FAIR FRANCHISE

Electoral Reform Society Scotland

THE 2016 SCOTTISH ELECTION

Getting to minority Government

PROFESSOR JOHN CURTICE

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with Dr Meryl Kenny, Cera Murtagh and Professor Fiona Mackay

Professor John Curtice *is a political scientist and one of Britain's leading psephologists. He is currently Professor of Politics at the University of Strathclyde and Senior Research Fellow at NatCen Social Research. He is particularly interested in electoral behaviour and researching political and social attitudes. He is the current President of the British Polling Council.*

Dr Meryl Kenny *is Lecturer in Gender and Politics at the University of Edinburgh, having held previous positions at the University of Leicester, the University of New South Wales and the University of Edinburgh. Meryl is an elected Trustee of the Political Studies Association, is Co-Director of the Feminism and Institutionalism International Network (FIIN), based at Edinburgh, and an Associate Editor of Scottish Affairs.*

Cera Murtagh *is a PhD student at the University of Edinburgh. Her work explores the under-researched field of multi-ethnic political parties operating in post-conflict environments.*

Professor Fiona Mackay *is Dean and Head of the School of Social and Political Science, and Professor of Politics. She has served as Director of the Graduate School of Social and Political Science, Deputy Director, and Politics Postgraduate Adviser. She serves on the editorial board of Policy and Politics and is a Consultant Editor for the British Journal of Politics and IR. She founded and co-directs the Feminism and Institutionalism International Network (FIIN), an international collaboration developing a distinctive approach to the study of gender and politics.*

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FOREWORD

Willie Sullivan, Director of ERS Scotland

With only 55% of those registered to vote turning out in 2016, we must voice concerns about the overall legitimacy of our system and of the representatives of our parliament. In a year of populist shocks in liberal democracies across the world, including Brexit in the UK, our priority must be in finding ways of building confidence in our democratic system. That will mean going beyond elections to look at the culture and institutions of Scotland and asking how they need to change to meet new times.

As an electoral system, the 2016 Scottish Parliament election showed the Additional Member System (AMS) in its best light since the parliament was created. AMS did what it was supposed to do, giving the most proportional result yet—perhaps making up for the strange result in 2011 when the SNP got a majority of seats on around 46% of the vote. This increase in proportionality was almost entirely down to the fact that this time, less votes were cast for smaller parties that then failed to get seats, and more of the votes that were cast for the Scottish Greens were turned into seats.

In casting my mind back to the beginning of last year, I feel again the heat of the debate that ensued around the question of whether independence voters splitting their vote between SNP (constituency) and Green (list) would firstly cost the SNP seats, and secondly allow a greater number of pro-union MSPs to enter the parliament. On one level, what stopped the SNP gaining a majority is that they never got enough votes. It's hard to argue that they deserve a majority of the seats on less than 50% of the vote. Importantly, it seems that the SNP lost their majority because of their failure to win a number of constituency seats.

This report also finds that voting Green in the list vote tended to win Greens seats rather than allow pro-Union parties wins. That is not to say that if more of those Green list votes had gone to the SNP, the SNP may have been compensated for their failure to win some constituencies by additional list seats. However, it might then also have resulted in fewer pro-Independence MSPs overall.

Ardent SNP supporters may be primarily interested in securing only an SNP majority but there remain genuine questions about whether less partisan voters like majority governments in a system designed to give proportionality. We would contend that majority governments make good governance more difficult and are less conducive to creating a wider democratic culture in our society and institutions.

The strange effects of Willie Rennie winning North East Fife and thus ensuring the Greens then beat the Lib Dems to be third largest party, or indeed Jackie Baillie winning Dumbarton and thereby ensuring that the Tories got more seats than Labour, illustrates how parties are still struggling with how best to campaign to maximise seats under AMS. There still seems to remain a belief that constituent seats are more important to win than lists when, as these examples show, winning a constituency seat at any cost is not always the best strategy.

We know that assessing the representativeness of our parliament in term of parties and votes cast alone is insufficient. Parliament should be representative of our wider society. Gender is perhaps the most obvious deficit and many of the parties are stalling or falling in managing to get women into winnable seats. Perhaps it's time to have a debate about how we ensure parties do this beyond just their good intentions?

Photo: The SNP, Creative Commons

1 INTRODUCTION

On 5 May 2016, Scotland went to the polls to elect the 129 members of the devolved Scottish Parliament for only the fifth time. Scheduled five rather than four years after the previous election, a knock-on consequence of Westminster's decision in 2011 to move itself to fixed parliamentary terms of five years, the election took place after a momentous period during which a majority SNP government had been able to hold a referendum on whether Scotland should leave the UK and become an independent country (MacWhirter, 2014). Though the SNP lost that referendum, the ballot was followed by moves to increase further the powers of the devolved body, not least in respect of taxation and welfare. Consequently, in contrast to its four predecessors this was not an election in which the parties simply debated how a more or less fixed grant from the UK government should be spent, but was one in which the parties could also be expected to lay out proposals for how some of the money the devolved institutions will need in the next five years should be raised.

One feature of the election was, however, much the same as at previous Scottish Parliament elections – the electoral system. Known in the UK as the Additional Member System (AMS, though elsewhere it is often called Mixed Member Proportional), it comes in two halves. Seventy-three MSPs (Members of the Scottish Parliament) are elected via plurality rule in single member constituencies. In addition, a further 56 MSPs are elected via regional party lists using a rule that is designed to ensure that the overall result within each region is as proportional as possible. The product of a deal negotiated in the early 1990s between Labour and the Liberal Democrats inside the Scottish Constitutional Convention, this system was bequeathed to the Scottish Parliament by the UK Parliament via the 1998 Scotland Act, the act which provided the legislative authority for the creation of the devolved institution in

1999. Until now the right to amend that system or even to replace it with an entirely different one has lain with the UK Parliament. However, one of the additional powers allocated to the Scottish Parliament in the wake of the independence referendum is the right to decide how the parliament should be elected.

So as well as being able to make many more decisions about taxation, those MSPs who were elected on May 5th will also be able to decide whether to keep the current AMS system or to replace it with something different. This means it is now especially timely to consider how the AMS system works in Scotland's devolved elections. This is not just a question of the mechanical effects of the rules by which seats are won and lost, but also of how the behaviour of both voters and political parties responds to and is influenced by these rules. In this paper, which follows on from a similar report on the 2011 Scottish election published by the Electoral Reform Society (Curtice and Steven, 2011), we assess the experience of the 2016 election, how it compares with that of the four previous such contests, and then consider the implications of our analysis for the debate about the merits or otherwise of the system.

In the remainder of this chapter we begin by outlining the mechanics of AMS as implemented to date in elections to the Scottish Parliament. Thereafter, we outline the outcome of the 2016 election and how it compares with those of previous devolved elections. Then in subsequent chapters we examine the level of turnout, how votes were turned into seats and both how voters and parties used the system. The final chapter addresses the implications of our analysis.

The Additional Member System

As we have already noted, the AMS system comes in two halves, with 73 seats elected by single member plurality and 56 via party lists. This duality is reflected in the task that faces voters when they enter the polling booth. Rather than being invited simply to complete one ballot paper, they are presented with two. One is for the ballot to elect one person to represent their local constituency, the other is for the lists of candidates put forward by the parties to represent their region of Scotland. Voters are invited to complete both papers. In so doing they are not under any obligation to vote for the same party on both ballots; they may, if they so wish, vote for the candidate nominated by party A in their local constituency, but for the list put forward by party B in their region. But equally, of course, they can also vote for the same party on both ballots should they so wish.

When it comes to counting these votes, the constituency ballots are examined first, to assess who has won each of the 73 constituency seats. The winner in each case is simply whichever candidate has secured most votes, irrespective of what share of the votes cast their score represents. Only then are the regional ballots tallied. All 73 constituencies are allocated to one of eight regions; there are thus typically nine constituencies in each region, though the sparsely populated Highlands & Islands region contains just eight constituencies while two other regions (North East Scotland and West Scotland) incorporate ten. Once the outcome in each of the constituencies in a region is known together with the number of list votes won by each party, seven seats are then allocated to the party lists in such a way that the total number of seats, both constituency and list, won by each party is as proportional as possible to its share of the list vote in that region, as determined by the D'Hondt highest average formula.

This formula works as follows (for further details, see Curtice, 2016). First, the total number of votes won by each party is divided by the total number of seats that it has won in the constituency contests in that region – plus one. So, a party that, for example, has won two constituency seats has its vote divided by three, while a party that has not won any constituency seats has its vote divided by one (that is, in effect, it is unchanged). The first of the seven list seats in a region is allocated to whichever party's average vote per seat calculated in this way is highest. The divisor used in the calculation of that party's average vote is then duly increased by one, and the second list seat allocated to whichever party's average vote is now the highest. This process is then repeated until all seven list seats have been allocated.

The 2016 Election Result

The outcome of the 2016 election is summarised in Table 1. It shows the number of votes and the percentage share of the vote won by the principal protagonists in the election, and the extent to which that share represents an increase or decrease on that party's performance at the last Scottish Parliament election in 2011. The equivalent information is also provided for the level of turnout in the election.

TABLE 1: VOTING PATTERNS IN THE 2016 SCOTTISH PARLIAMENT ELECTION

	Constituency			List		
	Votes	% Share	Change in % Share since 2011	Votes	% Share	Change in % Share since 2011
SNP	1,059,898	46.5	+1.1	953,587	41.7	-2.3
Conservatives	501,844	22.0	+8.1	524,222	22.9	+10.6
Labour	514,261	22.6	-9.1	435,919	19.1	-7.2
Scottish Greens	13,172	0.6	(+0.6)	150,426	6.6	+2.2
Liberal Democrats	178,238	7.8	-0.1	119,284	5.2	+0.0
UKIP	-	-	(-0.1)	46,426	2.0	+1.1
Others	11,741	0.5	-0.6	55,888	2.4	-4.4
Turnout	2,279,154	55.6	+5.3	2,285,752	55.8	+5.4

Registered electorate = 4,098,483
Source: Cross-check of news.bbc.co.uk and Hawkins (2016) against local authority websites

For the third election in a row, the SNP won more votes than any other party. Indeed, on the constituency vote the party actually improved on the 45% that it won in 2011 and which had helped propel the party to an overall majority. In contrast, the party's share of the vote actually slipped by a couple of points on the list vote. The resulting near five point difference between the SNP's score on the constituency vote and that on the list vote was bigger than at any previous Scottish Parliament election – previously the largest difference between the two figures had been 2.9 points in 2003. However, differences of that size between a party's share on the two ballots are far from unprecedented; Labour's share of the list vote was five points less than its share of the constituency vote at three of the previous four elections, though at this election the gap was a more modest 3.5 points.

Relatively modest though it might have been, the difference between Labour's performance on the two ballots certainly mattered. For it helped ensure that, for the first time, the order of the parties on the two ballots was not the same. Whereas on the constituency ballot Labour retained a narrow lead over the Conservatives, on the list vote the party trailed by nearly four points. Meanwhile, the Conservatives, whose performance at this election was easily their best since the advent of devolution (and indeed since the 1992 UK general election), actually won a slightly higher share of the list vote than on the constituency ballot, the first time that any of the four parties that have hitherto dominated Scottish politics has managed to do so.

The difference between the two ballots as to who was second and who third was not the only difference in the order of the parties. On the constituency vote the Liberal Democrats were clearly the fourth largest party. However, when it came to the list vote the party was overtaken – for the first time – by the Greens, who only contested three of the constituency seats but put forward a party list in all of the eight regions. At 6.6 points, the Greens' share of the vote was two points up on what the party achieved in 2011, though it was still slightly below the 6.9% that it won in 2003.

The Greens had not been alone in their success in 2003. The result of that election seemed more generally to herald a major challenge to the traditional dominance of the four largest parties in Scotland, a challenge facilitated, perhaps, by the use of a system of proportional representation in Scottish Parliament elections (Lijphart, 1994). No less than 22.7% of the list vote at that election was won by parties other than the Conservatives, Labour, the Liberal Democrats and the SNP. In contrast at this election, the Greens apart, fewer votes were cast for smaller 'Other' parties than at any previous Scottish Parliament election. Just 4.4% of the list vote was won by such parties, three points down on 2011, of which approaching half was represented by votes cast for UKIP. The fracturing of Scottish electoral politics that was seemingly promised in 2003 has largely failed to materialise.

This was not simply a reflection of an apparent greater reluctance on the part of voters to support smaller parties on the list ballot. It also reflected a sharp fall in the number of lists that were put forward this time around by parties that were not already represented in the Holyrood chamber. Just 42 such lists were presented across the eight regions, or an average of just over five in each region. In contrast, there were as many as 71 such lists in 2011. Yet it remains the case that those smaller parties that do stand in Scottish Parliament elections tend to eschew the constituency ballot in favour of the list. Even though the Greens decided on this occasion to fight three of the constituency contests – hitherto they had only ever previously fought one such seat (in 2007) – in total only 24 candidates stood for parties other than the Conservatives, Labour, the Liberal Democrats and the SNP, even fewer than the previous record low of 30 in 2011. In contrast, at the 2015 UK general election when smaller parties could only fight a constituency contest, no less than 110 such candidates were nominated in Scotland's 59 Westminster constituencies, similar to the 113 who did so in 2010.

