In July 2003, I submitted a paper to the Richard Commission about electoral reform. Its unanimous recommendations were consistent with my submission and I write now to reiterate, update and expand on some of my reasoning.

Given the time and depth of the deliberations of the Richard Commission, over a full 18 months[[1]](#endnote-1), I submit that it is likely that this Expert Panel, had it the time to examine the issues in comparable detail, would probably reach broadly similar conclusions. Its unanimous conclusions on electoral reform were:

* if the number of Assembly Members is to increase we recommend that, on balance, the STV system of election is the best alternative to the present system;
* the size and boundaries of the STV constituencies will be a matter for the Boundary Commission for Wales ... a range of four to six Members (and exceptionally of three Members in some areas) per constituency should make possible a reasonable balance between local accountability and proportionality.

My full submission of July 2003 may be retrieved from the archives but I have four specific issues that I now wish to reiterate and develop:

1. The Richard Commission, whilst supporting STV, ruled against employing 3-member STV constituencies (other than in exceptional situations).
2. Using STV, constituencies may have varying sizes and elect more or fewer AMs to ensure that the voter/AM ratios are reasonably equal.
3. The Richard Commission did not recommend that National Assembly constituencies should be aligned with Westminster constituencies.
4. The gross disparity between Local Authority electorates in Wales must be taken into account in choosing the STV constituency boundaries.
5. With appropriate legislation, the number of AMs may be varied by a once-per-session vote in the National Assembly – without further legislation.

In my opinion, this Expert Panel should accept that the Richard Commission - which had far more time and resources at its disposal – arrived at sensible conclusions and that, given a similar opportunity to consider these issues in depth, this Expert Panel would come to a similar conclusion. All my submissions (summarised above) develop my earlier arguments made to the Commission in 2003.

1. 3-member STV constituencies are undesirable

Given the 4+ party system we currently enjoy in Wales, 3-member constituencies will be only marginally more proportional than FPTP and many, if not all, the other virtues of STV will not be realised (I assume that proportionality is agreed to be a good thing and that we don’t have to revisit the pre-1997 debates).

Voters need to believe that their votes matter – which they are more likely to do in 4+ member STV constituencies where the final places are invariably ‘marginal’ whoever is expected to win the first 3 places. Voter turnout will be higher if the outcome of a constituency election is not a foregone conclusion.

With our current AMS system, a party able to muster ~12% of the votes in a region is likely to be represented in the National Assembly. This means that most voters can identify with at least one AM in their region – which, I submit, is a good thing.

With 3-member STV constituencies, the threshold for election is 25%, in a 4-member constituency it is 20% and in a 6-member constituency only 14% - comparable with the current AMS system. (Yes, I realise that these include transferred votes and are not precisely comparable - but there can be no doubt that our current AMS system is far more inclusive than 3-member STV constituencies).

So, 3-member STV constituencies would be a step backwards for proportionality – which, I submit, would be bad for democracy and good government.

2 Size of STV constituencies

First-past-the-post single-member constituencies need to have roughly the same size of electorates – which is why the current revision has taken place. STV constituencies, by contrast, need comparable voter/AM ratios and can have varying electorates and may elect different numbers of AMs.

However, the ballot papers may become somewhat imposing if an STV constituency is very large - for example, if 8 or more are to be elected, the number of candidates could exceed 30 and discourage or confuse voters. Most people believe that 4-6 is an appropriate number for a STV constituency – although, just occasionally, I suggest, a 3-member or a 7–member constituency may be tolerated.

3 Westminster boundaries are unsuitable for STV elections

National Assembly elections currently use current Westminster constituencies and the long-obsolete “regions” for past European elections. So something else is needed. Using STV with the soon-to-be-approved Westminster boundaries, the only feasible arithmetic option will be to elect 87 AMs from 29 3-member constituencies.

Whilst 87 may be an appropriate number, it is an accident of arithmetic. It is arbitrary and inflexible and, even if currently thought appropriate, it could not be altered if the workloads of AMs were to change. Moreover, AMs with whom I have discussed this issue report that their caseload (insofar as it is affected at all) is related more to the Local Authority jurisdictions than the boundaries of Westminster constituencies.

As devolution evolves, it is likely that this divergence between the duties of AMs and MPs will continue and that the Westminster boundaries will become progressively less relevant for the activities of the National Assembly.

4 Basic arithmetic

My preference in 2003, as now, is for the Local Authority boundaries to be the basis for the National Assembly constituencies enabling - as described in 2003 - the number of AMs to be decided independently (and easily revisited if need be).

But, due to a gross disparity between the most and least populated Local Authorities (Cardiff has more than 5 times as many voters as Merthyr), there are some arithmetic realities that restrict the options. In the first column of the Table below, I have paired the 8 smallest Local Authorities to create 18 “constituency centres”.

