

Options for Electing a Diverse Senedd

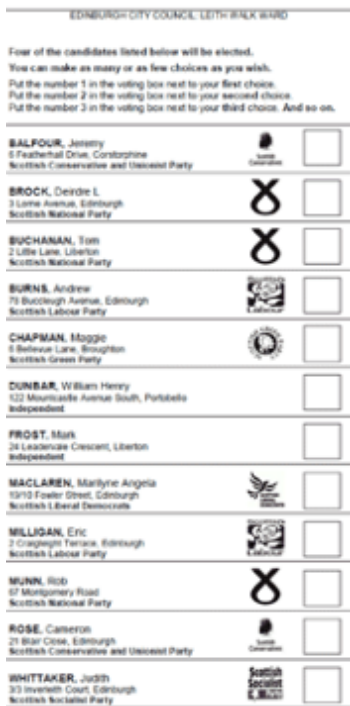
April 2022

This briefing discusses a number of the different electoral systems under consideration as part of the negotiations on Senedd Reform; the Single Transferable Vote and the three variants of List Proportional Representation – open, semi-open/flexible and closed; along with examples of countries that have integrated gender quotas under each electoral system.

Single Transferable Vote

The Single Transferable Vote (STV) is the Electoral Reform Society’s (ERS’s) preferred form of proportional representation. It is used in Scotland for local elections; Northern Ireland for Assembly and local elections; and the Republic of Ireland for general elections to the Dail Éireann and for local elections. The Welsh Government has passed legislation allowing Welsh local councils to move to STV for their elections, after the next set of local elections in May 2022.

Example of an STV ballot paper from the Scottish Local Elections



How it works

A number of candidates are elected per constituency, often between four and five, representing the diversity of opinion across an area. To get elected, a candidate needs a set number of votes, known as the quota, which is based on the number of people to be elected and the number of votes cast. Any candidate who has more first preference votes than the quota is elected, with any excess votes over and above the quota being transferred to the second preferences of the voters who voted for this candidate. If no candidate reaches the quota, the least popular candidate is removed and the people who voted for them have their votes moved to their second preference candidate. This process continues until all candidates are elected.

Why STV?

STV places maximum power in the hands of voters and is very straightforward for them to use. Voters simply rank as many candidates as they wish in order of preference, 1,2,3,4 etc. This allows them to express nuanced preferences and indicate not only which parties they prefer but often also which candidates from within the same party.

How to apply gender quotas under STV

Of the countries employing STV, Ireland was the first to enact a gender quota law in 2012.¹ The law instructs political parties to select at least 30 per cent female candidates and 30 per cent male candidates (to increase to 40 per cent for elections from 2023 onwards). Not to do so results in the forfeit of 50 per cent of State funding that political parties receive on an annual basis. The quota is designed to incentivise political parties to select women candidates but does not direct them how to go about this. Parties maintain their autonomy to decide their own candidate selection processes and procedures.²

In Irish political parties, candidate selection operates within a hybrid framework of ‘local selection, but with national approval’.

In 2016 the number of female candidates increased by 95 per cent from 15.2 per cent in 2011 to 29.6 per cent in 2016³, with a 47 per cent increase in the number of

1 https://www.researchgate.net/publication/317835248_The_Irish_legislative_gender_quota_The_first_election

2 <https://www.idea.int/data-tools/data/gender-quotas/country-view/143/35>

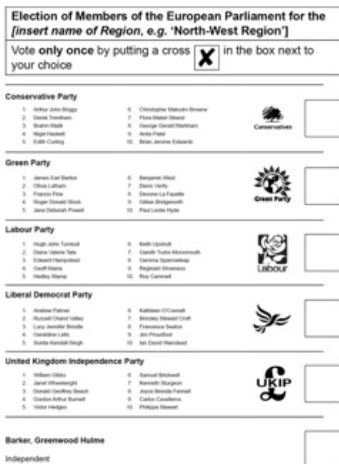
3 <https://blogs.lse.ac.uk/europpblog/2016/03/16/the-2016-irish-election-demonstrated-how-gender-quotas-can-shift-the-balance-on-female-representation/>

women elected from 15.1 per cent in 2011 to 22.2 per cent in 2016⁴. This reflects the changes that can be achieved in just one electoral cycle after integrating gender quotas but obviously from a very low base and with a current quota size of 30 per cent. There is also no mandatory placement mechanism included in the quota which is likely to have an impact on how many women are actually elected as a result. In the 2020 elections the number of women candidates exceeded the quota at 31 per cent, but the number of elected women only increased slightly to 22.5 per cent.⁵

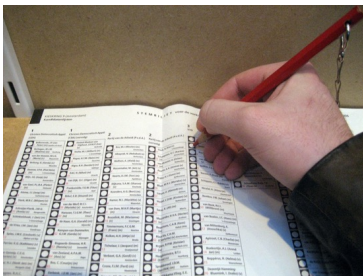
4 https://www.researchgate.net/publication/317835248_The_Irish_legislative_gender_quota_The_first_election