Despite registering a performance in votes that was broadly commensurate with what it had achieved in 2011, the SNP was not so richly rewarded this time in terms of seats (see Table 2). Instead of winning an overall majority, the party found itself a couple of seats short of the 65 needed. Given that the party clearly did win less than half the vote, such an outcome would probably be regarded by most advocates of proportional representation as more equitable than that in 2011. In contrast the relatively modest two point increase in support for Greens on the list vote was rewarded with no less than a 200% increase, from two to six, in its number of seats, just enough to ensure that the party emerged with one more seat than the Liberal Democrats. Meanwhile, despite the fact that the Conservatives had narrowly trailed Labour on the constituency vote, the party ended up with as many as seven more seats than Labour. Remarkably for a party that had once dominated the constituency seats in the Holyrood parliament, Labour themselves won just three constituency seats and for the first time were almost wholly reliant on the allocation of list seats for their continued parliamentary representation.

TABLE 2: SEAT OUTCOME OF THE 2016 SCOTTISH PARLIAMENT ELECTION

	Constituency		List		Total	
	Seats	Change since 2011	Seats	Change since 2011	Seats	Change since 2011
SNP	59	+6	4	-12	63	-6
Conservatives	7	+4	24	+12	31	+16
Labour	3	-12	21	-1	24	-13
Scottish Greens	0	0	6	+4	6	+4
Liberal Democrats	4	+2	1	-2	5	0
Others	0	0	0	-1	0	-1

Questions

There are then evidently some important questions to be asked about the operation of AMS in the 2016 election. Why was there such a big gap between the SNP's performance on the two ballots? Why, at the same time, did the SNP fail to win an overall majority a second time around – can it, for example, be accounted for by the gap between the party's performance on the two ballots? Meanwhile, why did a relatively small increase in support for the Greens result in such a substantial boost in the number of seats that they won? And what impact did the heavy loss of constituency seats have on who represents Labour in the new Parliament? Each of these questions is addressed in the chapters that follow. But first we look at the turnout which, as Table 1 also showed us, was up by just over five points as compared with 2011.

Photos: Martin Addison; Creative Commons

2 PARTICIPATION

As Table 2.1 shows, one of the consistent features of Scottish Parliament elections has been that the level of turnout, while well above that in elections to the European Parliament, has tended to be well below that in elections to the UK Parliament. At each of the three elections held between 2003 and 2011, only around a half of those registered to vote bothered to cast a vote. However, the increased powers that the parliament was about to enjoy might have been expected to have persuaded more voters this time around that it was important to have their say in who was to run the devolved institutions for the next five years. Meanwhile, the record 85% turnout in the September 2014 independence referendum had seemingly left a legacy of increased political interest and participation; as many as 71% voted in the 2015 UK general election, the highest turnout in any such election north of the border since 1997.

TABLE 2.1: TURNOUT AT RECENT ELECTIONS IN SCOTLAND

Scottish elections		UK elections		Euro-elections	
Year	%	Year	%	Year	%
1999*	58.2	1997	71.3	1999	24.7
2003	49.4	2001	58.1	2004	30.6
2007*	51.7	2005	60.8		
2011	50.4	2010	63.8	2009	28.6
2016*	55.6	2015	71.1	2014	33.5

*Figures for Scottish elections are for the constituency vote. * In 1999 the turnout on the list vote was 58.1%, in 2007 it was 52.4%, and in 2016 it was 55.8%.*

Turnout did indeed increase. But at just under 56%, it was still a couple of points below what it had been in the first devolved election in 1979, and still less than it had been at any recent UK election, let alone the contest in 2015 that had drawn a relatively high proportion of voters to the polls. It would appear that, despite the parliament's enhanced powers and responsibilities – and the fact that the SNP's victory in 2011 had led to the independence referendum in which so many had participated – elections to the devolved institution do not have the same importance in the eyes of voters as those to the state-wide UK Parliament.

However, turnout increased by more in some constituencies than in others. One of the consequences of the SNP's advance and Labour's reverse in 2011 (and indeed in the 2015 UK election too) is that constituencies that had previously appeared to be safe (usually Labour) seats had now become marginal ones, either narrowly captured by the SNP or only narrowly retained by Labour. Conversely, other constituencies that had once appeared to be marginal (often SNP) seats now appeared to be relatively safe. We might expect that those living in constituencies that now seemed to be more marginal would reckon there was a greater incentive than hitherto to go to the polls, whereas those that had now become less safe would feel there was less need to do so, and that consequently turnout would increase more in the former than in the latter - despite the fact that every voter could also cast a list vote in a region-wide ballot where, because of the use of proportional representation, this consideration did not apply.

Table 2.2 shows that this is indeed what happened. In seats where the percentage majority of the winning party was more than ten points down on what the winner locally had enjoyed in 2007[1], turnout increased on average by seven points. In contrast, where the majority in a constituency was now more than ten points higher than it had been in 2007, turnout increased by only four points. This did not, though, necessarily mean that the level of turnout was now highest in places which had become much more marginal – indeed as Table 2.2 shows the opposite was the case. This is because many of these newly marginal constituencies were ones

1 The boundaries of Scottish Parliament constituencies were revised before the 2011 election. All references to the outcome of the 2007 election are to estimates made by Denver (2011) of what the outcome would have been in each 2011 constituency if it had been in force in 2007

with relatively high levels of social deprivation in which turnout always tends to be lower irrespective of the marginality of the local contest.

TABLE 2.2: TURNOUT IN 2016 AND CHANGE IN TURNOUT 2011-16 BY CHANGE IN MARGINALITY 2007-11

Change in % Majority 2007-11	Mean % Turnout 2016	Change 2011-16	(N)
Fell by more than 10 points	53.2	+7.1	15
Fell by between 0 and 10 points	57.9	+5.8	19
Increased by between 0 and 10 points	54.9	+4.6	15
Increased by more than 10 points	56.4	+4.3	24
All Seats	**55.8**	**+5.3**	**73**

That this pattern was still in evidence in 2016 is illustrated in Table 2.3, which shows the level of turnout in 2011 and 2016 broken down by the proportion of people in each constituency who say that they are in good health. At 51%, turnout in 2016 in those constituencies where less than 80% say they are in good health was well down on the 57-58% turnout found on average elsewhere. However, at six to seven points, this gap was a little smaller than the equivalent one of seven to eight points in evidence in 2011, thanks to the fact that turnout tended to increase more in constituencies with higher levels of social deprivation. Thus Glasgow saw turnout increase by more than six points whereas in the Lothians it did so by less than three. And as we can also see from the far right hand column of the table, it was in those seats with the highest level of deprivation in which the percentage lead of the winning party over the second party had fallen most between 2007 and 2011. The reshaping of the political map in Scotland in 2011 helped to reduce to a degree at least some of the social inequality in turnout that tends to be a persistent feature of the electoral process.

TABLE 2.3: TURNOUT AND CHANGE IN MARGINALITY, 2011-16, BY PERCENTAGE IN GOOD HEALTH

% good health 2011	Mean % Turnout		Change in turnout 2011-16	Mean change in % majority 2007-11	(N)
	2011	2016			
less than 80	44.8	51.1	+6.3	-7.6	20
80-85	52.4	57.2	+4.8	+8.4	36
More than 85	53.1	58.3	+5.2	+0.4	17

Data on % in good health taken from 2011 Census.

One of the other features of the turnout in the 2016 election is that a higher proportion of valid list votes than constituency ones—just over six and a half thousand more—were cast. This is the fourth devolved election in a row in which this has been the case—the gap was especially large in 2007 (just under 25,000 votes) when voters were confused by an attempt to put both votes on the same ballot paper but it was rather greater this time around than it had been in 2011 when it was just over 1,500 votes. One potential reason why more voters might cast a list vote than a constituency ballot is that typically a wider array of parties appears on the list ballot paper than on the local constituency paper (see Chapter 1 above), and that, consequently, those minded to vote for one of the parties, such as the Greens or UKIP, that are not contesting their local constituency contest might opt deliberately to abstain on that ballot.

If so then we would expect to find that the difference between the proportion of the electorate in a constituency casting a valid list vote and the proportion casting a valid constituency one should be bigger the higher the share of the list vote won by a party not standing in the local constituency contest. This is certainly what we find so far as the Greens are concerned. Leaving aside the three constituencies where the Greens did fight the single member plurality contest, in those places where the Greens' share of the list vote was 8% or above, on average the turnout on the list vote was 0.27 of a point above that on the constituency ballot. In contrast, where the party won less than 8% of the vote, the average gap was only 0.14 of a point. The only constituency in which the number of valid constituency votes cast exceeded the number of list ones (by just three!) was Edinburgh Central, one of the three constituency seats that the Greens did contest. (The gap was also very low (just 22 votes or 0.04 of a percentage) in Glasgow Kelvin where the Green vote in the constituency contest was actually four points higher than it was on the list). It would seem that a small minority of those who voted for the Greens on the list vote deliberately abstained on the constituency vote because there was no Green candidate on their local constituency ballot paper for whom they could vote.

Conclusion

Despite the fact that during the previous few years the focus of Scottish politics and policy had firmly been on the devolved institutions rather than the UK government and parliament at Westminster, there is little sign that this served to increase the relative importance of voting in Scottish elections in voters' eyes. At 15 points, the difference between the turnout in the 2016 Scottish election and that at the previous UK election was in fact bigger than it had ever been before. True, the change in the distribution of marginal and safe constituencies occasioned by the large swing from Labour to the SNP in 2011 (and reinforced in 2015) helped to bring a few more voters to the polls and to reduce a little the gap in turnout between less well-off and better off Scotland, but otherwise the momentous political developments occasioned by the SNP's electoral success in 2011 seem to have had remarkably little impact on the level of participation in the 2016 contest. Holyrood still has to convince many voters that it really does matter.

3 PROPORTIONALITY

The central argument in favour of the use of a system of proportional representation is that it ensures that the number of parliamentary seats that a party wins reflects its share of the vote. However, a distinguishing feature of the Additional Member System is that it combines a proportional element with a majoritarian one, namely, the election of 73 MSPs via the single member plurality system. Although in the end the proportional element is intended to override any disproportionality created by the majoritarian part, we may still wonder how far it succeeds in doing so, and how far the overall outcome is in fact influenced by what happens in the constituency contests. Meanwhile, we might wonder how it was the case that in 2011 the system gave the SNP an overall majority even though it won well under less than half the vote, but that this time it did not do so even though the party was once again well ahead of anybody else in the popular vote. Just how the system did in fact translate votes into seats is the focus of this chapter.

Votes and Seats

Table 3.1 compares the share of the list vote won by each party with its share of seats won. It is immediately apparent that although the system failed to give the SNP an overall majority, it still rewarded the party with a higher proportion of the seats than its share of the vote. The party won nearly 49% of the seats on just under 42% of the list vote, that is the vote to which the outcome is intended to be proportional. The Conservatives also won a slightly bigger share of the seats than they did of the list vote, while each of Labour, the Greens and the Liberal Democrats secured slightly less than their proportional share of the seats. The principal losers were the various smaller parties, including UKIP, who between them failed to secure any seats at all.

Photo: The SNP, Creative Commons

TABLE 3.1: VOTES AND SEATS IN THE 2016 SCOTTISH PARLIAMENT ELECTION

	List Votes (%)	Total Seats (%)	Difference
SNP	41.7	48.8	+7.1
Conservatives	22.9	24.0	+1.1
Labour	19.1	18.6	-0.5
Greens	6.6	4.7	-1.9
Liberal Democrats	5.2	3.9	-1.3
Others	4.4	0.0	-4.4

In short, the system appears to have been relatively generous to the two largest parties—and especially the largest of all—and less so to smaller ones. This pattern was evident in previous Scottish Parliament elections too. It reflects both the way in which the D'Hondt allocation procedure works and the fact that list seats are allocated across eight separate regions rather than across the country as a whole. We will return to these two points later in this chapter.

