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THE 2016 SCOTTISH ELECTION BRIEFING

Possibilities and Problems

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INTRODUCTION

On May 5th Scotland goes to the polls in what will be the fifth election to the devolved Scottish Parliament. The last election, in 2011, proved to be remarkable in that, despite the use of a system of proportional representation, the Scottish National Party (SNP) won an overall majority. That, in turn, led to the momentous decision to hold a referendum on whether Scotland should become an independent country. In the event that the referendum produced a 55% vote in favour of remaining in the United Kingdom, it instigated promises, now enshrined in legislation that is expected to come into force in 2017, that the powers and responsibilities of the Scottish Parliament should be significantly extended—even though an earlier extension for such legislation that had passed in 2012 had yet to come fully into force. The referendum, held in September 2014, was followed eight months later by a transformation in Scotland's representation at Westminster, with the SNP increasing its number of MPs from six to 56, and the formerly dominant Labour party seeing its number of Scottish seats slashed from 40 to just one.

This means that the context in which this year's election is being fought is very different from that of five years ago. Then, the SNP's success in winning an overall majority came as a surprise, not even being fully anticipated by the opinion polls that were conducted shortly before polling day. Now the party appears to dominate Scottish politics, albeit that it has so far been unable to realise its *raison d'être* of Scottish independence. Meanwhile as a result of the enhanced powers of the Parliament, the election campaign will no longer simply be a debate about how devolved public expenditure should be distributed, but also about how the new powers and responsibilities that the Parliament will now have in respect of taxation should be exercised.

In this briefing we undertake three tasks. First we remind readers of the nuts and bolts of how the electoral system for the Scottish Parliament works. Second, we consider the state of the parties in the polls, and examine why the SNP have proven to be so successful since losing the 2014 independence referendum. These two sections lay the foundations for the third section in which we consider how the SNP's potential dominance of the election in May could mean that, thanks to the way in which the electoral system works, many of the votes cast could have little or no impact on the outcome.



1

THE SCOTTISH PARLIAMENT ELECTORAL SYSTEM

The electoral system for the Scottish Parliament is widely known in the UK as the Additional Member System, though internationally it is often referred to as a Mixed Member Proportional System. It consists of two halves. The first is the election of 73 members (MSPs) via the first-past-the-post (or single member plurality) system. Voters are simply invited to place an 'X' against the name of the individual candidate that they would most like to see elected, and the winner is the candidate who secures most votes. This part of the system is undoubtedly relatively familiar to voters, but as the outcome of the May 2015 general election in Scotland underlined, it can easily result in an overall outcome where the share of the seats won by a party is very different to its share of the overall national vote.

The second part of the system, in contrast, is intended to ensure that the overall result is at least reasonably proportional. In this part voters are invited to cast a vote for a list of candidates nominated by a political party (or for an individual Independent candidate should there be one on the ballot paper). Voters can vote either for the same party as the one they backed on the constituency ballot, or for a different party. Either way, the total number of these 'list' votes that are cast for each of the parties is tallied up in each of eight regions of Scotland into which Scotland is divided for this purpose. Once those totals are known seven 'additional' list seats are allocated in each region (making 56 across Scotland as a whole) such that the total number of constituency and list seats won by each party is as proportional as possible to the share of the list vote won by each party in that region.

TABLE 1 ALLOCATION OF LIST SEATS, MID SCOTLAND & FIFE REGION, 2011

	Con	Lab	Lib Dem	SNP	Greens
List votes	36,458	64,623	15,103	116,691	10,914
as %	14.1	25.0	5.9	45.2	4.2
Constituency Seats	0	1	0	8	0
Stage 1	36,458	32,312	15,103	12,966	10,014
Allocate Seat 1	1*	1	0	8	0
Stage 2	18,229	32,312	15,103	12,966	10,014
Allocate Seat 2	1	2*	0	8	0
Stage 3	18,229	21,541	15,103	12,966	10,014
Allocate Seat 3	1	3*	0	8	0
Stage 4	18,229	16,156	15,103	12,966	10,014
Allocate Seat 4	2*	3	0	8	0
Stage 5	12,153	16,156	15,103	12,966	10,014
Allocate Seat 5	2	4*	0	8	0
Stage 6	12,153	12,925	15,103	12,966	10,014
Allocate Seat 6	2	4	1*	8	0
Stage 7	12,153	12,925	7,552	12,966	10,014
Allocate Seat 7	2	4	1	9*	0

