, may have led to by-elections rather than the passing of the South Central seat to the next person on the list, also indirectly illustrated the difference between different types of members. For Plaid Cymru, the defection of Mohammad Ashgar to the Conservatives in 2009, having been elected on a party list seat, also indicated the tensions between electing individual candidates and electing a party.

In this chapter we analyse the current electoral arrangements, and how this particular version of Additional Member System (AMS) came to be the National Assembly for Wales' voting system, before looking at various options for the future. While the UK Government's policy of boundary changes is the impetus behind much of the discussion, it should not be the only issue at hand when discussing the foundation of our representative democracy.

While coterminous boundaries are desirable, there are arguably more important issues at stake. The voting system goes to the heart of our democracy and a system with a proportional element is the least we can expect from a devolution project that has inclusion, equality and plurality at the heart of its constitution. The discussion must necessarily include issues of proportionality, types of member, the reflection of communities

and identities, and lines of accountability, as well as whether it is necessary and practical to link the boundaries. Questions surrounding the voting system must take into account which voting system best balances these different issues. The Electoral Reform Society's preference as the system that best balances the different needs and aims of a voting system is the Single Transferable Vote (STV).

The Richard Commission recommended a larger, 80-member Assembly (elected by STV) with greater capacity to deal with greater legislative competence following the successful referendum, on the basis that its capacity would come under significant strain.<sup>1</sup> Given that already in 2004, before any increase in powers, the Commission found that the low numbers of AMs was already a strain on the system. This will remain a salient, if politically difficult point.

## The Current Electoral System

The proposed National Assembly for Wales that was rejected overwhelmingly by the Welsh people in the 1979 referendum was to have been elected via a version of First Past the Post. The commitment to the use of a more proportional electoral system for the Assembly only came in 1996. This followed a change in the Labour party's policy on whether referendums would be needed to endorse its proposals for Scottish and Welsh devolution.

The use of AMS for elections to a future Scottish Parliament had already been agreed by the Scottish Constitutional Convention. These plans were put into action after the successful 1997 referendum. AMS in Scotland was implemented with 73 constituency seats

and 56 list seats – meaning that the list seats constituted 43 per cent of the total. The use of AMS in Wales has always been somewhat different from Scotland. Here, there is a notably higher proportion of constituency to list seats: with 40 constituency members and only 20 Assembly members elected via the regional lists. Having only one-third of members allocated proportionally via the list is a very low percentage: not only in comparison to Scotland, but also compared to other international examples where AMS is used. (Fully half of all members of the German Bundestag are normally elected via the list, and 42 per cent of members of the New Zealand parliament).

No intellectually satisfactory explanation has ever been given for why the number and proportion of list seats in Wales should be so unusually low. The explanation lies in political compromise and expediency. To win the 1997 devolution referendum – overturning the crushing defeat of 1979 – the then Labour leader in Wales, Ron Davies, realised that substantial and enthusiastic support would be needed from the ranks of Plaid Cymru and the Liberal Democrats. Yet such support would only be forthcoming if the proposed Assembly was to be elected using an electoral system that gave such parties a chance to be significant forces in the new chamber. Most in the Labour party would have preferred a non-proportional, majoritarian electoral system to be used. Plaid Cymru and the Liberal Democrats wished for a fully proportional system. The system that emerged was a compromise between these two viewpoints, sufficient to unite the parties behind the campaign to fight and win the 1997 referendum.

With only one-third list seats, the version of AMS used in Wales has a much less

1. Report of the Richard Commission (Spring 2004), p 80.

substantial guarantee of proportionality than that used in Scotland; however, it does tend to be substantially more proportional than the results produced by FPTP for general elections in Wales (as shown by the Gallagher Index figures produced earlier.) In short, the system might most appropriately be described as semi-proportional representation.

## Alternative systems

There are a number of possible alternative voting systems under consideration. In any discussion the choice will depend on to what extent linking the Assembly and Westminster constituencies is seen as desirable or not.