In the meantime, Table 3.2 provides details of the overall proportionality of the outcome in 2016 and how it compares with previous Scottish Parliament elections. It does so by reporting two indices that are commonly used to assess the proportionality of different electoral systems. The first is the Loosemore-Hanby index. This is simply the sum across all parties of the absolute difference (that is ignoring whether it is a positive or negative value) between their share of the vote and their share of the seats, divided by two. The second is the Gallagher Index, which is calculated by summing across all parties the square of the difference between each party's share of the vote and its share of the seats, dividing the resulting total by two and then taking the square root of that figure. This index gives relatively more weight than the Loosemore-Hanby index to large differences between vote shares and seat shares. This is because one or two large differences might be regarded as a more serious breach of the principle of proportionality than several relatively small ones. See Loosemore and Hanby (1971) and Gallagher (1991) for further details.[2]

TABLE 3.2: DEGREE OF DISPROPORTIONALITY IN SCOTTISH PARLIAMENT ELECTIONS

	Index of Disproportionality	
	Loosemore-Hanby	Gallagher
1999	10.6	8.5
2003	10.9	8.2
2007	13.0	9.1
2011	11.9	8.6
2016	8.2	6.2

Despite the differences in the way that they are calculated, both indices imply that the outcome of the 2016 election was more proportional than that of any previous Scottish Parliament election. In both cases the value of the index was some two points below what it had been at any previous ballot. Moreover, this was despite the fact that, as Table 3.3 illustrates, the outcome of the constituency contests alone was highly disproportional—indeed, as Table 3.4 shows, at least as disproportional as that of any previous Scottish election. Indeed, in one region, Mid Scotland & Fife, where it won eight constituency seats (representing half of the combined tally of constituency and list seats in the region), the SNP actually won one more seat (at Labour's expense) than it would have done if all of the 16 seats in the region had been allocated (using the D'Hondt system) in proportion to the parties' share of the list vote. In short, in that region at least there were too few list seats to correct fully

2 Renwick (2016) has recently discussed the merits of a third measure of disproportionality, Sainte-Laguë, which measures the level of disproportionality a party experiences relative to its share of the vote. It calculates for each party the square of the difference between its share of the vote and its share of the seats and divides this by the party's share of the vote. This is then summed across all parties. This index also suggests that outcome in 2016 was the most proportional yet. The figures are 1999, 10.1; 2003, 8.1; 2007, 13.0; 2011, 11.1; 2016, 6.6.

the disproportionality generated by the constituency contests. Nevertheless, it would appear that overall, the regional party list allocation proved to be unusually effective at ensuring that the overall result was relatively proportional.

TABLE 3.3: VOTES AND SEATS IN THE CONSTITUENCY CONTESTS IN 2016

	Constituency Votes (%)	Constituency Seats (%)	Difference
SNP	46.5	80.8	+34.3
Conservatives	22.0	5.4	-16.6
Labour	22.6	2.3	-20.3
Liberal Democrats	7.8	3.1	-4.7
Others	1.1	0.0	-1.1

TABLE 3.4 DEGREE OF DISPROPORTIONALITY IN THE CONSTITUENCY CONTESTS, SCOTTISH PARLIAMENT ELECTIONS 1999-2016

	Index of Disproportionality	
	Loosemore-Hanby	Gallagher
1999	36.0	29.6
2003	30.8	23.8
2007	18.5	15.6
2011	27.2	22.2
2016	34.3	30.7

How do we account for this outcome? The answer lies primarily in the low level of support registered on the party list vote for small parties that failed to secure any representation. At this election, just 4.4% of the vote was cast for parties that failed to secure any representation. Between 1999 and 2011, in contrast, that figure was never lower than 5.7% (in 1999), while in 2007 it was no less than 9.6%. This meant that at this election fewer list votes were 'wasted' on supporting a party that failed to secure any representation. At the same time, the marked increase in the Greens' representation also served to reduce the extent to which that party was under-represented as compared with 2007 and 2011.

Outcome Under Alternative Methods

While the outcome was more proportional than it had been at previous Scottish elections, it was still not as proportional as it could have been under various possible variants of the AMS system. In Table 3.5 we compare the actual outcome of the 2016 election (shown in the left hand column of the table) with what it would have been under two such possible variants. The first (in the middle column of Table 3.5) is allocating the 56 list seats in proportion to the parties' share of the vote nationally instead of doing so within eight separate regions. Such a system would in fact make it very easy indeed for a smaller party to win a seat—less than 1% of the vote would probably be enough—and that is often thought to be too low a threshold for representation. Consequently, we assume, as is the case in elections to the London Assembly where list seats are allocated across the capital as a whole, that a party has to win 5% of the list vote before it is eligible to win any seats. The second variant (the results of which are in the right hand column of Table 3.5) is to use a different divisor, known as Sainte-Laguë, which is not relatively generous to larger parties in the way that the D'Hondt divisor can be shown to be (Curtice and Steven, 2011). Under Sainte-Laguë, the divisor used to calculate the highest average vote at each stage of the count is increased by two every time a party wins a seat, rather than just by one.

TABLE 3.5: OUTCOME OF THE 2016 SCOTTISH PARLIAMENT ELECTION UNDER ALTERNATIVE ELECTORAL RULES

	Regional Top-Up; D'Hondt	National Top-Up*; D'Hondt	Regional Top-Up; Sainte-Laguë
SNP	63	59	61
Conservatives	31	30	28
Labour	24	25	24
Greens	6	8	9
Liberal Democrats	5	7	7
Disproportionality			
Loosemore-Hanby	8.2	4.9	6.2
Gallagher	6.2	4.2	5.1

** with a 5% threshold before a party is eligible to win a seat.*

Both variants generate a hypothetical outcome that is more proportional than the one that was produced by the use, as at present, of D'Hondt and a regional system of allocation. The most proportional outcome would have been provided by allocating list seats nationally, primarily because the SNP, having won as many as 59 of the 72 constituency seats, would not have obtained any list seats at all—in contrast, under a system of regional allocation the party's relative lack of success in the constituency contests in the South of Scotland (under D'Hondt and Sainte-Laguë) and in the Highlands & Islands (under D'Hondt) means that it still picks up a few list seats. Even then, the party still wins three more seats (one each at the expense of the Conservatives, Labour and the Greens) than it would have done if all 129 had been allocated proportionately rather than 73 of them determined by the outcome in single member constituency contests.

This last issue is an even bigger one if the Sainte-Laguë set of divisors were to be used. Because they do not advantage bigger parties in the way that the D'Hondt ones do, there is a greater risk under this system that a larger party might win more than its proportional entitlement in the constituency outcomes alone. Indeed, this situation arises in our calculation in no less than five of the eight regions; in each case the SNP won one more seat in the constituency contests than it would have done if all of the seats in the region had been allocated in proportion to the list vote in accordance with the Sainte-Laguë divisors. No less than three of these 'extra' seats came at the expense of a seat that the Conservatives would otherwise have won (which partially explains why the party would have been most disadvantaged by the use of the system), while one would have come at the expense of Labour, and one the Greens. If the Scottish Parliament were minded to switch to the Sainte-Laguë set of divisors at future elections, it might also need to consider whether the current ratio of constituency seats to list seats continued to be appropriate.

Why did the system not give the SNP a majority?

Still, none of this has so far explained why the SNP failed to win a majority this time around, despite its success in winning six more constituency seats than in 2011, giving it no less than 59 of Scotland's 73 seats. One possibility, of course, is that the explanation lies in the reduction that the party suffered in its share of the list vote. We will assess this possibility, and the potential impact of one particular reason why that drop in the SNP's list support occurred, in the next chapter. Meanwhile the second explanation is less obvious, but potentially no less important. Although the SNP came close to winning a clean sweep of the constituency seats, perhaps in the event it still did not win as many as it might have expected. After all, despite making a net gain of six seats, the party did actually fail to win in four seats that it had captured in 2011. Given that the party only picked up list seats in two of Scotland's eight regions, perhaps these losses in some of constituency battles were not compensated for by seats granted via the list allocation, thereby costing the SNP dear.

In order to assess this possibility, we need first of all to calculate what the outcome would have been in every constituency contest if the change in each party's support since 2011 in each and every constituency had been the same as that across Scotland as a whole. Thus, for example, we assume that the SNP's share of the (constituency) vote increases by 1.1 points everywhere and the Conservatives' share by 8.1 points, while Labour's vote falls back

by 9.1 points, and so on. In that event, the SNP would have won 63 constituency seats, the Conservatives eight, and both Labour and the Liberal Democrats just two apiece. Thus in so far as the outcome in some seats did not follow the Scotland-wide pattern, the SNP won four fewer constituency seats than they would otherwise have done, while the Liberal Democrats secured two more and both the Conservatives and Labour one extra apiece.

However, the net impact of constituency seats won and lost against the tide depends on the knock-on effect that they had on the allocation of list seats. If, for example, the failure by a party to win a constituency seat was compensated for by the allocation to it of an extra list seat, then the constituency outcome will have had no net impact on its overall tally. We must thus also calculate what difference the outcome in those constituency seats that did not follow the national pattern had on how many list seats each party won.

Table 3.6 gives for each region details of the individual seats that were won and lost against the national tide. As we can see, it was not simply the case that the SNP failed to win four seats that they might have been expected to win. The party did in fact gain two seats from Labour that would not have fallen to it on the basis of the national tide—Coatbridge & Chryston and Glasgow Provan. At the same time the party also succeeded in retaining Edinburgh Pentlands when it would otherwise have been won by the Conservatives. But the party lost three seats in Edinburgh—Central, Southern and Western—that it had won in 2011 as well as Fife North East and Aberdeenshire West elsewhere. The party also failed to gain Dumbarton and East Lothian from Labour, both of which would have been won by the party if the movement of support there had been in line with the Scotland-wide outcome

The table shows that some of these constituency outcomes had no net impact on the overall result. If the SNP had failed to win Coatbridge or Glasgow Provan, both located in regions (Central and Glasgow) where the SNP list vote was relatively high, the party would simply have picked up a list seat instead. Thus these particularly spectacular gains brought the SNP no net benefit. Equally Labour's success in retaining East Lothian, part of the South of Scotland region, simply meant that the SNP won an extra list seat there instead. But in all the other instances where the SNP failed to win a key constituency contest, the reversal was not cancelled out by the allocation of list seats. Moreover, this was not only true of its net loss of seats in Edinburgh (in the Lothians region) and its defeat in Fife North East (in Mid Scotland & Fife) and Aberdeenshire West (in the North East), but also of its failure to capture Dumbarton (in the West of Scotland). Thus the net impact of the SNP's failure to win as many constituency seats as might have been expected was in fact not just four seats but five. But for those reverses the SNP would have secured a net tally of 68 seats and still have retained its overall majority.

TABLE 3.6 IMPACT OF CONSTITUENCY OUTCOMES THAT WERE AGAINST THE NATIONAL TIDE ON ALLOCATION OF LIST SEATS

Region	Outcomes Against National Tide	Net Impact After Taking Into Account List Allocation
Central Scotland	SNP gained Coatbridge	No net impact. SNP would have won a list seat
Glasgow	SNP gained Glasgow Provan	No net impact. SNP would have won a list seat
Highlands & Islands	None	-
Lothians	SNP hold Pentlands but lose Central, Southern and Western	Costs SNP 2 seats. Net losses not compensated by list allocation. Lab & Lib Dem both gain 1
Mid Scotland & Fife	SNP lose Fife North East	Costs SNP 1 seat. Loss not compensated by list allocation. Greens gain 1.
North East	SNP lose Aberdeenshire West	Costs SNP 1 seat. Loss not compensated by list allocation. Con gain 1
South	Lab hold East Lothian	No net impact. SNP allocated one more list seat.
West	Lab hold Dumbarton	Costs SNP 1 seat. Loss not compensated by list allocation. Con gain 1.

There is, however, another feature of some of the knock-on effects of the failure of the outcome in the constituency seats to reflect the national tide that we should note. Under AMS, a party that wins a seat as a result of an above average performance is not necessarily the net beneficiary when it comes to the overall tally of seats. If that party's success means that it wins one less list seat, then who, if anyone, is the net beneficiary depends on who wins a list seat that they would not otherwise have been allocated.

Consider, for example, the success of the Liberal Democrats in winning Fife North East, where the party's leader, Willie Rennie, pulled off a spectacular success in a constituency where the Liberal Democrats have long had a particular local strength but which they had lost to the SNP in 2011. If Mr Rennie had not won the seat then the Liberal Democrats would have secured one of the list seats in Mid Scotland & Fife (where, indeed, Mr Rennie himself was top of his party's list and thus would personally have been elected by that route). The knock-on consequence of the fact that the Liberal Democrats were now not entitled to a list seat was, in fact, that the Greens were allocated the last of the seven seats in the region when, otherwise, they would have lost out. Given that the Greens only won one more seat overall than the Liberal Democrats, it can be argued that Mr Rennie's personal success in Fife North East helped ensure that his party was overtaken by the Greens as the fourth largest party at Holyrood, an outcome that might be thought, from his perspective at least, as rather perverse.

A not dissimilar example occurred in the West of Scotland where Labour retained Dumbarton against the national tide when it would otherwise have gone to the SNP. If they had not done so, then in fact Labour would simply have won one more party list seat (and Labour's standard bearer in Dumbarton, Jackie Baillie, would personally have secured election via that route). However, the consequence of the fact that Labour did not 'need' one of the list seats meant that the Conservatives were allocated an extra list seat instead. So, the consequence of Ms Baillie's personal success was in fact to increase the extent to which Labour trailed the Conservatives in the overall tally of seats, which was doubtless not what she had hoped or intended.