At each stage the bold tally represents the highest average vote at that stage in the count. Average vote shown only to the nearest integer. Votes for smaller parties not shown.

*signifies party allocated an additional seat at that stage in the count

Table 1, which is based on what happened in the Mid Scotland & Fife region in 2011, shows how this allocation of additional list seats operates in more detail. In the top row of the table we show the total number of list votes cast for each party list, while underneath

we show (to help make sense of these figures) what these represent as the share of the total list vote. Meanwhile in the third row we show the total number of seats won by each party in the nine constituency seats in the region. Here we can see that the SNP almost swept the board winning eight of these seats, while Labour picked up just one. All of the other parties emerged empty handed from the constituency ballots.

In order to decide which party should receive the seven additional seats in the region we begin by calculating the total number of list votes won by each party divided by the number of constituency seats it won - plus one; the 'plus one' is added to avoid dividing the votes won by parties that failed to win any constituency seats by zero, a calculation that comes to infinity! We refer to the resultant figure (shown at Stage 1 in Table 1) as the average vote per seat. The first of the seven additional seats is then allocated to the party whose average vote per seat is the highest. This proves to be the Conservatives, who were the most popular of the parties that failed to win any constituency seats. They are allocated the first seat, and their vote is then divided by two. After that has been done we then again identify which party now has the highest average vote (see Stage 2). This proves to be Labour, which is thus allocated the second seat, and its list vote is now divided by three instead of two. Thereafter this process is reiterated another five times until eventually all seven list seats are allocated. The final result is not perfectly proportional - even though the party won considerably less than half of the vote, the SNP still secured more than half (9/16) of all of the seats (constituency and list) in the region. Indeed, even though it had won no less than eight constituency seats, the party was still credited with one of the additional list seats. In contrast, despite winning a little over 4% of the vote, the Greens did not win any seats at all. With a grand total of 16 seats to be won in the region, a party needs to win 1/17th of the vote (or 5.9%) to be (more or less) sure of winning one seat, a threshold that the Liberal Democrats just reached, but which the Greens (along with eight other lists and an independent candidate) did not. In short, the system is not particularly kind to smaller parties and, as a result, quite a few votes (in this instance amounting to almost 10% of all list votes cast) can end up being 'wasted' in that they fail to contribute to the election of any candidate, a situation that helps explain why a party might well win more than half the seats on considerably less than

half the vote.

There is just one other feature of the list part of the system that we should take on board. In presenting their list of candidates who are standing for election on the list ballot, the parties present those candidates in the order in which they would like to see them elected. Thus, in Mid Scotland & Fife in 2011, the first of the two seats that were allocated to the Conservatives was given automatically to the candidate whose name was put by the party at the top of its list, while the second went to the person who was listed second. The only exception to this rule is that if someone on a party's list succeeds in winning a constituency seat, then the list seat that they would otherwise have been allocated is given to the next most highly ranked candidate who has not already been elected. In this instance this meant that the additional seat that was allocated to the SNP in fact went to the candidate (Annabelle Ewing) who was the fourth most highly ranked person on the SNP list.

This practice means, of course, that voters do not have any influence over which of the candidate or candidates on a party list is elected. They have to accept the list in the order in which it is presented to them by their preferred party, an order that in most instances will have been determined by a ballot of all of the party's members in that region.