Building from a 30-seat Westminster model toward a 60-seat Assembly gives some clear alternatives that would be fairly simple to switch to. These would be:

- i. Retaining the AMS system, but switching to a more proportional model where 30 AMs would be elected through constituency seats, and 30 through regional list seats.
- ii. A variation of AMS would be to elect 30 AMs through a national list.
- iii. Thirty seats with two AMs elected in each constituency through First Past the Post.
- iv. Fifteen seats using pairings of new Westminster seats, with four AMs elected in each seat via the Single Transferable Vote (STV).

While the new Westminster boundaries give an impetus to discussions on these alternatives, there are also other considerations when choosing the voting system. The new Westminster boundaries will be inflexible when

looking at community identity, owing to the tight quota of electors it demands. It will also require a regular redrawing of the boundaries, and if the National Assembly for Wales constituencies were linked too, any instability would also hit Assembly elections.

The Richard Commission recommended an expansion of the National Assembly for Wales to 80 members, owing to the strain that increased legislative powers would have on its capacity. Linking the electoral system to the new Westminster boundaries may make this more difficult.

If it were decided not to link the boundaries of the National Assembly for Wales to those of Westminster, and if there were to be an increase in the number of AMs, we would follow the Richard Commission's recommendation in advocating an 80-member Assembly elected via STV. Pairings of current Assembly constituencies to have 20 four-member seats would be a simple way of doing this.

The constituencies used for models based around a 30-seat Westminster paradigm are those proposed in the 2010 Electoral Reform Society publication 'Reduce and Equalise' and the Governance of Wales by Lewis Baston and Owain Llyr ap Gareth. These will not be the proposed boundaries, and different boundaries will have different effects on the parties. While different in detail, this model gives an idea of the size of the constituencies and their likely make-up. Assessment of the partisan complexion of the boundaries was made afterwards and was not part of their creation.

The estimates draw on local government results in 2004 and 2008, as well as the parties' swings in different areas in 2011.



Where there are many independent or uncontested wards, this poses some difficulties – although it is possible to confidently deduce general trends in different areas and estimate accordingly. The regional top-up lists are safe to estimate using the regional result from the 2011 elections. The STV estimate draws on data on transfers and preferences from the 2011 Welsh Election Survey.

It should also be noted that voters may behave differently under different voting system – for example, there is an incentive under FPTP to vote tactically. They may also behave differently where the political complexion of their constituency has changed, as will be the case in some areas following boundary changes. It is also true that parties will adopt different campaign strategies under different circumstances – for example, Labour would have a greater incentive to campaign on list seats where they are more likely to gain them, such as in the 30/30 AMS model.

### AMS with 30 Constituency Seats and 30 Top-up seats

This system is similar to the current system except that instead of 60 AMs elected through 40 constituency seats and 20 regional list seats (with four list AMs elected from each region), 60 AMs would be elected through 30 constituency seats and 30 regional list seats (with six list AMs elected from each region).

Under this system it would be simple to link the National Assembly for Wales constituencies with the new Westminster boundaries, while retaining the AMS system.

This system would have the advantage of being more proportional due to the larger list element. It would also allow continuity with current system while having the possibility of ameliorating some of its perceived problems, in that there is a perception that different types of AM have a different status.

Here is our projection of the 2011 election with 30 constituency seats and 30 list seats.

	Estimated 2011 Constituency Seat	Estimated 2011 Regional List Seat
<b>Mid &amp; West Wales</b>		
Brecon & Montgomery	Liberal Democrat (Cons 2nd)	1. Conservative
Carmarthen	Plaid Cymru	2. Labour
Ceredigion & Rhaeadr	Plaid Cymru (LD close 2nd)	3. Conservative
Gwynedd & Machynlleth	Plaid Cymru	4. Labour
Llanelli	Labour (highly marginal – PC 2nd)	5. Plaid Cymru
Pembroke	Conservative	6. Liberal Democrat
<b>North Wales</b>		
Conwy & Abergale	Conservative	1. Conservative
Denbigh, Llangollen & Vale of Conwy	Plaid Cymru (Cons close 2nd)	2. Conservative
Flint & Rhyl	Labour	3. Labour
Mold & Shotton	Labour	4. Liberal Democrat
Wrexham	Labour	5. Plaid Cymru
Ynys Mon & Bangor	Plaid Cymru	6. Conservative