Conclusion

The AMS system used in Scottish elections was more successful than it had been in any previous contest in producing an overall outcome that was proportional to the parties' share of the (list) vote. This was primarily because fewer votes were cast for smaller parties that failed to secure representation. Thus the relative success of the system in achieving proportionality reflected an increased concentration of electoral support amongst a relatively small number of parties, the very opposite of the more diverse party structure that it is sometimes thought can arise as the result of the use of a proportional electoral system (Lijphart, 1994). Even so, the outcome could have been yet more proportional if seats had been allocated using a different divisor and/or the list seats allocated nationally rather than regionally. Meanwhile, the failure of the SNP to win an overall majority this time around was not a reflection of the way in which the proportional allocation of list seats counteracts the disproportionality of the outcome in the constituency seats; indeed, it was once again evident that the ratio of constituency to list seats in Scotland can sometimes be too small for all of that disproportionality to be counteracted. Rather, the SNP failed to win a majority because of the party's failure to win as many constituency seats as it might have anticipated given the overall national result. Meanwhile, what this election did demonstrate was the way in which local successes in the constituency can sometimes produce a seemingly perverse consequence when the knock-on effect of that success on the allocation of list seats is also taken into account.

4 USING THE SYSTEM

As we noted earlier, one of the key features of the AMS system as implemented in Scotland is that voters have two votes, one for a constituency MSP and one for a party list, and they are not under any obligation to vote for the same party on the two ballots. This feature has been defended on the grounds that it enables voters to express a more nuanced choice (Shugart and Wattenberg, 2001). They can, for example, vote for a candidate that they like in their local constituency even though they do not like that candidate's party, safe in the knowledge that, if that candidate is successful, it will not necessarily mean that his or her party will end up with more seats. They might, indeed, also feel free to vote tactically in their constituency for a party that seems best able to defeat locally a party that they particularly dislike, secure in the knowledge that they can still vote for the party that they really support on the list ballot. Meanwhile, in other circumstances a voter might opt to vote tactically on the list vote. This might happen, for example, when a party is expected to do so well in the constituency contests that it is unlikely to pick up any list seats in a region, whereas a smaller party might be helped to win a list seat if voters were to back it instead. If that smaller party can be expected to support the voter's preferred party in the Holyrood chamber, either as a minority government or even as a coalition partner, then giving it their list vote might be regarded by some voters as a better way of exercising their franchise.

To these theoretical possibilities that are potentially present at any Scottish election, there are then the particular circumstances in which the 2016 election was fought. The September 2014 referendum on independence helped ensure that the issue of how Scotland should be governed gained a prominence in voters' minds and in influencing how they voted that it had never previously enjoyed. This might have encouraged some voters to vote tactically. On the one hand, those who wish Scotland to remain in the UK might be more willing to vote in their local constituency ballot for whichever candidate seemed

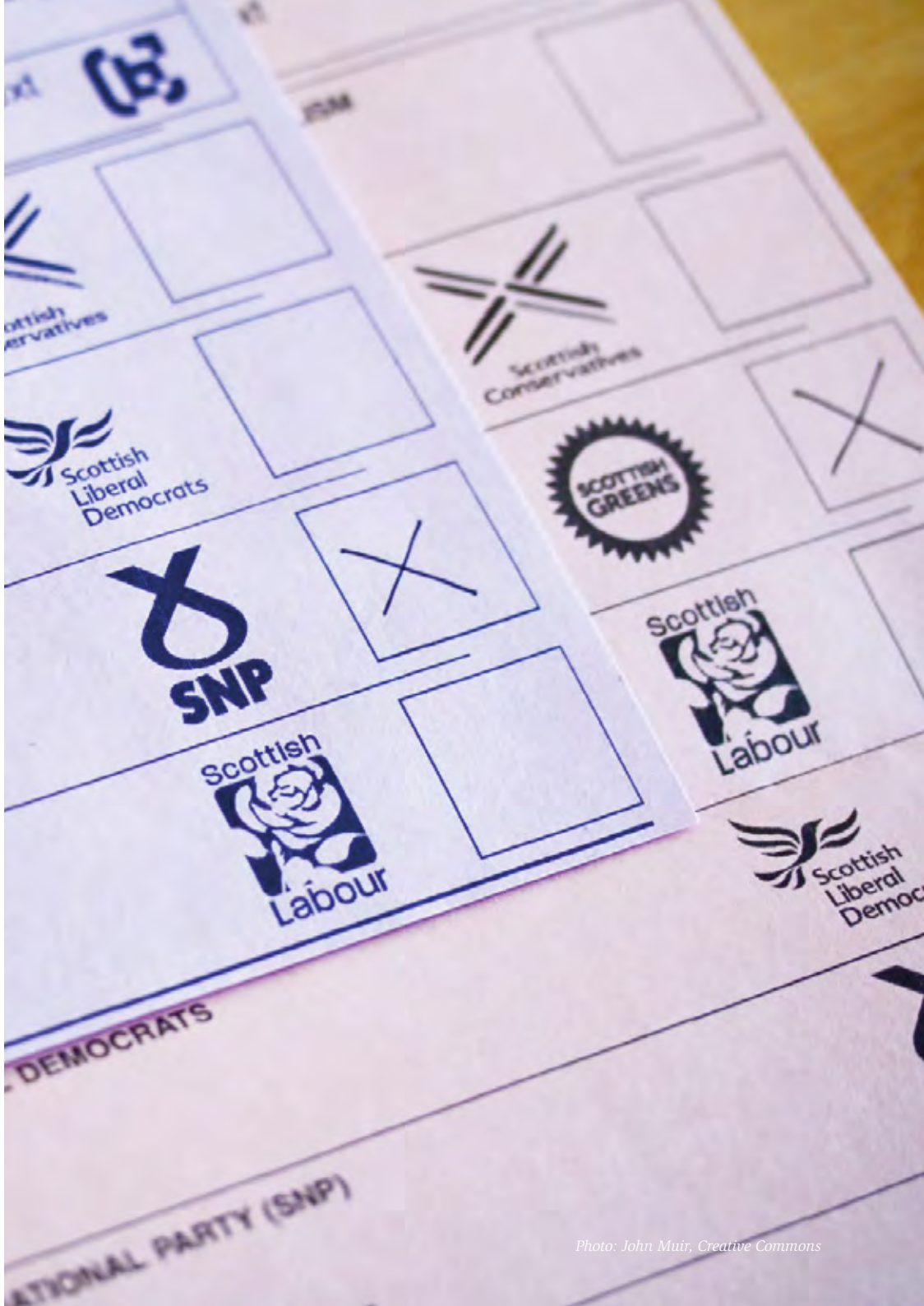


Photo: John Muir, Creative Commons

best able locally to defeat the SNP, while still supporting the party they most prefer on the list vote. There was, after all, some evidence of anti-SNP tactical voting in the 2015 UK general election, primarily by erstwhile Conservative voters (Curtice et al., 2015). On the other hand, seeing how far the SNP were ahead in the opinion polls, those who wished Scotland to become an independent country might wonder whether it would make more sense to vote on the list ballot for the pro-independence Greens, who might well convert more list votes into more seats, than for the SNP, who looked unlikely in most regions to be allocated any additional list seats.

This last possibility, in particular, was the subject of considerable discussion and controversy before the election (Curtice, 2016). While such tactical voting was promoted by some supporters of independence, the SNP itself was understandably nervous about the prospect that some of its voters might fail to back it on the list vote. After all, if the opinion polls were wrong and the party did not do as well in the constituency contests as expected, those list votes might be needed after all. We have already seen that, although the polls were not wrong in their estimate of the SNP's overall voting strength, the party did not win as many constituency seats as might have been anticipated, while its share of the list vote was some five points below that on the constituency ballot. Perhaps the SNP's fears about the consequences of a tactical vote for the Greens were realised?

Splitting The Vote

The first thing that we should note is that the results themselves do not give any reason to believe that voters were more likely to have voted differently in the two ballots than they had done at previous Scottish elections. This emerges when we calculate the index of dissimilarity between the outcome on the two votes. This index is simply the sum across all parties of the absolute difference between a party's share of the constituency vote and of the list vote. It represents the minimum proportion of voters who must have voted differently on the two ballots given the overall outcome—though in reality the actual figure will be much higher. As Table 4.1 shows, that minimum figure was much the same in 2016 as it was in 2011, and still below what it had been in 2003 and 2007. That still means that there could well have been some tactical voting of one kind or another, but perhaps no reason to believe that such behaviour was necessarily more prevalent at this election than at the last one.

TABLE 4.1: INDEX OF DISSIMILARITY BETWEEN THE OUTCOME OF THE CONSTITUENCY AND THE LIST BALLOTS IN SCOTTISH PARLIAMENT ELECTIONS

Year	Index of Dissimilarity
2016	10.9
2011	11.0
2007	12.5
2003	12.8
1999	8.7

We have already noted that the difference between the SNP's share of the constituency vote and the list vote in particular was relatively large at this election. This, unsurprisingly, is also the case if, as in Table 4.2 (overleaf), we examine the average of the absolute values of the difference between the constituency and the list vote across all 73 constituencies. What is less obvious, but emerges from the standard deviation statistic also quoted in Table 4.2, is that the size of that gap did not especially vary between one constituency and another. At 2.7 the standard deviation for the SNP is much the same as it was for the Conservatives and Labour. The one party for whom the gap did vary much more was the Liberal Democrats; in their case the standard deviation is as much as 6.3. This is in line with the experience of the last Scottish Parliament election, a pattern that was largely accounted for by the extent to which incumbent Liberal Democrats MPs trying to defend their seats often won a much larger share of the constituency vote than their party did locally on the list ballot—indicating the extent to which personal votes boosted their tally (Curtice and Steven, 2011). We thus begin our analysis of the difference between the level of constituency support and the level of the list vote for the parties by looking at the impact of incumbency.

The Incumbency Effect

As a result of the severe losses that the Liberal Democrats suffered in 2011, there were in fact only two constituencies, Orkney and Shetland, where an incumbent Liberal Democrat MP was trying to

defend their seat. In both cases the incumbent performed remarkably well, winning over 30% more of the vote on the constituency ballot than on the list. But this pattern was by no means confined to Liberal Democrat incumbents, albeit in a less spectacular fashion. As Table 4.3 shows, on average the gap between the constituency and the list vote was also greater for the Conservatives, Labour and the SNP where an incumbent MSP for a party was defending a seat. Such MSPs will all have had five years or more to promote themselves locally, not least by being seen to be effective in promoting the interests of their constituency and dealing with the problems of individual constituents. That said, we should also note that the gap between the constituency and the list vote also tended to be bigger where the incumbent MSP was standing down than it was where the party was not defending the seat locally at all. That suggests that parties as well as individual candidates may sometimes develop a local reputation for their constituency service that is not necessarily translated into a willingness to back that party on the list.

Certainly, the party's apparent ability to retain some of its local strength on the constituency ballot was a marked feature of the Liberal Democrat performance. On average, in the nine seats that the party lost in 2011, its share of the constituency vote was 7.7 points higher than its share on the list ballot—even though only in two cases was the former Liberal Democrat MSP standing again (in one instance after not having done so in 2011) and thus potentially still able to garner their personal vote once more. Although this figure is lower than the equivalent gap of 11.2 points in the same seats in 2011, indicating some falloff in the party's ability locally to persuade voters to back it specifically on the constituency ballot, it was still well above the 1.4 point difference that pertained where the Liberal Democrats had not won in 2007. This ability to retain its local strength in places where it had been defeated in 2011 seems to have provided some of the foundations for the two gains of constituency seats that the party made this time around. The two constituencies in question, Fife North East and Edinburgh Western, were both seats that the party had lost in 2011 but were ones where the party's share of the constituency vote was once again well above (by 17.3 and 20.0 points respectively) its share of the list ballot.

TABLE 4.2: DIFFERENCES IN PARTY PERFORMANCE BETWEEN THE CONSTITUENCY AND THE LIST VOTE, 2016

	Absolute Difference Between Constituency and List Vote	
	Mean	Standard Deviation
Conservatives	1.9	2.4
Labour	3.7	3.1
Liberal Democrats	3.1	6.3
SNP	4.8	2.7

TABLE 4.3: DIFFERENCE BETWEEN CONSTITUENCY AND LIST VOTE BY STATUS OF THE INCUMBENT MSP 2016

	Mean Difference between Constituency and List Vote for that party where an Incumbent MSP for that party		
	Stood again	Retired	No Incumbent
Conservatives	+7.2 (2)	+4.2 (1)	-1.3 (20)
Labour	+7.5 (12)	+5.8 (3)	+2.4 (58)
Liberal Democrats	+32.9 (2)	-	+2.2 (71)
SNP	+5.7 (44)	+4.0 (9)	+3.0 (20)

Figures in brackets represent the number of seats included in that category

Tactical Voting

We have suggested that two forms of tactical voting might have been in evidence in the 2016 election. First, some of those in favour of

independence might have decided to vote for the Greens on the list vote in the belief that the SNP were unlikely to be allocated any list seats in their region. Second, those opposed to independence might have been inclined to back on the constituency vote whichever of the unionist parties was best able to defeat the SNP locally. If the first possibility is true, then we should observe that where the Greens scored highly on the list vote, the gap between the SNP performance on the constituency vote and that on the list vote should have been especially large. If the second proposition is correct then we should find that where one of the unionist parties performed especially well on the constituency vote (as compared with the list vote), the other unionist parties tended to fare relatively badly.