2

PARTY PROSPECTS

As we have already noted, the SNP performed remarkably well in the UK general election held in May 2015. The party won only very slightly less than half of all votes cast. In contrast, Labour won just 24%, its lowest share since 1918, the Conservatives 14%, their lowest share ever north of the border, and the Liberal Democrats just 8%, less than at any time since 1970. Neither the Greens nor UKIP fought all of the seats in Scotland but with an average vote share of 2.6% and 2.3% respectively in the seats that they did fight, neither was as successful in Scotland as it was in England or Wales.

The SNP's success in that election was all the more remarkable for the fact that, hitherto, it had performed less well in elections to the Westminster Parliament than it had in elections to the Scottish Parliament at Holyrood. For example, in between its success in winning 33% of the vote in the 2007 Scottish Parliament election and no less than 45% in 2011, the party won just 20% in the 2010 election to the UK House of Commons. When polls and surveys have asked people both how they would vote in a Scottish Parliament election and in a UK one, they have consistently found that more people say they would vote for the SNP in a Scottish Parliament election than said they would vote for them in a UK-wide ballot (Curtice, 2009).

However, the referendum transformed Scottish electoral politics. While their views on the merits of independence or otherwise had been one of the considerations in voters' minds as they decided how to vote, it was by no means the only one. There were plenty of people who backed independence who did not vote for the SNP. In the 2010 UK general election, for example, just 51% of respondents to that year's Scottish Social Attitudes survey who said that they supported independence (and who voted in the 2010 election) said

that they had voted for the SNP¹. In the 2015 contest, in contrast, no less than 84% did so². And while the SNP did also attract some support (27%) in 2015 from those who preferred to have a devolved rather than an independent Scottish Parliament, people's views on the constitutional question were now much more strongly aligned with the way in which they voted than had been the case in the past.

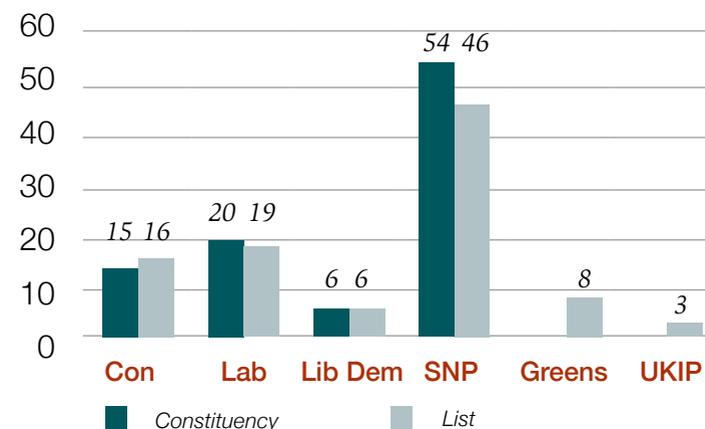
It is this phenomenon that primarily explains the SNP's electoral success in May 2015. Most of the 45% of people who voted for independence in September 2014 were apparently determined to reiterate that view by backing the SNP – even though, according to the British Election Panel Study as many as 36% of them (comprising more than two in five of all those who voted Labour in 2010) had backed Labour in 2010³. Telling a survey interviewer that they supported independence was one thing, putting an X on a ballot paper in a decisive referendum on the subject quite another. And while 45% of the vote was not enough to win the referendum on independence, it was (especially when bolstered with support from a minority of No voters) more than enough for the SNP to claim most of the seats in Scotland given they were facing a divided unionist opposition and the way in which first-past-the-post works.