**South Wales Central**

Barry & Penarth	Labour	1. Conservative
Cardiff Central	Labour	2. Plaid Cymru
Cardiff North East	Labour (Cons close 2nd)	3. Conservative
Cardiff West	Labour	4. Liberal Democrat
Pontypridd & Aberdare	Labour	5. Conservative
Vale of Ely	Labour	6. Plaid Cymru

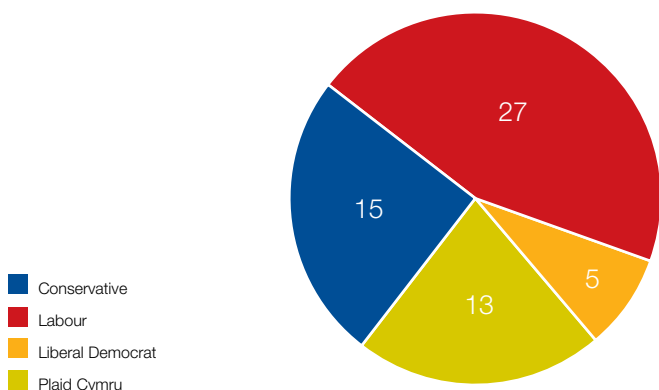
**South Wales East**

Blaenau Gwent & Tredegar	Labour	1. Plaid Cymru
Caerphilly	Labour	2. Conservative
Merthyr & Ystrad Mynach	Labour	3. Labour
Monmouth	Conservative	4. Conservative
Newport	Labour	5. Labour
Torfaen	Labour	6. Plaid Cymru

**South Wales West**

Bridgend	Labour	1. Conservative
Neath & Aberavon	Labour	2. Plaid Cymru
Rhondda & Ogmore	Labour	3. Conservative
Swansea East & Vale/Neath	Labour	4. Liberal Democrat
Swansea North & Loughor	Labour	5. Plaid Cymru
Swansea West & Gower	Labour	6. Labour

2011	Con	Lab	LD	PC
Mid & West Wales	3	3	2	4
North Wales	4	4	1	3
South Wales Central	3	6	1	2
South Wales East	3	7	0	2
South Wales West	2	7	1	2
Wales	15	27	5	13
	(+1)	(-3)	-	(+2)



As would be expected, the 30/30 division between list and constituency seats produces a more proportional result than the current 40/20 division. It reduces the systemic advantage that Labour gains from the current system, but does not widen the number of parties represented in the Assembly. Both Plaid Cymru and the Conservatives gain seats in comparison to the current system based on their 2011 share of the regional vote.

The 30/30 model gives an accurate reflection

of a strong party's proportion of the vote, so Labour would fall short of a majority on the basis of its performance in 2011, with 27 seats rather than 30. This is due to the fact that there are less constituency seats in Labour's strongholds in South Wales Central and West than in the current system.

The 30/30 system would mean that Labour would gain list seats in each region with the exception of South Wales Central – six in comparison to the current two list members. The criticism of the different mandates of members, while a feature of the system, has been exacerbated by the partisan nature of that split – the ban on 'dual candidacy' being a case in point. Labour having a more balanced split between the two types of members may temper this tendency toward partisanship when discussing different types of members somewhat.

The numeric equality balance between the two types of member may have an effect on the culture of the National Assembly for Wales. The perceived inequality status between the two types of members may be lessened by placing the two on an equal numeric footing. On the other hand, it could exacerbate further tensions and complaints about different workloads.

### **AMS with a National List**

A variation of the AMS system is to replace the five regional lists with a single, all-Wales national list. As with the above option of an AMS system with 30 constituency seats and 30 regional list members, it would be simple to link the National Assembly for Wales and new Westminster constituencies. The only difference would be that the 30 list members would be elected on one list for the whole of Wales, rather than from regional lists. It would also be possible to retain the current ratio of

40/20 AMS, but with 20 national list members.