5 <https://www.tandfonline.com/doi/abs/10.1080/07907184.2020.1762283>

Example of a Closed List PR ballot paper from the European Parliament Elections in the UK



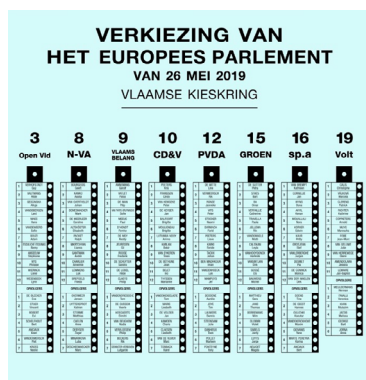
Example of an open list ballot paper from the Dutch National Elections



6 <https://senedd.wales/media/eqbesx12/a-parliament-that-works-for-wales.pdf> p128.

7 <https://commonslibrary.parliament.uk/research-briefings/sn03948/>

Example of a flexible list PR ballot paper from the European Parliament Elections in Belgium



List PR

List PR is another form of proportional representation. It is not currently used in the UK but a form of it was used in Great Britain for elections to the European Parliament, prior to the UK's exit from the European Union.

How it works

As with STV, a number of candidates are elected per constituency, with the aim being to represent the diversity of opinion across an area. There are different types of list system, which put varying degrees of power in the hands of voters. Another thing to consider is the method of allocating seats under List PR electoral system – there are two main electoral formulas used, the D'Hondt method and the Sainte-Laguë method.

$$D'Hondt\ Quotient = \frac{Votes}{Seats + 1}$$

$$Sainte - Laguë\ Quotient = \frac{Votes}{(2 \times Seats) + 1}$$

The D'Hondt method usually produces less proportional results than the Sainte-Laguë method due to the electoral formula normally favouring larger parties over smaller parties. Whichever method is used seats are allocated in rounds to the party with the highest quotient, and each party's quotient is re-calculated every time they win a seat.

A closed list system is the version which puts least power in the hands of the voters. Each party publishes a list of candidates for each constituency. Voters mark a cross next to the party they support. Each party gets seats roughly in proportion to its vote, generally the more seats in a constituency the more proportional the result will be. Seats are filled depending on the listed order of the candidates chosen in advance by the parties. This was the form of List PR that was used in Britain for elections to the European Parliament. This system was rejected by the Expert Panel on Assembly Electoral Reform who said it left "No choice for voters between individual candidates" and "No accountability for individual Members directly to voters".⁶ This is consistent with the findings of The Power Inquiry in 2006.

Recommendation 13 of the inquiry was "The closed party list system should have no place in modern elections".⁷

An open list system allows voters to vote for a particular candidate on a party's list and thereby have an opportunity to indicate their support for a candidate, not just a party. The more votes a candidate gets, the more likely it is that they will be elected, if their party receives enough votes to elect any of their candidates. A vote for a candidate is counted as a vote for their party when it is decided how many seats each party should receive. In some countries, a voter can just vote for a party and leave the ordering of the candidates up to the votes of others.

In a semi-open or flexible list system, voters are presented with a ballot with the

option to vote for a candidate or a party. Unlike in an open list, voting for a party is taken as an endorsement of the order of candidates chosen by the party. However, with enough individual votes a candidate can still move up through the list.

How to apply gender quotas under List PR

Open and Semi-Open/Flexible List PR:

Open List PR is a sliding scale in terms of its openness, as such Semi-Open/Flexible lists are discussed in tandem with regards to applying gender quotas under these electoral systems.

The Belgian lower chamber Parliament is an example of legislated candidate gender quotas under an open list PR electoral system. In 1994 it legislated that no more than two-thirds of a party's candidates could be of the same gender (applicable from the 1999 elections), followed by stricter legislation in 2002 requiring parties to put forward an equal number of male and female candidates. In addition to these 'quota size' mandates, strong enforcement mechanisms and mandatory placement were also introduced as part of the gender quotas legislation. Strict enforcement was introduced from the outset, obliging electoral authorities to refuse the registration of any lists that did not fulfil the quota, whereas mandatory placement was introduced subsequently, alongside the increase in quota size in 2002, stating that candidates of the same gender could not occupy the top two positions on any list (this was implemented from the 2007 election, with a more lenient mandate in the 2003 elections requiring one of the top three candidates on each list to be of each gender).⁸ Over the 25 years since the first quota legislation was introduced, female representation in the Chamber of Representatives has increased by 350 per cent from just 12 per cent in 1995 to 42 per cent in 2019.⁹ Piecemeal improvements in the quota legislation has improved their effectiveness.