Table 4.4 offers some support for the first of these propositions, but rather less for the second. On a correlation measure that varies between -1 (meaning that where one party does relatively well on the constituency ballot the other does equally badly) and 1 (meaning where one party does relatively well on the constituency ballot the other party does equally well too), the correlation between the difference in SNP support on the two ballots and the level of support won by the Greens on the list vote is -0.62, indicating that where the Greens did best, the difference between the SNP vote on the two ballots tended to be bigger. On the other hand, although a relatively strong Liberal Democratic performance on the constituency vote seems to have affected both Conservative (correlation, -.62) and Labour performance (-.48) on the list vote to a greater extent than SNP performance (-.36), the nationalists were evidently not always unaffected by a strong Liberal Democratic constituency performance. Meanwhile there is little sign that the Conservatives tended to suffer when Labour did especially well, or vice-versa. This suggests that while some tactical switching between the Liberal Democrats and both the Conservatives and Labour may have been in evidence, there appears to have been little between the Conservatives and Labour.

The link between the size locally of the Green vote and the gap between the SNP vote on the two ballots is illustrated further in Table 4.5. In those constituencies where the Green share of the list vote was less than five points, the difference between the SNP share of the constituency vote and that on the list vote was less than four points. In those seats where the Greens won more than seven points the difference between the SNP vote on the two ballots was nearly eight points. While there was also some tendency for both Labour and the Liberal Democrats to do relatively less well on the list vote in those seats where the Greens were performing well on the list vote, it was less strong and consistent. The Conservatives, meanwhile seem to have been unaffected by how well the Greens performed locally at all.

TABLE 4.4: CORRELATIONS BETWEEN DIFFERENCE IN THE SHARE OF THE CONSTITUENCY AND SHARE OF THE LIST VOTE, 2016

	Lab	LD	SNP	Grn
Con	-0.11	-0.64	0.22	0.18
Lab		-0.48	0.13	-0.26
LD			-0.36	-0.12
SNP				-0.62

Cell entries are the Pearson Correlation statistic for the pair of parties defined by the relevant row and column.

In the case of the Greens the correlation is with their share of the list vote except for the three seats where they did also stand on the constituency ballot, in which case it is with the difference between the two. Excluding these three seats makes no difference to the broad pattern of the results.

TABLE 4.5: MEAN DIFFERENCE BETWEEN A PARTY'S SHARE OF THE CONSTITUENCY VOTE AND ITS SHARE OF THE LIST VOTE BY STRENGTH OF GREEN PERFORMANCE, 2016

	Mean difference between % share of constituency and list vote				
Green % List Vote*	**Con**	**Lab**	**LD**	**SNP**	**(N)**
Less than 5	0.2	3.0	1.1	3.6	32
5-7	-2.0	3.3	5.0	4.3	26
More than 7	-1.8	4.4	3.8	7.8	15

** except in three seats where the Greens stood on the constituency ballot, which are categorised on the basis of the difference between the Greens' share of the list vote and that on the constituency vote.*

These patterns are rather different from those in evidence in 2011. Then, we observed a clear link between the performance of the Greens on the list vote and the relative success of the Liberal Democrats on the constituency ballot, but no such link between how well the Greens did and the difference in SNP support on the two ballots (Curtice and Steven, 2011). Meanwhile, we might also note that there is a clear correlation of 0.31 between the change in Green support between 2011 and 2016 and the change in the difference between SNP constituency and list support between those two elections, indicating that the gap in the SNP performance on the two ballots tended to increase most where support for the Greens increased most. All in all, there is considerable evidence that SNP voters were more likely to vote tactically for the Greens on the list ballot in 2016 than they had been in 2011. We will return to the impact that this may have had on the SNP's tally of seats in a moment.

Before doing so, we should look a little further into the apparent relative absence of tactical switching between the unionist parties on the constituency ballot. Two further pieces of evidence also support this contention. First, in Table 4.6 we examine how the change in support for the parties on the constituency ballot varied according to the tactical situation locally. If those who would prefer Scotland to remain in the UK were more inclined than in 2011 to back whichever party seemed best placed locally to defeat the SNP, we should find that those parties that backed the Union performed relatively badly where they started off in third or fourth place (behind the SNP) while seeing their vote advance most strongly where they had shared first or second place with the SNP. Of this pattern, however, there is little sign. For example, although the Conservative vote did tend to increase particularly strongly where the party was challenging the SNP from second place neither Labour nor the Liberal Democrat vote seems to have been squeezed as a result. It was the SNP themselves who performed relatively poorly in that situation. Labour's vote, meanwhile, typically fell relatively heavily where the party had shared first and second place with the SNP in 2011, while on average there is nothing especially unusual about the Liberal Democrat performance in seats where they appeared best placed to challenge the SNP.

TABLE 4.6: MEAN CHANGE IN PARTY SUPPORT ON THE CONSTITUENCY VOTE BETWEEN 2011 AND 2016 BY TACTICAL SITUATION

	Mean Change in share of the constituency vote since 2011				
First/Second Party in 2011	**Con**	**Lab**	**LD**	**SNP**	**(N)**
SNP/Con	+10.4	-3.0	+2.1	-8.3	(8)
SNP/Lab	+8.8	-10.4	-1.0	+1.6	(38)
SNP/LD	+8.3	-4.8	+1.4	-4.7	(7)
Con/SNP	+7.0	-8.7	-3.2	+5.3	(3)
Lab/SNP	+5.4	-12.7	-0.4	+7.6	(13)
ALL	**+7.9**	**-9.2**	**+0.3**	**+1.4**	**(73)**

Note: Seats where the SNP were neither first nor second in 2011 not shown. The Liberal Democrats did not contend Clydesdale in 2011, and so that (SNP/Lab) seat is excluded from the calculation of their mean change in support

Our second piece of evidence is in Table 4.7, which shows how the difference between the parties' performances on the constituency and the list vote changed between 2011 and 2016. If voters had been more inclined to vote tactically against the SNP in 2016 than they had been in 2011, then whichever party was best placed locally to challenge the SNP should have seen the difference between its constituency and list vote increase, as more pro-union voters split their preferences in order to back that party against the SNP on the constituency ballot. Conversely where a pro-union party was placed third or fourth (behind the SNP) any excess of constituency votes over list votes that it might previously have enjoyed would be expected to have diminished, if not indeed disappeared entirely.

TABLE 4.7: MEAN CHANGE IN DIFFERENCE BETWEEN CONSTITUENCY AND LIST SHARE OF THE VOTE, 2011-16

First/Second	Mean Change in Difference between constituency vote and list vote since 2011				
Party in 2011	**Con**	**Lab**	**LD**	**SNP**	**(N)**
SNP/Con	-3.2	-0.6	+1.6	+3.3	(8)
SNP/Lab	-1.2	-2.3	-0.8	+2.7	(38)
SNP/LD	-4.3	-1.6	+0.1	+3.5	(7)
Con/SNP	-6.1	-2.2	-0.9	+8.6	(3)
Lab/SNP	-2.2	-2.0	-0.2	+3.5	(13)
ALL SEATS	**-2.4**	**-1.9**	**+0.2**	**+3.5**	**(73)**

Note: Seats where the SNP were neither first nor second in 2011 not shown. The Liberal Democrats did not contend Clydesdale in 2011, and so that (SNP/Lab) seat is excluded from the calculation of their mean change in support.

The table suggests there is little evidence of these patterns. Far from the gap between the Conservative share of the constituency vote and the party's share of the list vote widening, the gap between the two actually narrowed most where the party shared first and second place with the SNP in 2011. Equally there is no sign of Labour's vote pulling further ahead of its share of the list vote where it was first or second in 2011, or indeed of the party's constituency vote falling further than its list vote where it was third or fourth. Much the same is true of the Liberal Democrats. It seems that for most pro-union voters the differences of stance and style between the pro-union parties still mattered more to them than those parties' common opposition to independence.

The Greens' Foray into the Constituencies

As we noted in Chapter 1, this time the Greens fought three constituency seats, having previously usually failed to contest any. Patrick Harvie, the party's co-leader and best known personality fought Glasgow Kelvin, Alison Johnstone, the party's only other existing MSP stood in Edinburgh Central, while John Wilson, a former SNP list MSP who had defected to the Greens, was nominated in Coatbridge and Chryston. The Glasgow and Edinburgh seats were ones where the party's list vote had previously been especially strong. These forays into fighting constituency battles proved relatively successful for the party, with little sign of its vote being squeezed because it might be thought to have little hope of winning the local constituency contest. In Glasgow Kelvin, Patrick Harvie won 24.3% of the vote, 4.1 points above his party's tally on the list vote, while the more modest 5.7% that John Wilson secured in Coatbridge was still 0.9 of a point higher. Only in the keenly contested Edinburgh Central did the party find it relatively more difficult to win constituency votes; its 13.6% tally there was 3.4 points under what the party won in that seat on the list. It would not be a surprise if at future Scottish Parliament elections the party were again to nominate some of its senior figures for those constituency contests where it is relatively strong.

Photo: Scottish Green Party

The Impact of Tactical Voting

Still, we have found evidence to suggest that some SNP supporters might have been more likely to cast a tactical vote in favour of the Greens on the list vote than they had been five years previously. But what impact did this behaviour have? Might the SNP have still secured an overall majority if those voters had stuck with the SNP on the list vote? Conversely, did their behaviour help ensure that more pro-independence MSPs were elected than would otherwise have been the case?

One point we should note is that whatever the exact extent of the tactical voting in favour of the Greens, it is highly unlikely that it was wholly responsible for the widening of the gap between the SNP's share of the constituency vote and its share of the list vote. Support for the Greens on the list vote increased by just over two points on 2011, while the gap between the SNP's share of the constituency vote and its share of the list vote increased by just over three. So unless the Greens themselves had actually become less popular since 2011, and there is no particular reason to believe that was the case, then even if all of the increase in the party's support since 2011 was the result of tactical switching by SNP supporters—itself a very strong assumption—such switching could only have been responsible at most for two-thirds of the widening of the gap in SNP support on the two ballots.

Still, what if the Greens had not enjoyed any increase in support on the list vote at all, and that consequently the SNP had won 2% more of the list vote than they actually did? What difference might this have had on the outcome? We would certainly expect the Greens to win fewer seats under this scenario, as it would mean the party would fall just short of the 5-6% of the list vote that is typically required to win a seat in a region rather than (as happened in most regions) managing to be just above that threshold (Curtice, 2016). But how much would the SNP have benefitted?

In Table 4.8 we report on how the distribution of list seats would have been different in each region if the SNP had won 2.2% more of the list vote and the Greens 2.2% less. As anticipated the Greens would have won four fewer seats, leaving them on the two seats that they won in 2011. Two of those lost seats would have been claimed by the SNP, but the other two would have been allocated instead to Labour or the Conservatives. Two extra seats would have been just enough to deliver the SNP a majority with 65 seats. At the same time, however, there would have been two fewer MSPs in favour of Scottish independence. Meanwhile, even under the strong assumptions we have made here, it is evident that the apparent tactical switching in favour of the Greens had less impact on the SNP's overall tally than the party's failure to win seven constituency seats that it might have been expected to have won given the change in the parties' share of the constituency vote across Scotland as a whole. As we saw in Chapter 3, if that had not happened the SNP would have won as many as 68 seats.

TABLE 4.8: IMPACT OF HIGHER SNP AND LOWER GREEN SUPPORT ON DISTRIBUTION OF LIST SEATS

Region	Impact
Central	No difference
Glasgow	No difference
Highlands & Islands	Conservatives +1, Greens -1
Lothians	SNP +1, Greens -1
Mid Scotland & Fife	Lab +1 Greens -1
North East	No difference
South	No difference
West	SNP +1 Greens -1

Conclusion

Voters seem to have used the opportunity to split their ballots in two different ways at this election. First, incumbency mattered. All parties tended to perform relatively well on the constituency ballot where they had an incumbent MSP standing again, and to some extent where the incumbent was standing down. This phenomenon was particularly noticeable in the case of the Liberal Democrats, who on occasion even managed to maintain and restore their specifically local support in a seat they had lost in 2011. Moreover, this local support for a person or a party was capable of crossing the nationalist/unionist divide, as can be seen in the appendix to

this chapter (see p. 66) where the detailed listings are provided of those seats where each party did and did not perform relatively well on the constituency vote. Many of the constituencies where the gap between the SNP's share of the constituency vote and its share of the list vote was lowest were seats where a locally prominent individual was standing for one of the unionist parties. Meanwhile, more generally it can be seen that incumbency (including the personal popularity of the four main party leaders) accounts for the vast bulk of the entries in our listings.