Electing 30 (or indeed 20) AMs via a single national list would produce a more proportional result than that of regional lists but given that it would be on a large single list of 'national members', would mean that half the National Assembly for Wales would effectively be expected represent the whole of Wales, an area size that dwarfs the current regions members serve. This does not appear an attractive option, given also the problems of transport links and the regional identities of Wales.

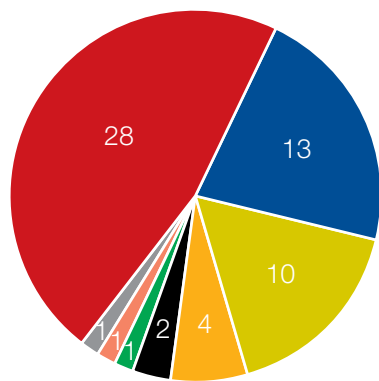
It is possible to apply a 5% threshold, as used in Germany and New Zealand, so that parties and independents have to gain the support of at least 5% of the country to be elected.

### **Result of AMS with 20 National List members 2011**

Using the regional votes cast in 2011 and adding them together nationally then allocating 20 top-up seats using the same method used currently in regional list (d'Hondt), would give us the following list members:

Conservative	7
Plaid Cymru	5
Liberal Democrats	3
UKIP	2
Greens	1
Socialist Lab	1
BNP	1

The total number of seats allocated to each party with a national list with 40 constituency seats and 20 All-Wales list seats in the Assembly election in 2011 would therefore be:



**Result of AMS with 30 National List members 2011**

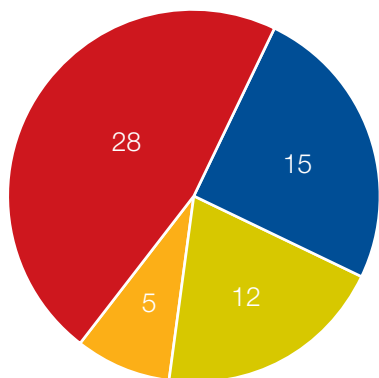
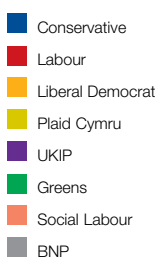
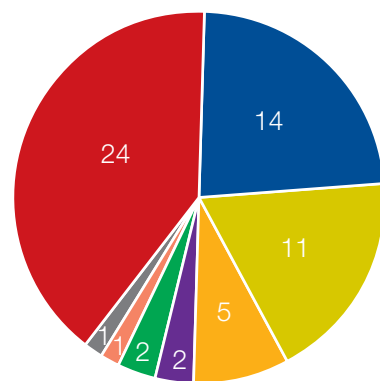
Using the regional votes cast in 2011 and adding them together nationally, then allocating 30 top-up seats using the same method used currently in regional list (d'Hondt) from the projected constituency results with 30 seats, would give us the following list members:

Conservative	11
Plaid Cymru	6
Liberal Democrats	4
Labour	3
UKIP	2
Green	2
Social Lab	1
BNP	1

If a straightforward 5% threshold was applied to qualify for list seats, the smaller parties would be disqualified (although UKIP would be close to the threshold with 4.6% of the vote) and the seats allocated only to the larger parties:

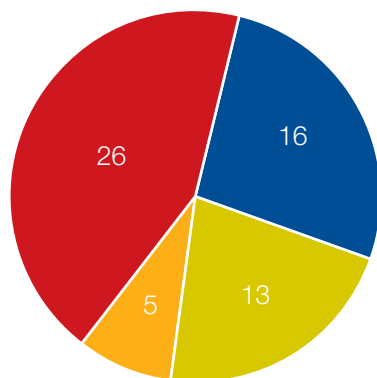
<b>Labour</b>	
28 constituency seats and 0 list members	28
<b>Conservative</b>	
6 constituency seats and 9 list members	15
<b>Plaid Cymru</b>	
5 constituency seats and 7 list members	12
<b>Liberal Democrats</b>	
1 constituency seat and 4 list seats	5