This transformation of Scotland's electoral politics now looks as though it will manifest itself once again in the Holyrood election on May 5th. Eight polls of voting intentions for that election were conducted in the run up to the election campaign in February and March. As Chart 1 shows, on average, these polls have put the SNP well ahead. Indeed, on the constituency vote at least, the party is credited with no less than 54% of the vote, even more than the 50% of the vote that it won last year. Despite the party's spectacular success in last year's Westminster election, it appears as though

- 1 Support for independence here is measured (in both 2010 and 2015) by a question that invited people to choose between independence inside or outside the EU, a devolved Scottish Parliament either with or without taxation powers, or no parliament at all. For further details, see: <http://blog.whatscotlandthinks.org/2016/03/what-difference-did-the-referendum-make-to-scotlands-constitutional-debate-2/>
- 2 Equally, 86% of those who said that they had voted Yes to independence in the referendum supported the SNP in the 2015 UK election (compared with 22% of those who voted No).
- 3 Those who did not vote in the 2010 election are excluded from this calculation.

voters may still be somewhat more willing to vote for the SNP in a Holyrood contest than in a Westminster one. Certainly when the most recent Scottish Social Attitudes survey asked people how they would have voted if it had been a Holyrood election that had been contested last year, the proportion of respondents who said that they would have voted in such a ballot was five points higher than the proportion that said they actually voted for the party in a Westminster contest.

CHART 1. AVERAGE SUPPORT FOR THE PARTIES IN POLLS OF SCOTTISH PARLIAMENT VOTE INTENTIONS, FEBRUARY AND MARCH 2016



Source: Polls conducted by Ipsos MORI, Survation, TNS and YouGov.

Meanwhile, these polls confirm that attitudes towards the constitutional question are still closely aligned with the way in which people intend to vote. Five of the eight polls conducted in February and March also asked people how they had voted in the independence referendum. On average no less than 88% of Yes voters said that they intended to cast their constituency vote for the SNP, while just 17% of No voters did so.

Given that so many of their onetime supporters voted Yes in the referendum, this pattern is inevitably bad news for the Labour

party. It leaves the party more or less confined to fishing for votes in the waters of unionist voters – and finding itself in competition with the Conservatives in so doing. At 20%, Labour's average level of support on the constituency ballot is well down from the 32% it won on that vote in 2011, when its support on that ballot was boosted somewhat by the personal vote garnered by many of the party's MSPs attempting to defend their seat (Curtice and Steven, 2011). Indeed, if the polls are correct the party could be heading for its worst ever result in Scotland.

Indeed, some polls have even suggested that the party may have slipped behind the Conservatives, though, at 15%, the Tories' average level of support in recent polls is in fact up just a point on their 14% tally in 2011 and is still two points adrift of what it managed in 2007. In short, the speculation about second place is more an indication of Labour's difficulties than of Conservative progress. That said, there is very little sign of any advance being made by the Liberal Democrats, despite the fact that the party is defending a very low 2011 base of 8% support that was occasioned by voters' reaction to the party's then role in the UK Conservative-led coalition. It appears that that is a role for which the party still has to be forgiven.

The SNP's dominance of the electoral scene is not, however, apparently so strong when it comes to the list vote, where the party is credited with a somewhat more modest 46% of the vote. However, irrespective of the accuracy or otherwise of the polls in general, their estimates of where the parties stand on the list vote should be regarded with particular caution. Given that many voters are not familiar with the details of the Holyrood voting system, there is a risk that, when people are asked how they will vote on a second ballot, some give their second preference party when in practice they will end up voting for the same party twice. Some voters do, of course, vote differently on the two ballots, though at 18% the proportion who told the 2011 Scottish Social Attitudes survey that they did so suggests that voters are perhaps rather less inclined to use this feature of this system than its advocates sometimes suggest⁴. Certainly, the main reason why the SNP's overall majority in 2011 was such a surprise was because the polls suggested the SNP would do less well – by between six and nine points – on the

⁴ This 18% figure is similar to the 20% figure recorded by the same survey in 1999 and 2007 (Curtice et al., 2009).

list vote than on the constituency ballot, when in practice the gap proved to be just one point.