At the same time, however, there is also clear evidence of a second pattern of ticket splitting. It looks as though voters who voted for the SNP on the constituency ballot were more inclined than they had been five years previously to vote for the Greens on the list vote, most likely because they thought that this would be the best way of maximising the number of MSPs in favour of independence. As our listings show, all of the seats in which the gap between the SNP's share of the constituency vote and its share of the list ballot was highest were seats in either the Lothians or Glasgow, the two regions in which the Greens performed best. Although the exact extent to which this tactical switching affected the outcome in seats is impossible to tell, it may have resulted in a few more pro-independence MSPs being elected, but perhaps at the cost of the SNP securing their own overall majority.

However, while affinity between the SNP and the Greens may have encouraged some of those in favour of independence to split their vote between those two parties, there is no clear evidence that voters who would prefer Scotland to stay in the UK were more willing to vote on the constituency ballot for whichever pro-union party appeared best able to challenge the SNP locally. Such voters appear in fact to have been remarkably reluctant to behave in that way, even though there had been signs that some had done so in the UK general election in 2015. However, on that occasion much of that tactical switching was undertaken by those who might otherwise have been expected to vote for the Conservatives, and perhaps this time their inclination to do so was countermanded by the strength of their party in the opinion polls. In any event, the lack of tactical voting by pro-union voters indicated that there were clear limits to the willingness of voters to use the two votes given to them by the AMS electoral system to express a more nuanced electoral choice.

5 THE TWO ROUTES TO ELECTION

One of the more controversial features of the Additional Member System is that it can give an individual candidate more than one chance to get elected. First of all, a candidate can stand in an individual constituency and try to secure election via that route. At the same time, however, they can also be included on the list of candidates that their party is putting forward in their region. As a result, if they fail to win their constituency contest, they might still secure election as an MSP if their party is entitled to one or more list seats and they are ranked sufficiently highly on its list. Critics argue this means that voters can find that a candidate that they have 'rejected' nevertheless still ends up as one of their MSPs, and moreover does so via a closed party list system that gives them no say in which individuals are elected (Ministry of Justice, 2008). Indeed, this line of argument resulted in legislation being passed in 2006 that debarred people from standing as both a constituency and a list candidate in elections to the National Assembly for Wales, although this provision has since been repealed.

One of the problems with stopping individuals from standing on both ballots is that if a party loses a lot of constituency seats that it formerly held, it may find that a number of its senior members who had previously been elected as constituency MSPs no longer have a berth in parliament, while they are replaced (in so far as the party's losses of constituency seats are compensated for by additional list seats) by new and inexperienced list MSPs. Indeed, this was exactly the experience of the Labour party in 2011. Reflecting its traditional dominance in single member constituency contests in Scotland and a tendency to regard those elected via the list system as 'second class' representatives, the party only permitted a handful of its incumbent MSPs to fight both a constituency and a list seat (Curtice and Steven, 2011). As a result, no less than 14 of the diminished body of 37 Labour MSPs elected in 2011 were list MSPs who had not previously been members of the Holyrood chamber, while some prominent members of the Shadow Cabinet lost their seats.

Not that being a list MSP is necessarily a safer berth. Someone elected as a list MSP may lose their seat not because their party has become less popular but rather because it has been more successful at winning constituencies in their region. If a list MSP stands in a constituency contest as well, then at least they have some chance of being one of those newly elected constituency MSPs. Even so, life as a list MSP can potentially prove precarious when a party that once had many a list MSP comes instead to dominate the constituency contests—as has happened to the SNP.

The sharp change in the balance of constituency and list MSPS in both the Labour party and the SNP is summarised in Table 5.1. Back in 1999 all but three of Labour's MSPs were elected via the constituency contests; this time only three were elected that way. Meanwhile, whereas in 1999 the SNP won only seven constituency seats, now it has 59 such representatives. As a result of its success in the constituency contests, together with the drop in its list support, the party has just four list MSPs. But what impact did these shifts in the balance of Labour and SNP representation have on who was elected?

TABLE 5.1 CHANGING BALANCE OF LABOUR AND SNP REPRESENTATION IN THE SCOTTISH PARLIAMENT

	Labour MSPs elected via		SNP MSPs elected via	
	Constituency	List	Constituency	List
1999	53	3	7	28
2003	46	4	9	18
2007	37	9	21	26
2011	15	22	53	16
2016	3	21	59	4

Labour's Changed Strategy

In the wake of its experience in 2011, Labour adopted a very different nominating strategy this time around. Existing constituency MSPs together with others standing as constituency candidates were free to seek nomination as a list candidate as well as a constituency one. All but one of the 13 constituency Labour MSPs who were attempting to retain their constituency seats (including Cara Hilton who gained Dunfermline from the SNP in a by-election in 2013) also sought a place on the party's regional lists. However, not all of them were highly placed, and in the event of the 11 incumbent Labour MSPs who were defeated in their constituency, only five had their political careers rescued via the regional list system. These were Alex Rowley, the party's Deputy Leader, Johann Lamont, its former Leader, and Ken Macintosh, a former candidate for the party leadership who went on to be elected as the new parliament's Presiding Officer, together with Shadow Cabinet Minister, James Kelly, and former Deputy Presiding Officer, Elaine Smith. So allowing existing constituency MSPs also to stand on the list did ensure that some of the party's more senior figures still secured re-election despite losing in their constituency. Nevertheless, the change in the party's nominating strategy still failed to give many a defeated Labour constituency MSP a second life via the party lists.

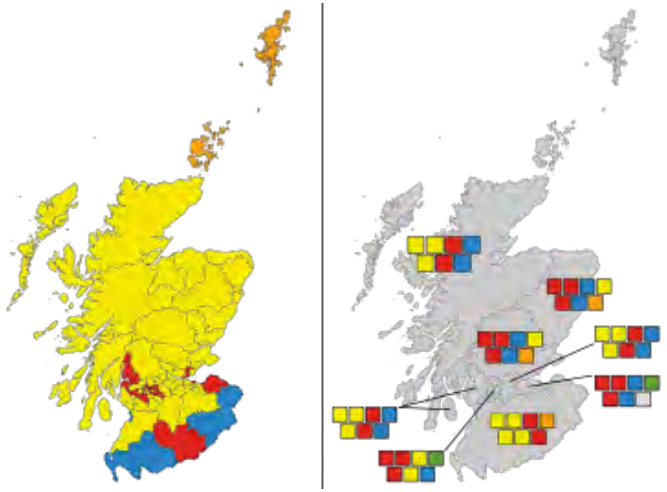
Even so, the change of strategy did mean that, in contrast to the position in 2011, most of those successfully elected as a Labour list MSP had also fought a constituency contest. Only four of the 12 who were elected that way in 2011 had fought a constituency (two of whom were incumbent constituency MSPs who had exceptionally been allowed to stand as list MSPS following adverse changes to the boundaries of their constituency, while two others were existing list MSPs). In contrast, no less than 16 of the 21 elected via the lists this time also fought a constituency seat. Of the exceptions, one was a former MP (Anas Sarwar, the party's former Deputy Leader), and one a former constituency MSP (Pauline McNeil).

The greater competition for places on the list did of course mean that existing list MSPs were at risk of losing their seats through not being sufficiently highly placed on their party's list. Indeed, only half (11) of the existing tranche of Labour list MSPs were re-elected (including, Kezia Dugdale, the first Labour leader to be elected as a list rather than as a constituency MSP) while seven failed to secure

Photo: Gary Henderson; Creative Commons

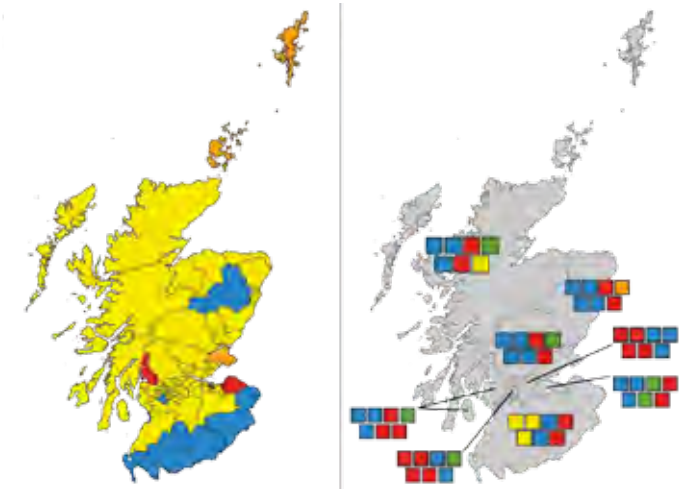
Constituency Vote Results *Additional Member Vote Results*

2011



Constituency Vote Results *Additional Member Vote Results*

2016



Photos: wikipedia.org

re-election and four did not stand again. Nevertheless, despite these losses all in all no less than 18 of the much diminished group of 24 Labour MSPs were members of the previous parliament, while, as already noted, two of the remainder have previous experience of either Holyrood or Westminster. Consequently, whereas after the 2011 election, no less than 15 (or 41%) of Labour's MSPs had become elected parliamentarians for the first time, this time around just four (17%) are in that position. The party's change of nominating strategy ensured that it now has a much more experienced parliamentary party than was the case in 2011.

But what about SNP list MSPs, whose ability to secure re-election was made more difficult thanks to their party's success in the constituency contests? The competition was in fact made a little less intense because three of the 16 who were elected that way in 2011 left the party following the SNP's decision in 2013 to reverse its stance on whether an independent Scotland should seek membership of NATO. However, all of the remaining 13 sought to stand again. In fact, six of them secured election this time around as constituency MSPs, in each case by winning a seat not won by the SNP in 2011. In a party that has long accepted that candidates may stand as both constituency and as list candidates, being a list MSP can evidently be a route towards securing the nomination for what eventually proves to be a winnable constituency. Two other list MSPs were elected once again via the party's list, leaving just five existing list MSPs who failed to secure re-election at all (in two cases after also failing to win a constituency seat). (The remaining two SNP list MSPs were elected for the first time.) None of the SNP's four list MSPs were defeated in a constituency contest, and thus the list system failed on this occasion to rescue the careers of any defeated SNP constituency candidates.

Still, despite the relative success of SNP list MSPs in securing election by one route or another, and despite the low turnover in the ranks in the Labour party thanks to its change of nominating strategy, the new parliament still contains as many as 51 new members, just three of whom had previously been an MSP and one an MP. This is the highest number of new MSPs since the parliament began in 1999. The largest single block of new MSPs is on the Conservative benches, nearly three-quarters of whom (23) are new to Holyrood. In part this reflects the party's success in doubling its parliamentary representation, but it is also a consequence of the decision of no less than seven of the party's existing MSPs not to stand again. Retirements also help account for the relatively large number of 17 new MSPS on the SNP benches. While the level of turnover at any election will, of course, depend heavily on the decisions made by voters, the decision to switch from four to five year parliaments may perhaps be expected to result in rather more voluntary retirements in future.

Meanwhile, Labour's change of nominating strategy helped ensure that the total number of list MSPs who were defeated in a constituency returned, after falling to just 27 in 2011, to levels similar to those that pertained in 1999 (46), 2003 (42) and 2007 (40). This time around the figure stands at 43. The largest group, however, comprises not the 16 Labour MSPs elected in this way, but the 24 Conservative list MSPs who were, a consequence of the fact that the party reflects the importance it attaches to constituency representation by only allowing its constituency candidates to stand on the list. Despite the criticism that has been made of the fact the AMS system can give candidates two chances of being elected, it looks as though it is a feature that is destined to stay.

6 GENDER AND REPRESENTATION

Meryl Kenny, Cera Murtagh and Fiona Mackay

At the start of the 2016 Scottish Parliament election campaign, it seemed that the tide had finally turned for women's representation. The previous two years had ushered in a series of 'firsts' for women in Scottish politics – including the election of Nicola Sturgeon as the first female First Minister in November 2014. The three largest parties in the Scottish Parliament are all led by women – including not only Sturgeon, but also Ruth Davidson MSP, leader of the Scottish Conservatives, and Kezia Dugdale MSP, leader of Scottish Labour. The Scottish Green Party also has a gender-balanced convenor team of Patrick Harvie MSP and Maggie Chapman.