The projection for the total number of seats allocated to each party with a national list with 30 constituency seats and 30 All-Wales list seats in the Assembly election in 2011 would therefore be:



If a straightforward 5% threshold was applied to qualify for list seats, the smaller parties would be disqualified (although UKIP would

be close with 4.6% of the vote) and the seats allocated only to the larger parties:



<b>Labour</b>		
21 Constituency seats and 5 list seats		26
<b>Conservative</b>		
3 Constituency seats and 13 list seats		16
<b>Plaid Cymru</b>		
5 constituency seats and 8 list seats		13
<b>Liberal Democrats</b>		
1 constituency seat and 4 list seats		5

As in projections for previous elections (Baston & ap Gareth: 2010), we find that national lists without a threshold will tend to work against Labour in comparison to regional list seats. This is because Labour's strength in South Wales means it requires a very high level of support across Wales in order to win national list seats. With the regional model, its dominance in South Wales Central and West does not affect its allocation of list seats in Mid and West Wales, or North Wales.

It would be just as possible to use a national list with 30 constituency seats as a regional list. However, it would weaken the accountability of list members, and make them more remote from their electors.

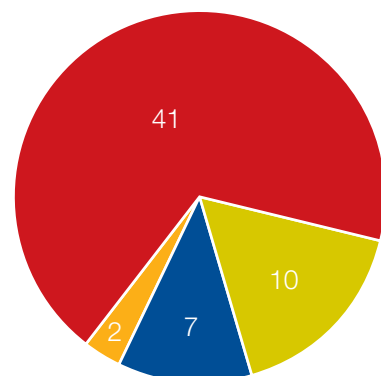
Given that this exacerbates a criticism often levelled at the regional list in the current electoral system used in the Assembly, this seems an unattractive option.

### FPTP in Two-member Constituency Seats

One proposal recently mooted is to get rid of the top-up element and move to a 60-member National Assembly for Wales elected by FPTP in 30 two-member constituency seats, following the new Westminster boundaries.

As with AMS with 30 AMs elected via constituency seats and 30 via list seats, it would be simple to link the National Assembly for Wales and Westminster constituencies using this voting system.

The fact that two members would be elected, rather than the single member in Westminster elections, would make no difference to proportionality except in very marginal seats, because, as we see in local FPTP multi-member seats, voters will often vote for the same party more than once. Given that in 2011 Labour gained 70% of the constituency seats on 42% of the vote, it is unsurprising that our projection for two-member FPTP is a similarly disproportional outcome:



- Conservative
- Labour
- Liberal Democrat
- Plaid Cymru
- UKIP
- Greens
- Social Labour
- BNP

In a reasonably good year, Labour would expect to gain a two-thirds supermajority, whereby it could change the standing orders of the National Assembly for Wales, as well as govern with little effective opposition. The opposition parties would be reduced to a rump. Even when Labour would do relatively badly, such as in 2007, it could confidently expect to command a majority.

Many Labour supporters acknowledge that this would not be good for the party and its aims. Scrutiny and bringing the government to account is vital to a thriving democracy and an official opposition that is less than a quarter of the size of the governing party does not augur well.

Gaining over two-thirds of the seats on 42% of the vote seems unsuitable to a multi-party system and a small elected body of 60 seats, as well as for a devolution process where 'inclusion' has been a watchword from its inception. A move to FPTP would be a regressive step for devolution as a whole, damaging the National Assembly for Wales' aims at inclusion, plurality and a different style of politics to that of traditional Westminster politics, which gained strong support in the March referendum.

#### **Four-member STV in a 60 member Assembly**

It would be possible to pair up neighbouring constituencies from whatever new 30 constituencies are proposed to produce larger units of 15 constituencies with four AMs elected in each. While a little more complicated than the 30-seat AMS and two-member FPTP, such pairings would be feasible and would allow for more competition and choice at the local level for seats.

Unlike two-member FPTP, this would make

each constituency genuinely competitive. Parties would be able to stand more than one candidate, which would allow them to pursue policies of gender balance and diversity.