This caution about the accuracy of the polls' estimate of list support means that there is inevitably particular uncertainty about the electoral prospects of the Greens and UKIP, wholly reliant as they are on that ballot for realising their ambitions for getting MSPs elected. As Chart 1 shows, the polls have been relatively optimistic about the Greens' prospects; their average of 8% of the vote puts them well above the threshold of 5-6% of the vote that we have seen that a party needs to win before it is likely to win a seat in a region. But the polls were quite optimistic about the party's prospects at the last election too, putting it at between six and eight percent of the vote when, in the event, it secured just 4%. Meanwhile, so far as UKIP are concerned recent polls have varied widely in their estimates of its support, ranging from as low as zero and as high as eight percent!

3

HOW THE ELECTORAL SYSTEM MIGHT WORK THIS TIME AROUND

Leaving any doubts, we may have about the accuracy of the polls to one side, how might the electoral system work if the outcome is anything like what they have been suggesting? To answer that question, we have to make a few assumptions. First of all, we assume that the geographical variation in party support across Scotland remains the same in 2016 as it was in 2011. If that is the case then the changes in the popularity of the parties across Scotland as a whole—shown for each party on the two ballots in Chart 2⁵—will be replicated; in the case of the constituency vote, in each and every constituency, and in the case of the regional vote, in each and every region. Thus we assume, for example, that the Conservatives’ share increases by one point on the constituency vote in each and every constituency and by four points on the list vote in each and every region. The equivalent assumption is made for all of the other parties.

Once this calculation has been done for all of the constituencies, we can establish which party, on these assumptions, will ‘win’ each of the 73 constituencies. That means we also know the number of constituency seats ‘won’ by each party in each region. Armed with that information we can then, after taking into account the number of constituency seats that they have won in that region, allocate the additional seven seats to the parties in each region in proportion to their projected share of the list vote.

⁵ At 4%, the average UKIP share of the list vote in the polls represents a three point increase on the party’s tally in 2011. Under our assumptions such an increase would prove insufficient to enable the party to win any seats.

CHART 2. DIFFERENCE BETWEEN AVERAGE VOTE SHARES RECENT POLLS AND VOTE SHARES IN THE 2011 SCOTTISH PARLIAMENT ELECTION

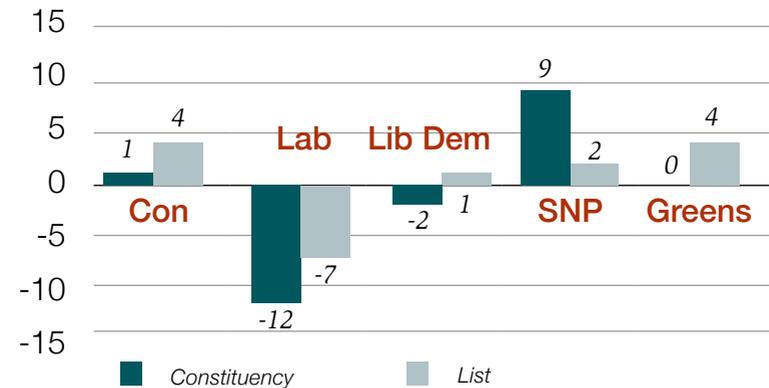


TABLE 2 SEAT PROJECTION BASED ON RECENT POLLS

	Con	Lab	Lib Dem	SNP	Greens
Constituency Seats	2	0	1	70	0
List Seats	16	25	5	2	8
Total	18	25	6	72	8
Change since 2011	+3	-12	+1	+3	+6
% Seats	14	20	5	56	6

Note: One seat was won by an Independent in 2011 (Margot MacDonald) who has since died.

Table 2 shows what the overall outcome of the election would be under these assumptions, showing not only the total number of seats that each party would win (and how this compares with the number of seats that it won in 2011), but also, separately, the total number of constituency and list seats. The projected outcome is quite dramatic. Even though the party's share of the (supposedly decisive) list vote is well below 50%, the SNP would win a second overall majority, this time with three more seats than the party obtained five years ago. Labour would lose nearly a third of its representation, with just 25 seats, but would still be comfortably bigger than the Conservative delegation, even though that would now contain three more MSPs. Meanwhile, by winning one seat in every region the Greens would usurp the Liberal Democrats from their position as Holyrood's fourth largest party.