For the first time since 1999, the main parties were competing on the issue of women's representation, with the SNP, Labour and the Greens implementing strong gender quota measures in the run-up to the 2016 elections, and First Minister Nicola Sturgeon publicly pledging support for the cross-party Women 5050 campaign for legal quotas in Scotland. Change was also apparent not only from the top down, but also from the bottom up, through the civic awakening that had accompanied the independence referendum and the surge in women's grassroots activism through groups like Women for Independence.

In the end, however, the results of the 2016 Scottish Parliament elections are disappointing. Only 45 women MSPs (34.9%) were elected to the fifth Scottish Parliament, the exact same proportion as in 2011. Thus, despite some optimistic predictions prior to the poll, 2016 was an election that changed nothing in terms of overall numbers. The 2003 Scottish Parliament elections remain the 'high tide' mark for women's representation in Scotland across all political levels (when women reached 39.5% at Holyrood) (see Mackay 2003). As in previous Scottish Parliament elections – with the exception of 2011 – more women have come through the constituency seats than they have the regional lists, largely due to the use of gender quotas by the SNP in constituency seat contests.

TABLE 6.1: SCOTTISH PARLIAMENT 2016 BY PARTY AND GENDER

Party	Female	Male	Total	% Female
SNP	27	36	63	42.9%
Con	6	25	31	19.4%
Lab	11	13	24	45.8%
Green	1	5	6	16.7%
Lib Dem	0	5	5	0%
Total	45	84	129	34.9%

Looking at representation more broadly in terms of diversity, there was an improvement in the number of LGB MSPs and visible role models. Notably, three of the five party leaders in the Scottish Parliament identify as LGB – Kezia Dugdale (Labour), Patrick Harvie (Greens) and Ruth Davidson (Conservatives), as well as David Coburn (UKIP) outside the Parliament.

However, the Scottish Parliament still has only two black and minority ethnic (BME) MSPs – SNP Minister Humza Yousaf, who defeated Johann Lamont in Glasgow Pollok, and former Labour MP Anas Sarwar, who was elected to the Scottish Parliament for the first time for the Glasgow region. It remains a key problem that there has never been a BME female MSP in the Scottish Parliament.

And despite all of the main political parties signing up to the One in Five Campaign (seeking to increase political participation among people with disabilities), there appears to be only one openly disabled MSP, Jeremy Balfour (Conservative, Lothian) elected for the first time in 2016, while sitting MSPs Siobhan McMahon (Labour) and Dennis Robertson (SNP) lost their seats (and Conservative MSP Cameron Buchanan stood down in 2016). All-in-all, then, the 2016 election does not add up to a step-change in diverse representation either.

Gender and Candidate Selection in the 2016 Elections

What explains these lacklustre results for women? In the run-up to the 2016 Scottish Parliament elections, candidate selection trends promised significant progress. All of the parties (except the Conservatives) saw improvements in their share of women candidates from 2011.

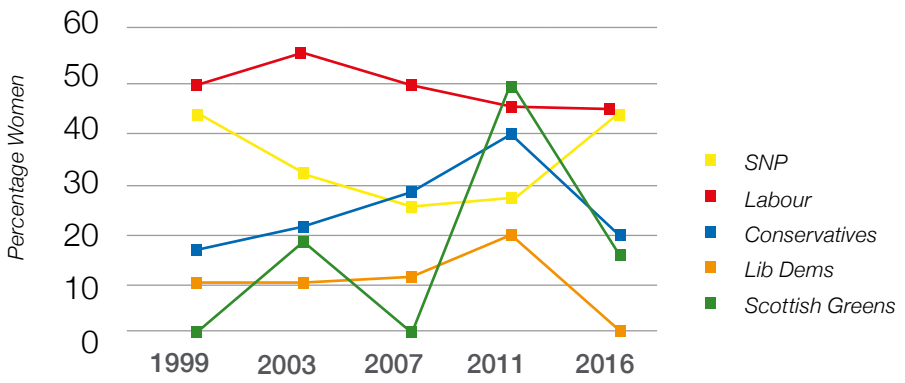
TABLE 6.2: CANDIDATES FOR SCOTTISH PARLIAMENT 2016 BY PARTY, GENDER AND TYPE OF SEAT

Party	Constituency		Total Candidates Constituency (% women)	List		Total Candidates List (% women)
	M	F		M	F	
SNP	43	30	73 (41.1%)	51	42	93 (45.2%)
Labour	34	39	73 (53.4%)	43	43	86 (50.0%)
Con	59	14	73 (19.2%)	58	13	71 (18.3%)
Lib Dem	45	28	73 (38.4%)	36	27	63 (42.9%)
Green	2	1	3 (33.3%)	33	33	66 (50.0%)
Total	183	112	295 (37.9%)	221	158	379 (41.7%)

Turning first to the SNP, over 40% of their constituency and list candidates were women, a substantial increase from 2011 (up from 29%). This increase reflects the party's implementation (for the first time), of gender quotas in the form of all-women shortlists (AWS) in constituencies with retiring SNP MSPs. In the run-up to the 2016 elections, AWS were implemented in nine seats with an incumbent SNP MSP stepping down; six of these retiring MSPs were male and three were female. The party's numbers are particularly significant given that they were achieved in the context of fierce intra-party competition for constituency seats as a result of the party's electoral success and rising membership. In a new trend for the SNP, this saw a number of incumbent SNP MSPs challenged in internal selection processes, a number of whom were subsequently de-selected (including Nigel Don in Angus North and Colin Keir in Edinburgh Western).

For political parties, however, what matters is not only how many women they select overall, but also whether these women actually have a chance of winning. In previous elections to the Scottish Parliament, our research found clear gendered patterns of candidate placement, with women candidates, for example, generally placed in lower positions on party lists (Kenny 2013; Kenny and Mackay 2011, 2014). This time around, however, parties paid better attention to the details of quota implementation. In the case of the SNP, not only was AWS used in seats where the party expected to win, but women were also placed in favourable list positions – topping half of the party's regional lists. Eight of the nine SNP women selected under AWS were elected – and 13 of the 17 new SNP MSPs elected to Holyrood for the first time in 2016 are women (including three members of Women for Independence's National Committee). Overall, the party susbstantially improved their performance on women's representation, rising from 27.5% women MSPs elected in 2011 to 42.9% in 2016 (see Figure 1).

CHART 1. PROPORTION OF WOMEN AMONG MSPS, BY PARTY, 1999-2016



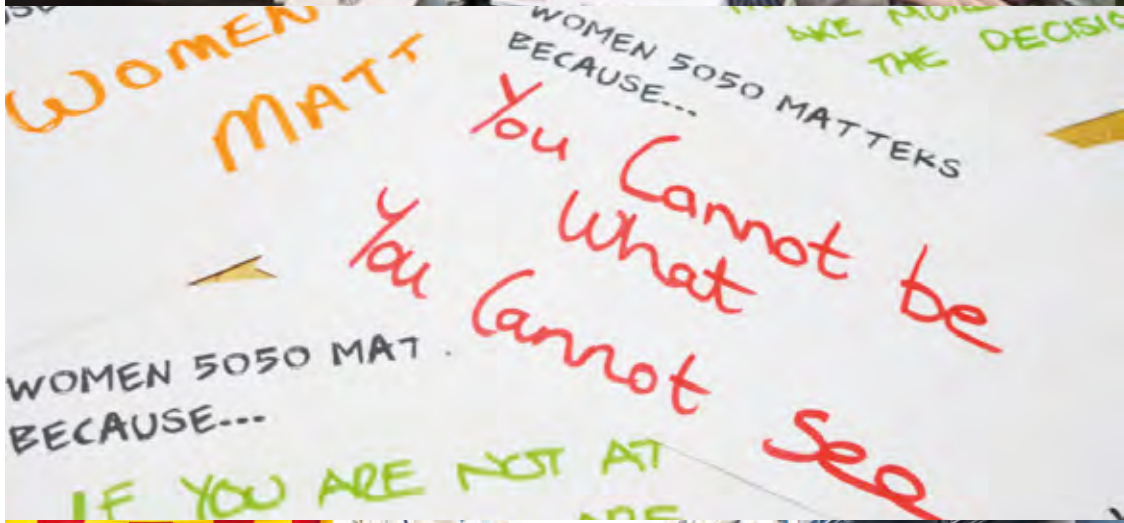
Turning to Scottish Labour, which has long been a leader in promoting equal representation, post–election 46% of the party's MSPs are women (the same proportion as in 2011). While over 50% of the party's constituency candidates were women (in part due to

the use of AWS), Labour's poor electoral performance meant that they only held on to three constituencies – including Jackie Baillie's Dumbarton seat. However, the party's use of gender quotas on the list – in the form of 'zipping', or alternating, male and female candidates – meant that the party delivered near parity for MSPs elected via regional lists (48% women). Changes to candidate selection rules in the run-up to 2016 (championed by Scottish Labour leader Kezia Dugdale) meant that sitting Labour MSPs were no longer guaranteed top places on the lists – though, in the end, most of the top spaces were still dominated by familiar faces. Nevertheless, the continuing collapse in Labour's electoral fortunes has resulted in the departure of yet more of the original cohort of women MSPs elected in 1999, such as the former deputy Presiding Officer Patricia Ferguson, as well as some notable feminist champions including Sarah Boyack and Elaine Murray.

While the SNP's and Labour's use of quotas has made a difference, the total number of women MSPs has stagnated due in large part to the Tory performance across Scotland. Only around 19% of Scottish Conservative candidates were women – and one of their regional lists, Highlands and Islands, was men-only. Top list places were also predominantly taken by men - with the party's North East Scotland list returning four male MSPs, while West Scotland included more candidates named 'Maurice' (two, both elected), than it did women (one, in tenth position). The same number of Conservative women were elected as in 2011 – six – but this is set in the context of the party (more than) doubling its seats, which means that only 19% of Conservative MSPs are women.

The Scottish Liberal Democrats, as predicted, returned no women – having effectively de-selected their one sitting female MSP Alison McInnes in favour of controversial former list MSP Mike Rumbles. The party's performance on women's representation is poor across the UK – with one solitary female AM at Cardiff, Kirsty Williams, and one woman MP in the House of Commons, Sarah Olney, following the party's recent Richmond Park by-election victory. The Lib Dems have committed to adopting gender quotas at Scottish party conference – but the question is whether this is too little too late from a party with a continually dismal record on women's representation across all Holyrood elections (see Chart 1).

The Greens, meanwhile, 'zipped' their regional list candidates, alternating men and women candidates. However, in the case of smaller parties like the Greens, who are expected to win at most



Photos: Women 50:50; Women for Independence

one or two seats in a particular region, the impact of zipping measures can be limited – and top list places are key. The party did pair its lists and ensure that 50% of them were topped by women, but in spite of these efforts some unexpected wins and losses for the party meant that in the end, only one of six Green MSPs were women (17%). These results also point to the need for all parties to think further about mechanics, strategy and winnability – which may, for example, involve placing more women at the top in order to guarantee equality outcomes. In Germany, for example, the Greens also zip candidate lists, but women are guaranteed the odd-numbered positions on the ballot and are also allowed to compete for the even-numbered ones (Davidson-Schmich 2016).

Lists for new parties RISE and the Women's Equality Party (WEP) also featured high proportions of women (47.5% and 90% respectively), as well as favourable placement, with women topping four out of eight lists for RISE and both lists in the two regions where WEP stood candidates. In the end, however, neither party managed to garner enough votes to gain parliamentary representation in 2016.

Beyond a Matter for Parties?

This is the fifth Scottish Parliament election where we have seen the same patterns – some parties taking women's representation seriously, while others continue to be laggards. In almost all of the parties – with the exception of the SNP – the trend has been one of either stalling or falling in the number of female MSPs elected. While the 2016 elections demonstrate again that gender quotas can have a significant impact on levels of women's representation, the use of these measures by political parties continues to be asymmetrical, with some parties (particularly the Conservatives) refusing to consider them. Without active intervention across the board, gains will remain slow and incremental at best, and are unlikely to cross even the 40% threshold almost achieved over a decade ago.

Looking beyond Holyrood, the 50/50 mark still appears some way beyond reach, and there is little evidence thus far that gains made on women's representation at Scottish Parliament level have 'caught on' at other levels of the political system (Kenny and Mackay 2014). Women continue to be under-represented at all political levels in Scotland – men are 76% of local councillors; 83% of Scottish MEPs, and 66% of Scottish MPs.

These disappointing trends raise questions as to whether political representation should still be left to the discretion of political parties. Increasingly the call in Scotland, backed by a large body of international evidence, is for tough action in the form of legislative quotas that require all parties to take action on women's representation. This would follow the example of a growing number of countries around the world that have adopted statutory quotas to demonstrable effect (including, most recently, the Republic of Ireland). Certainly the results of the 2016 elections add further weight to these calls for change.