There may be some problems in using the new Westminster boundaries for these purposes. Due to the emphasis on numeric parity based on registered electors, new Westminster seats will be less accurate reflections of community identity than at present. These problems may be exacerbated when these constituencies are paired. On the other hand, more members to a larger and more diverse area could mean that between them, the four AMs would accurately represent the diverse and competing interests of the constituency more effectively than would fewer members to a constituency.

Due to the tight quota of registered electors, these boundaries will also change frequently, which may lead to further confusion when these boundaries are paired.

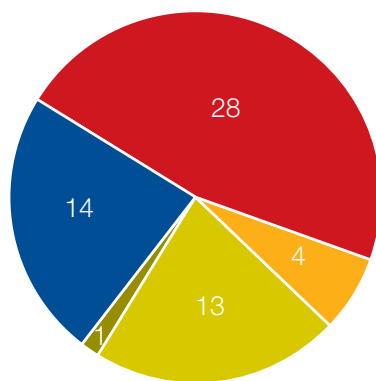
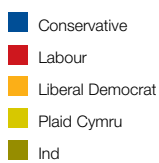
On the following page, there is a rough estimate of what the result from four-member STV, based on pairings of our proposed 30 Westminster seats, may look like.

These estimates suggest that this STV model is similarly proportional to that of the 30/30 AMS model.

Parties will be able to field candidates and gain a fair share of AMs from local constituencies across Wales, which would help ensure that each party has representation from different parts of Wales, unlike with FPTP. While having necessarily larger constituencies than the FPTP option, all members would be elected on the same basis, and to a geographical area significantly smaller than regional list members.

	Conservative
	Labour
	Liberal Democrat
	Plaid Cymru
	Ind

Mid and West Wales		Con	Lab	LD	PC	Ind
Carmarthenshire	Carmarthen /Llanelli	0	2	0	2	
Mid Wales	Brecon & Montgomery / Gwynedd & Machynlleth	1	0	1	2	
West Wales	Ceredigion & Pembroke	1	1	1	1	
North Wales						
Flintshire	Flint & Rhyl/ Mold & Shotton	2	2	0	0	
Menai Strait	Ynys Mon & Bangor/ Conwy & Abergelhe	1	1	0	2	
Wrexham, Denbigh & Vale	Denbigh, Llangollen & Vale of Conwy/ Wrexham	1	1	0	2	
South Wales Central						
Cardiff East	Cardiff Central/ Cardiff NE	1	2	1	0	
Taff Vale	Cardiff W/ Ponty & Aberdare	1	3	0	0	
Vale of Glamorgan	Barry & Penarth/Vale Ely	1	2	0	1	
South Wales East						
Gwent Valleys	Blaenau Gwent & Tredegar/ Merthyr & Ystrad D	0	3	0	0	1
Monmouth & Torfaen	Monmouth & Torfaen	2	2	0	0	
Newport & Caerphilly	Newport & Caerphilly	1	2	0	1	
South Wales West						
Bridgend & Rhondda	Bridgend & Rhondda	0	3	0	1	
Naeath & Aberavon	Neath, Aberavon, Swansea East & Vale/Neath	1	2	0	1	
Swansea	Swansea North & Loughor/ Swansea West & Gower	1	2	1	0	
<b>Wales</b>		<b>14</b>	<b>28</b>	<b>4</b>	<b>13</b>	<b>1</b>



#### Four-member STV with an 80-member Assembly

The Richard Commission recommended an expansion of the National Assembly for Wales to 80 members if it were to gain increased

legislative competence, and advocated the use of STV. If this increased capacity were to be deemed more desirable than linking the Assembly and Westminster constituencies, four-member STV using pairings of the current Assembly constituencies would be a simple way of changing the electoral system.

Increasing the number of AMs may be politically difficult on its own. However, the reduction in Welsh MPs opens up space for an increase in politicians at the devolved areas, and future possible reforms in the Lords and at council level may open this issue up further for discussion.