Equally dramatic, however, are the projected divergences in the source of the parties' representation. All but two of the SNP seats would come from the constituencies, where the party is expected to win all but a handful of the 73 seats that are available. Labour, in contrast, would be wholly reliant on seats won via the regional lists (just like the Greens); the party is projected to lose every single one of the 15 constituency seats that it currently holds. It is this possibility that perhaps accounts for the fact that Labour has adopted a very different strategy for nominating candidates than it has done at previous Scottish Parliament elections. Until now, Labour candidates have been discouraged - indeed were often not allowed - to stand for election both in a constituency and on their party's regional list. Many in the party seemed to regard being elected as a list MSP as a 'back door' route to a place at Holyrood, and especially so if that candidate had been defeated in their local constituency. Thus, for example, in the 2011 election in Scotland only three incumbent constituency Labour MSPs who were hoping to be re-elected also stood as a regional list candidate, in each case because it was recognised that changes to constituency boundaries had made it more difficult for them to retain their existing seats (Curtice and Steven, 2011)⁶.

This time only one of the Labour MSPs who were elected five years ago via the constituency ballot and who are standing again for election has not sought a place on their party's regional list.

⁶ In addition, just two incumbent Labour list MSPs also fought a constituency as well as standing on the list.

(Conversely, no less than 13 of the party's incumbent list MSPs is fighting a constituency as well as standing on the list.) The party's failure to allow people to stand on both ballots in 2011 meant that the party's heavy defeat cost it dear in terms of losing experienced parliamentarians. Now that there no longer appears to be a safe Labour constituency seat in the country, it appears that the party and individual Labour MSPs are determined not to make the same mistake again.

However, while Labour may now have finally come to terms with the fact that it is advisable for a party to put its best foot forward in both parts of the Scottish Parliament electoral system, the potential imbalance between the parties in the source of their Holyrood representation potentially presents many a SNP voter with a strategic dilemma. As we saw in Table 2, even though the party was credited with as much as 46% of the vote, the nationalists are projected to do so well in the constituency contests that the party is expected to win just two list seats. That would appear to imply that under this scenario many a list vote for the SNP would be 'wasted', that is it would fail to contribute towards the election of an MSP. Indeed, under our scenario that proves to be the case for any regional list vote cast for the SNP anywhere other than in the Highlands & Islands region, the only region where the party is projected to win any list seats.

That this situation could arise in a number of regions, given the SNP's current standing in the polls, has led to speculation that nationalist supporters might be wise on the second ballot to vote tactically for a different party, such as the Greens or the left-wing RISE grouping, both of which also support independence. That way their vote might contribute to the election of another independence supporting MSP rather than apparently being wasted. Certainly, the potential attraction of doing so is demonstrated by the projected outcome in the Lothian region under our scenario. As we can see from Table 3, the SNP is projected to win all nine of the constituency seats in the region and as a result, its 41% of the list vote is insufficient to entitle it to any further seats. Meanwhile, we can see that with 11.6% of the vote, the Greens just miss out on winning a second list seat; the last of the seven list seats goes to Labour rather than the Greens because their average vote per seat is just 0.2 of a percentage point higher at that stage in the count. If, on the other hand, just 0.5% of voters had voted on the list ballot for the Greens

rather than the SNP, the nationalists' allies on the constitutional question would have secured another seat while their 'defection' would not have cost the SNP anything.