Despite voters being able to vote for any candidate regardless of their position on the ballot paper under open list, mandatory placement may still play an important role in the election of women as there is often a strong link between place on the list and number of votes received.¹⁰

Closed List PR:

In Costa Rica legislated candidate gender quotas are used with a closed list PR electoral system. In 1996 legislation was introduced that required 40 per cent of candidates to be women. Placement mandates to ensure that the 40 per cent of women were in 'winnable seats' as determined by the previous election's results and enforcement mechanisms followed in 1999, such that they applied to the 2002 election.¹¹ Further amendments in 2009 required increasing the quota size to 50 per cent of candidates for the 2014 elections.¹² Zipping is built into the system through the requirement that two persons of the same sex cannot be placed sequentially on the list of candidates, and in 2016 a Supreme Elections Tribunal (TSE) ruling stated that parties must also alternate between men and women at the top of the candidate lists across the seven provincial ballots.¹³ Over the 22 years since the first quota legislation was introduced, female representation has increased over 300 per cent from only 15 per cent in 1994, to 45.6 per cent in the 2018 elections.^{14, 15}

Measures to increase the effectiveness of legislated candidate gender quotas

Candidate quotas are the most common form of legislated gender quota currently used, with 63 countries having legislated candidate gender quotas for their lower or single house.¹⁶ However, these vary considerably in terms of quota size, enforcement mechanisms and whether there are any rules around mandatory candidate placement.

The size of candidate quotas in themselves are only one part of increasing female

8 <https://www.idea.int/data-tools/data/gender-quotas/country-view/60/35>

9 <https://blogs.eui.eu/genderquotas/wp-content/uploads/sites/24/2015/04/Executive-summary-Belgium-Meier2.pdf>

10 <https://www.sciencedirect.com/science/article/pii/S0261379421000500>

11 https://www.jstor.org/stable/pdf/10.1111/j.0022-3816.2004.00296.x.pdf?casa_token=CUAlljeBDqEAAAAA:Z_qJ_F1uSeVgDvdzXJ3fbGs8u5AaQ0B2DiOS80gXY6jLZ2zTYC-PFjyxBt48lvCT98MhVi12PHLLVVMYnygrvHD1RVswg9Kkj--lnPO_11Voedsq7g

12 <https://www.idea.int/data-tools/data/gender-quotas/country-view/87/35>

13 <https://ticotimes.net/2016/05/27/gender-equality>

14 <https://bulletin.ids.ac.uk/index.php/idsbo/article/view/597/PDF>

15 <https://www.idea.int/data-tools/data/gender-quotas/country-view/87/35>

16 <https://www.idea.int/data-tools/data/gender-quotas/legislative-overview>

17 <https://www.jstor.org/stable/20680225>

18 <https://ticotimes.net/2016/05/27/gender-equality>

19 <https://www.idea.int/data-tools/data/gender-quotas/reserved-overview>

20 <https://aceproject.org/ace-en/topics/ge/ge2/ge22/gender-quotas-in-elections/legislated-reserved-seats>

representation in a parliament. How they are delivered, and the design of the quota has a huge impact. A cross-national study showed that quotas were three times more effective in increasing representation of women when coupled with mandatory placement (such as zipping) and strong enforcement.¹⁷ In addition, some countries, such as Costa Rica, alternate between genders across the top position of their lists of candidates while zipping their candidates lists, which further impacts the number of women elected.¹⁸ Understanding how these additional measures can support the effectiveness of a gender quota in realising the descriptive (electoral) representation of women is vital in producing effective gender quota legislation.

Reserved seats

Reserved seats are a form of gender quota that set aside a certain number of seats for women or representatives of the under-represented gender to be elected to a legislative body. 26 countries currently use this method of gender quota for their lower or single house elections, largely from the Middle East and Africa.¹⁹

There are three main methods of implementing reserved seats²⁰:

- A special nation-wide tier for female candidates only, e.g. a set number of seats reserved for women-only. This method is used in Morocco where there are 60 seats are elected through a women-only list.
- Rotational quotas, e.g. rotating women-only reserved seats across constituencies/regions. This method is used in India at the sub-national level with the reserved wards rotating between elections.
- Alternate thresholds, e.g. there are two thresholds for being elected, one based on absolute number of votes where all candidates compete directly for seats, and a second threshold based on only the votes received by a sub-set of candidates i.e. women candidates, to elect a set number of reserved seats. This system is sometimes referred to as the “best loser”.

All of the examples of gender quotas in this briefing could have been implemented under any of the electoral systems discussed. Their effectiveness in returning elected women to parliament depends on their design including quota size and the supporting elements of mandatory placement and enforcement mechanisms. We would urge those designing the legislation to carefully consider these aspects in ensuring effective quotas to promote diversity. Wales should learn from the iterative process of gender quota legislation in other countries (i.e. Belgium and Costa Rica) to implement the most effective legislation from the outset.

An electoral system that ensures voter choice as well as proportionality is vital in delivering a system that is sustainable for the Senedd long-term. The principles of a good electoral system outlined by the Expert Panel should underpin any final decision on electoral system for the Senedd.

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