The 80-seat STV model would have some advantages over the 60-seat model. Constituencies would be smaller, owing to the

Constituencies	Estimated Results
Ynys Mon/Arfon	2 Plaid, 1 Labour, 1 Conservative
Aberconwy/Dywfor Merionydd	2 Plaid, 1 Conservative, 1 Labour
Clwyd West/Vale of Clwyd	2 Conservative, 2 Labour
Delyn/Alun & Deeside	3 Labour, 1 Conservative
Wrexham/Clwyd South	2 Labour, 1 Conservative, 1 Plaid
Montgomeryshire/Brecon & Radnor	2 Liberal Democrats, 2 Conservative
Ceredigion/Preseli Pembroke	1 Plaid, 1 Conservative, 1 Liberal Democrats, 1 Labour
Carm. E & Dinefwr/Carm. W & S. Pemb	2 Plaid, 1 Labour, 1 Conservative
Llanelli/Gower	2 Labour, 1 Plaid, 1 Conservative
Swansea East/Swansea West	2 Labour, 1 Conservative, 1 Plaid
Neath/Aberavon	3 Labour, 1 Plaid
Bridgend/Ogmore	3 Labour, 1 Conservative
Rhondda/Cynon Valley	3 Labour, 1 Plaid
Pontypridd/Vale of Glamorgan	2 Labour, 1 Conservative, 1 Plaid
Cardiff West/Cardiff North	2 Labour, 2 Conservative
Cardiff Central/Cardiff South & Penarth	2 Labour, 1 Liberal Democrats, 1 Conservative
Merthyr/Caerphilly	3 Labour, 1 Plaid
Blaenau Gwent/Islywyn	3 Labour, 1 Plaid
Newport East/Newport West	2 Labour, 1 Conservative, 1 Liberal Democrats
Monmouth/Torfaen	2 Labour, 2 Conservative

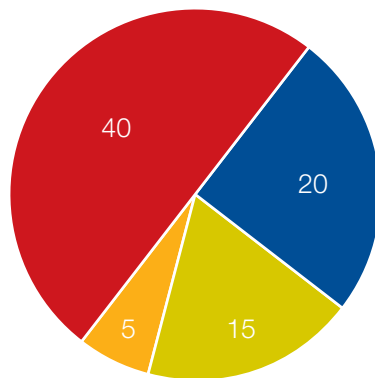




increased number of members, and so would be expected to reflect community identities more accurately. As with the 60-seat model, parties will be able to field candidates and gain a fair share of AMs from local constituencies across Wales, which would help ensure that each party has representation from different parts of Wales. All AMs would be elected on the same basis.

Here are the estimated results under four-member STV for an 80-seat Assembly, using our suggested constituency pairs<sup>5</sup>:

**Final Totals:**



5. The following assumptions have been made for estimating the results:

A. In each pair of constituencies, a party gets the exact number of first preference votes as the total number of votes received on the first (constituency) election in May 2011.  
 B. Each party is assumed to stand three candidates per seat.  
 C. The party's aggregate total of votes is initially divided among the three candidates on the following proportions: 0.7, 0.2, 0.1.  
 D. All voters are assumed to transfer votes initially to candidates of the same party.  
 E. If one party's candidates are all eliminated from the count, these votes then transfer to candidates of other parties according to the proportion of that party's voters who told the 2011 Welsh Election Study that they considered another party to be their second preference.

Labour would gain half the seats (as they did in the election in 2011) and do better than in the rough estimate for four-member STV in a 60-seat Assembly. This is probably because Labour's greater share in South Wales would be reflected more in the smaller seats, and would gain three of the four seats more often than in 60 seats. This model is similarly proportional to the present system, but puts the Liberal Democrats at a disadvantage. This is a reflection of the fact that the Liberal Democrats were fortunate in picking up some of their list seats under the current system in 2011.

## Assessment

### Proportionality

The most proportional of the systems is the national list option without a threshold. The least proportional is two-member FPTP. However, in terms of proportionality, all other systems aside from FPTP are acceptable in terms of proportionality.