TABLE 3 HYPOTHETICAL ALLOCATION OF SEATS IN LOTHIAN REGION, 2016

	Con	Lab	Lib Dem	SNP	Greens
% List vote	15.7	17.9	6.5	41.2	11.6
Constituency Seats	0	0	0	9	0
Stage 1	15.7	17.9	6.5	4.1	11.6
Allocate Seat 1	0	1*	0	9	0
Stage 2	15.7	9.0	6.5	4.1	11.6
Allocate Seat 2	1*	1	0	9	0
Stage 3	7.9	9.0	6.5	4.1	11.6
Allocate Seat 3	1	1	0	9	1*
Stage 4	7.9	9.0	6.5	4.1	5.8
Allocate Seat 4	1	2*	0	9	1
Stage 5	7.9	6.0	6.5	4.1	5.8
Allocate Seat 5	2*	2	0	9	1
Stage 6	5.2	6.0	6.5	4.1	5.8
Allocate Seat 6	2	2	1*	9	1
Stage 7	5.2	6.0	3.3	4.1	5.8
Allocate Seat 7	2	3*	1	9	1

Note: For ease of calculation, in this table the d'Hondt allocation has been made on the basis of the parties' percentage vote shares rather than absolute totals of votes. The choice is immaterial to the projected outcome.

But, of course, this is not a strategy without risks. Perhaps, in the event, the SNP will not do so well as the polls are currently suggesting, thereby ensuring that every last list seat won or lost matters. Conversely, if the polls are indeed underestimating SNP support on the list vote (and overestimating that of the Greens) then the party may well be strong enough in at least some regions to pick up a list seat even if it has won all of the constituency seats in that region (while perhaps the Greens are too far away from the 5-6% needed to win a list seat for any likely level of SNP tactical support to make a difference). Our scenario whereby the SNP win well over half the vote in the constituencies but considerably less on the list is certainly one that maximises the chances that the party's list support fails to make any difference to its overall tally. In any vote one can see why the party is using the social media hashtag #bothvotessnp in the election campaign—it does not wish to take the risk that it loses out because voters decide to try and help another party on the list vote.

Apart from highlighting the potential strategic dilemma facing SNP supporters on the list vote, our scenario also demonstrates another reason (apart from the incidence of wasted votes for smaller parties) why the Holyrood electoral system can treat larger parties relatively generously. It will be noted from Table 3 that even at the last stage of our hypothetical count the average (percentage) vote per seat for the SNP is, at 4.1, well below that for the Conservatives, Labour and the Greens. This raises the possibility that perhaps the SNP may have won more seats in the constituency contests in the region than the total number of seats that they would have won if all 16 seats in the region had been allocated in proportion to the parties' shares of the list vote – in other words, that there are too few list seats to correct for the disproportionality created by the outcome in the constituencies. This does indeed prove to be the case; if all 16 seats had been allocated in proportion to the parties' share of the list vote the SNP would have been credited with just seven seats. Across Scotland as a whole under our scenario, the SNP would win as many as eight more seats in the constituency contests than they would have been allocated if all the seats had been distributed via proportional representation. Without those eight seats the SNP would have 64 seats, one less than is needed for an overall majority.



Photo: The SNP; Creative Commons

4 CONCLUSION

One thing about the outcome on May 5th is certain. Even though the party could conceivably win a higher share of the vote than it managed last May, the SNP will not sweep the parliamentary board. This year's election is being fought under a system of proportional representation that, although it may well give the nationalists another overall majority, will also ensure that any party that wins more than 5-6% of the vote will secure at least some representation – while a party that wins, say, 20% of the vote, can expect to win around 20% of the seats, even if it fails to win any constituency seats at all. There will certainly be some kind of opposition in the new Holyrood parliament, even if there is some uncertainty as to which might be the largest of the opposition parties.

However, it is an electoral system that also has its limits. A party that is very successful in the constituency contests may secure more than its proportionate share of seats, and thereby secure an overall majority it otherwise would not have won. At the same time the supporters of such a party can find themselves faced with a tactical dilemma—whether to support their preferred party on the list vote given that doing so may do nothing to add to its tally of seats. Meanwhile, voters' lack of familiarity with the system means that the polls appear to find it particularly difficult to accurately estimate the parties' respective strengths on the list vote. That of course simply adds yet another layer of uncertainty to the tactical dilemma that some voters may feel that they face. Next month we will find out what, if anything, they eventually decide to do about it.

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