Registered electors, December 2014

(with 4 Local Authorities “paired”) AMs for each “constituency centre”

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| “constituency centres” | | Electorate |  | 75 AMs | 80 AMs | 85 AMs | 90 AMs | 95AMs |
| Blaenau Gwent + Merthyr | | 95234 |  | 3 | 3 | 4 | 4 | 4 |
| Bridgend |  | 102570 |  | 3 | 4 | 4 | 4 | 4 |
| Caerphilly |  | 129367 |  | 4 | 4 | 5 | 5 | 6 |
| Cardiff | (\*subdivided into 2) | 241767 |  | \*8 | \*8 | \*9 | \*10 | \*10 |
| Carmarthenshire | | 139029 |  | 5 | 5 | 5 | 5 | 6 |
| Conwy |  | 92176 |  | 3 | 3 | 3 | 4 | 4 |
| Denbighshire | | 75041 |  | 3 | 3 | 3 | 3 | 3 |
| Flintshire |  | 116105 |  | 4 | 4 | 4 | 5 | 5 |
| Gwynedd + Anglesey | | 129875 |  | 4 | 5 | 5 | 5 | 6 |
| Monmouthshire + Torfaen | | 140250 |  | 5 | 5 | 5 | 6 | 6 |
| Neath Port Talbot | | 105500 |  | 4 | 4 | 4 | 4 | 5 |
| Newport |  | 102852 |  | 3 | 4 | 4 | 4 | 4 |
| Pembrokeshire + Ceredigion | | 139256 |  | 5 | 5 | 5 | 5 | 6 |
| Powys |  | 101804 |  | 3 | 4 | 4 | 4 | 4 |
| Rhondda, Cynon, Taf \*\*(3+4?) | | 173275 |  | 6 | 6 | \*\*7 | \*\*7 | \*\*7 |
| Swansea | \*\*(3+4?) | 174925 |  | 6 | 6 | \*\*7 | \*\*7 | \*\*7 |
| The Vale of Glamorgan | | 93231 |  | 3 | 3 | 3 | 4 | 4 |
| Wrexham |  | 101962 |  | 3 | 4 | 4 | 4 | 4 |
| Total (all Wales) | | 2254219 |  | 75 | 80 | 85 | 90 | 95 |

The arithmetic then reveals that, for a National Assembly of 75AMs, nine of the Local Authorities would be entitled to only 3 AMs but that Cardiff would need to split into two equal constituencies, each to elect 4. The same arithmetic reveals that if 90 AMs is the goal, only Denbighshire would elect only 3 AMs – and Swansea and RCT also might have to be sub-divided to elect 4-6 AMs/constituency.

That’s (almost) consistent with the Richard Commission report which stated: “*multi-Member constituencies could be created relatively* **easily** *(my emphasis – JC) … using local authority boundaries*” and “*Constituencies of between four and six Members (and exceptionally of three Members in some areas) could also be constructed to share boundaries with local authorities*”.

So, within the anticipated range of 75-95 AMs, these suggested constituencies would satisfy Richard’s recommendation (other arrangements also may do so). How might this be defined in legislation?

5 Legislating for flexibility

Legislation for STV elections is very tried and tested and should cause no problems. The legislation to establish the number of AMs and the boundaries of each new STV constituencies will be unique to Wales.

The table on the previous page suggests that legislation might define 18 “constituency centres” with the authority to hold elections by STV for 3-6[[2]](#endnote-2) AMs (not necessarily the same groupings that I have tabulated). The Local Authorities of each “centre” would have authority to conduct the elections in accordance with this legislation.

The procedure would begin with a decision on the total number of AMs to be elected. Simple arithmetic then determines the entitlement of each “constituency centre” and what action the Local Authority may need to take to prepare for the election – usually a simple decision to hold an election for the number of AMs just calculated.

However, in the event that the entitlement of a “constituency centre” exceeds 62, the Local Authority then would have the authority to sub-divide its own electorate into two separate STV constituencies to conform to the 3-6 members criteria.

This procedure would allow the National Assembly to enact legislation that will be sufficiently robust that (within the range 75-95 AMs and possibly a little wider) a change in number of AMs need not require further new legislation.

1. The Commission held 115 evidence sessions, 3 seminars and issued 2 consultation papers and received over 300 written submissions. It held 9 public meetings, observed the Assembly in plenary and in committee, visited the Scottish Parliament, met the Speaker of the Northern Ireland Assembly and visited Westminster, to meet MPs, Peers and others, three times. [↑](#endnote-ref-1)
2. My personal preference would be to allow 7-member STV constituencies rather than oblige the authorities to sub-divide into 3-member and 4-member constituencies. But I am writing this submission to demonstrate that it is feasible to conform to the exact wording of the Richard Commission’s recommendations. [↑](#endnote-ref-2)