### Contribution to Stable Government

The 30/30 AMS with a national list, without a threshold, would make for difficulties in coalition-building. Labour would be unable to form a majority coalition with anyone outside Plaid Cymru with this option.

Two-member FPTP would guarantee Labour a majority, seemingly in perpetuity unless there are huge swings against Labour (and the SNP's performance in the 2011 Scottish Parliament elections is a warning against complacency here). However, this 'stability' would be countered by a lack of effective opposition or scrutiny in a small institution such as the National Assembly for Wales.

Given that the National Assembly for Wales has already functioned under two minority governments and two different coalitions, all other options are acceptable in terms of stability and allow for a fair range of coalition options. Four-member STV with 80 seats would give Labour half the Assembly seats, as it does at present.

### Accountability to Constituents

STV and FPTP fare higher on this score than systems with closed lists, as all candidates face the electorate on the same basis – although with FPTP this view should be balanced with the number of safe seats and a lack of representation for minority views

that a majoritarian system entails. AMS with a national list is the least accountable, as national list members would have little accountability to such a large electorate, and would be properly accountable only to the party and party members who select them.

#### **Correspondence to Community Identity**

The proposed changes to the Westminster will have a significant effect in Wales in their correspondence to community identity as, in order to meet the tight quota it is inevitable that wards will have to be spatchcocked to areas with which they have no historic link. This will also be true of Assembly constituencies if they are linked again to Westminster's, and so any new model constituencies that follow the Westminster model. Four-member STV pairing the new constituencies will likely exacerbate the problem of unsuitable wards in different communities.

Two-member FPTP will give a fair reflection of communities of place, but at the price of marginalising diverse interests within those constituencies. As in Westminster, parties would compete for a few marginal seats and gear their policies and manifestos accordingly. There would be a danger that the views of the vast majority of voters in safe seats, of all parties, would be marginalised.

The top-up lists compensate those interests marginalised, but at the expense of some distance between electors and their representatives. This price is less for regional lists, where there is a general correspondence to a wider regional identity (such as North Wales or the old Gwent in the South-East region), than the national list where regional identity is marginalised in favour of a large national list with a large number of members. Four-member STV, for both 60 seats and 80 seats (but especially for the latter), has the

advantage of balancing a wider community of place with communities of interest due to its greater proportionality being applied at a more local level.

#### **Correspondence of Boundaries with Other Elections**

Linking Assembly constituencies with those of Westminster will make for a less confusing map of multi-layered boundaries with different areas of responsibility and accountability. Electors will identify more closely with their political representatives across Assembly and Westminster tiers. It will also be easier to organise where the relevant areas are coterminous. In this respect, following Westminster boundaries would be an advantage.

#### **Stability of Constituencies Over Time**

Due to its focus on numeric equality for registered electors, population change will mean that new Westminster boundaries will have to be changed regularly, probably for every five-year parliamentary election term. This would impact on any of the electoral systems, which are built around the 30-seat Westminster model.

Decoupling the National Assembly for Wales boundaries means that this would not be required and would mean that the boundaries would change for every three (sometimes two) terms of the Assembly, and so would allow greater stability of boundaries over time. From the options analysed, this would be true of the present system, and four-member STV in an 80-seat Assembly.

## **Recommendations**

If the National Assembly for Wales and Westminster constituencies are to remain decoupled, and if the capacity of the National

Assembly for Wales needs to be increased, the Electoral Reform Society agrees with the Richard Commission in recommending an 80-seat Assembly elected via STV. Pairings of current Assembly constituencies into 20 four-member constituencies would be a simple way of doing this.

The Electoral Reform Society believes that if the National Assembly for Wales constituencies are to be coupled with the new Westminster constituencies, AMS with 30 constituency seats and 30 list seats is the simplest way to balance the different considerations and needs of the Assembly's voting system.

However, the four-member STV model for a 60-seat Assembly would also allow for the representation of diverse views in larger local constituencies and increase choice and competition in National Assembly for Wales elections; although the impact of using the new and often changing Westminster boundaries in this model are difficult to predict. ■