Note

This contribution draws on a co-authored piece written for the University of Edinburgh's Gender Politics Blogs, available at: www.genderpoliticsatedinburgh.wordpress.com

7 CONCLUSION

There is perhaps no more important criterion by which to judge a supposedly proportional electoral system than how proportional are the results that it produces. By that benchmark Scotland's AMS system was more successful in producing a 'fair' outcome in 2016 than it had been at any previous election. Of particular note, of course, is the fact that, in contrast to the position in 2011, a party that won less than half of the vote was not rewarded with more than half the seats. As a result, Scotland once again is ruled by a minority government, albeit one with allies on many issues, including not least the Scottish Green Party on the issue of independence.

However, this was not the main reason why the outcome was more proportional according to any of the standard measures of disproportionality. In part the proportionality was greater because, with just over 6% of the vote, the Greens were able to secure list representation in most of Scotland's regions, an achievement that previously eluded them with only just over 4%. But it was also higher because fewer votes than ever before were cast for small parties that failed to secure any representation. That low level of support was, in turn, a reflection of a decline in the number of lists nominated by such parties in the first place. At the same time, the diversity of choice put before voters in the constituency contests was, once again, very limited. In short, with the sole exception of the success of the Greens, any expectation that the introduction of AMS would result in a more diverse set of parties, an expectation that was particularly high after the 2003 election, now looks further away from fulfilment than any time since the advent of devolution.

Meanwhile, although higher than ever before, the level of proportionality could be increased yet further. One possibility would be to allocate additional seats against the parties' share of the list vote across Scotland as a whole, rather than in eight separate regions, though perhaps the emphasis in Scotland's political culture on geographical representation means that many would find such a step unacceptable. But the level of proportionality could also be increased under the current regional arrangements by using the Sainte-Laguë divisors, which are already used to determine how many seats each region and nation should have in the European and Westminster parliaments (Gay and White, 2011; Electoral Commission, 2013), to allocate list seats to parties rather than the D'Hondt method. Doing so would, however, call attention to the potential limitations to proportionality created by the current, relatively low ratio of list to constituency seats, as the risk that a party might win more seats than its proportional entitlement in the constituency contests, something that already happens under D'Hondt, would be even greater under Sainte-Laguë.

At the same time, this election has perhaps called our attention to what might be thought to be one of the perversities of the AMS system, certainly in the eyes of those who strive to win a constituency seat. This is that the ultimate beneficiary of a party winning a particular constituency is not necessarily the party that secures the constituency success. Rather the beneficiary depends on what difference, if any, that success has on the allocation of the list seats in a region. And, as we have seen, Willie Rennie's success in winning Fife North East ensured that the Greens were allocated an extra list seat—and thus were able to displace the Liberal Democrats as the fourth largest party in Holyrood! Meanwhile Labour's success in defending Dumbarton against the national tide, resulted in an extra seat being allocated to the Conservatives. It might be thought disadvantageous that the knock-on consequences of a constituency success are apparently so uncertain.

Still, one potentially important feature of AMS is that it allows voters to express a more nuanced choice should they wish to do so. In particular, they can, if they wish, vote for whichever of the candidates in their constituency contest they think is best irrespective of their party, secure in the knowledge that they can still vote for their preferred party on the list ballot. We have seen that, once again, voters availed themselves of that opportunity to a notable extent. The apparent willingness of voters to vote for individual candidates might be thought to stand at odds with the use of a party list system that does not provide any opportunity for voters to express a judgement on the merits of the individuals on a party's list.

At the same time, the AMS system also presents voters with

opportunities to vote tactically on either the constituency or the list ballot, in the first instance with a view to voting against a party they dislike, and in the second to back a second preference party that might be thought to be potentially useful allies in parliament so long as they secure adequate representation. There is indeed evidence that some SNP supporters did vote tactically for the Greens on the list vote, a move that may have cost the SNP one or two seats, but which may also have increased the total number of pro-independence MSPs in the parliament. On the other hand, there still appear to be limits on the extent to which voters were willing to split their ballots. In particular, pro-union voters were not especially inclined to take the opportunity to vote for whichever party was best placed locally to defeat the SNP, and such behaviour was not responsible for the SNP's failure to win as many constituency seats as might have been anticipated given the overall national result. Rather that failure, which is what primarily explains why the SNP did not win another overall majority, is accounted for by the personal popularity in their constituency contests of some individual Conservative, Labour and Liberal Democrat candidates, a popularity that on occasion even seems to have won over some SNP supporters.

But if voters do not always use AMS in the way that might be anticipated, the parties themselves are proving to be more adept in the strategies that they use when nominating candidates. Labour, in particular, have learnt the wisdom from their point of view of allowing candidates to stand on the list as well as in their constituencies. Doing so ensured that this time around, a sharp decline in the party's representation did not result in a disproportional loss of more senior personnel. Meanwhile, the SNP's experience at this election has shown that it may be crucial for existing list MSPs to fight a constituency seats as well, as otherwise they may be the paradoxical victims of the party's success in winning more constituency seats. Given also the Conservatives' continuing insistence that candidates can only stand on the list if they fight a constituency, the phenomenon of 'winning losers', that is people who lose their constituency contests being elected as list MSPs, is now seemingly set to stay. Perhaps, however, the apparent unfairness of this phenomenon in some eyes at least might be assuaged somewhat if those standing on the list had to demonstrate a degree of personal popularity via a ballot that allowed voters to express some preference between the candidates standing on a list.

Closed party lists have sometimes been defended on the grounds that they afford an opportunity for parties to promote female representation by placing women high on their lists. Yet in the event, women were only slightly more likely to be nominated as a list MSP than as a constituency MSP at this election, while, they were actually less likely to be elected via that route (33.9% were elected that way) than as a constituency MSP (35.6%). Party proved more important than route to election in determining the number of MSPs. By using all women shortlists in selecting some of their new constituency candidates (thereby mimicking Labour's past practice), the SNP were able to increase their proportion of women in their parliamentary ranks quite substantially. In contrast, the Conservatives made no particular effort to promote female representation, and as a result the total number of female Conservative MSPs remained exactly the same as in the previous parliament, even though the party won an extra (mostly list) seats in total.

But perhaps the biggest challenge facing the devolved electoral process in Scotland is to persuade voters to participate in the first place. Despite the record high turnout in the 2014 referendum, and despite the increased powers that the Scottish Parliament is gradually enjoying, once again still not much more than half of those registered to vote made it to the polls. That proportion was even lower in places with relatively high social deprivation. For many voters, Holyrood still does not seem to matter enough to be worth bothering with. Overcoming that impression is a challenge facing all of Scotland's newly elected politicians, irrespective of where they stand on the continuing debate about the country's constitutional future – or indeed its electoral system.

Photos: Hamish Irvine; Creative Commons

APPENDIX TO CHAPTER 4

Constituencies where each party's share of the Constituency Vote was Most Above and Most Below its share of the List Vote

Conservatives

(a) Seats where Constituency Vote most Aabove List Vote

Constituency	Gap	Remarks
Ettrick etc	8.5	Incumbent Conservative MSP stood again
Ayr	5.9	Incumbent Conservative MSP stood again
Galloway	4.2	Incumbent Conservative MSP retired
Moray	4.0	
Banffshire	2.9	
Angus S	1.5	
Angus N	1.4	Incumbent SNP MSP retired
Edinburgh Central	1.3	Seat contested by party leader

(b) Seats where Constituency Vote most below List Vote

Constituency	Gap	Remarks
Edinburgh Western	-11.3	Strong Lib Dem performance in former Lib Dem seat
Dumbarton	-8.6	Incumbent Labour MSP defends seat against national tide
NE Fife	-7.6	Strong Lib Dem performance in former Lib Dem seat
Orkney	-7.2	Incumbent Lib Dem MSP stood again
Shetland	-7.2	Incumbent Lib Dem MSP stood again
Caithness etc	-44	Former Lib Dem seat fought by ex Lib Dem MSP
Argyll & Bute	-4.4	Former Lib Dem seat fought by ex Lib Dem MP
East Lothian	-4.0	Incumbent Labour MSP defends seat against national tide
Skye etc	-3.9	Former Lib Dem seat
Edinburgh Southern	-3.1	Labour won Westminster seat against tide in 2015

Labour

(a) Seats where Constituency Vote most above List Vote

Constituency	Gap	Remarks
Dumbarton	15.2	Incumbent Labour MSP defends seat against national tide
Edinburgh Southern	13.6	Lab won Westminster seat against tide in 2015; very large Green vote
East Lothian	11.4	Incumbent Labour MSP defends seat against national tide
Eastwood	10.6	Incumbent Labour MSP stood again
Edinburgh Eastern	8.8	Seat contested by leader; Incumbent SNP MSP retired; very large Green vote
Edinburgh Northern	8.7	Incumbent Labour MSP retired; very large Green vote
Glasgow Provan	7.7	Incumbent Labour MSP stood again
Aberdeen Central	7.3	Ex-Labour MSP stood again

(b) Seats where Constituency Vote most below List Vote

Constituency	Gap	Remarks
Shetland	-3.2	Incumbent Lib Dem MSP stood again
Edinburgh Western	-2.2	Strong Lib Dem performance in former Lib Dem seat
Orkney	-1.9	Incumbent Lib Dem MSP stood again
Ettrick etc	-1.5	Incumbent Conservative MSP stood again
NE Fife	-1.2	Lib Dem party leader stood in former Lib Dem seat
Argyll & Bute	-0.8	Former Lib Dem seat fought by ex Lib Dem MP
Aberdeenshire W	-0.4	Former Lib Dem seat fought by ex Lib Dem MSP
Caithness etc	-0.4	Former Lib Dem seat fought by ex Lib Dem MSP

Liberal Democrats

(a) Seats where Constituency Vote most above List Vote

Constituency	Gap	Remarks
Orkney	34.0	Incumbent Liberal Democrat MSP stood again; very large Independent list vote
Shetland	31.7	Incumbent Liberal Democrat MSP stood again; large Independent list vote
Edinburgh W	21.0	Strong Liberal Democrat performance in former Lib Dem seat
NE Fife	17.3	Party leader stood in former Lib Dem seat
Caithness etc	14.1	Former Lib Dem seat fought by ex Lib Dem MSP
Argyll	12.7	Former Lib Dem seat fought by ex Lib Dem MP
Skye etc	8.0	Former Lib Dem seat
Aberdeenshire E	7.3	Contains Gordon which was Lib Dem Westminster seat
Aberdeenshire W	7.0	Former Lib Dem seat fought by ex Lib Dem MSP

(b) Seats where Constituency Vote most below List Vote

Constituency	Gap	Remarks
Edinburgh Central	-1.1	Seat contested by Conservative party leader
Ettrick etc	-0.9	Incumbent Conservative MSP stood again
Dumbarton	-0.4	Incumbent Labour MSP defends seat against national tide
Eastwood	-0.2	Incumbent Labour MSP stood again
Clydesdale	-0.1	No Liberal Democrat candidate in 2011
Ayr	-0.0	Incumbent Conservative MSP stood again

SNP

(a) Seats where Constituency Vote most above List Vote

Constituency	Gap	Remarks
Glasgow Southside	16.1	Seat contested by party leader; very large Green vote
Edinburgh Northern	10.4	Incumbent Labour MSP retired; very large Green vote
Glasgow Cathcart	9.8	Incumbent SNP MSP stood again; large Green vote
Edinburgh Southern	9.4	Incumbent SNP MSP stood again; very large Green vote
Glasgow Anniesland	8.7	Incumbent SNP MSP stood again; large Green vote
Glasgow Shettleston	8.3	Incumbent SNP MSP stood again; large miscellaneous Others list vote
Midlothian N etc.	8.1	Incumbent SNP MSP stood again
Glasgow Maryhill etc	8.0	Large Green and miscellaneous Others list vote

(b) Seats where Constituency Vote least above List Vote

Constituency	Gap	Remarks
Shetland	-3.5	Incumbent Lib Dem MSP stood again
Coatbridge etc	-0.5	Ex-SNP list MSP stood for Greens in constituency contest
Dumfriesshire	0.3	Low Green vote
Orkney	0.7	Incumbent Lib Dem MSP stood again
Dumbarton	0.7	Incumbent Labour MSP defends seat against national tide
East Lothian	1.3	Incumbent Labour MSP defends seat against national tide
Ayr	1.4	Incumbent Conservative MSP stood again
Ettrick etc	1.4	Incumbent Conservative MSP stood again
Eastwood	1.8	Incumbent Labour MSP stood again
NE Fife	1.8	Lib Dem Party leader stood in former Lib Dem seat
Glasgow Kelvin	2.0	Green party leader stood in constituency contest
Aberdeenshire W	2.0	Former Lib Dem seat fought by ex Lib Dem MSP

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Electoral Reform Society Scotland

ERS Scotland
12 South Charlotte St
Edinburgh, EH2 4AX
Email: Scotland@electoral-reform.org.uk
Phone: 0131 624 9853
Facebook: ersscotland
Twitter: @ersscotland

www.electoral-reform.org.uk