

## Mixed Electoral Systems — Features to be decided

### 1. **The Mix Principle (goals of system):**

a) *parallel* (MMM) – these systems produce proportionality only within the List part of the system. When added to constituency outcomes, the result is likely to maintain overall disproportionality. The advantage is that it provides some proportional element, allowing small parties to win some share of the legislature, while sustaining the legislative strength of the larger parties and so increasing the prospects of majority government. *Example = Japan*

b) *proportional* (MMP) – these systems are designed to produce a legislature in which the overall strength of the parties reflects their level of electoral support. This means that parties that do disproportionately poorly in constituency-level elections get a correspondingly larger share of the list seats. This makes the party vote the primary one in determining the balance of forces in the legislature and the governments it supports. *Example = Germany*

c) *compensatory* (MMC or perhaps MMP-Lite). These are systems designed to work like MMP ones but so structured that full proportionality of votes to seats is unlikely. This would likely be done by limiting the number of seats in the list section of the system. The advantage would be to give some recognition to small parties while trying to retain some of the basic dynamics of the current system. It might well be seen as a ‘first-step’ kind of reform.

### 2. **Balance between local and list seats:**

Mixed systems vary considerably in the numbers of seats assigned to the constituency and list parts of the system. In practice it is difficult to estimate how any ratio will work for much will depend upon the number of parties competing, the relative size of their support bases, and the overall size of the legislature. The smaller the legislature the less room there is for maneuver if the goal is full proportionality. In general, more list seats will improve proportionality and given the size (79) of the BC legislature it would likely be very difficult to achieve full proportionality with anything less than 1/3 of the seats on the list side.

Note that the other side of this issue is the size of the constituency seats. Increasing the number of list seats will generate a corresponding increase in the size of the individual constituency districts.

*Examples C:L = Germany – 50:50; New Zealand – about 60:40; Wales 66:33*

3. **Candidate seat eligibility:**

a) Candidates *must run on both lists* – this provision forces list candidates to engage voters in the constituencies and work to attract support, even in seats they do not expect to win. All MLAs will have thus had a common experience of facing local voters which may reduce the distance between the two types of members. It also means that all list MLAs will be individuals who have failed to be elected in a constituency.

b) Candidates are *free to run on both sides* of the system as they choose. This allows parties to run leading figures on the list with some substantial prospect they will be elected (given a closed list) even if they come from an area where their party is not likely to win a local contest. In the countries where this is used the majority of candidates appear to choose to run on both sides of the system.

*Example = Germany; New Zealand*

c) Candidates might be required *to choose either the constituency OR the list side* of the system. This would provide a clear separation of the two distinct roles – representing the local constituency or the provincial party – for the MLAs. It would free up constituency MLAs from having ‘defeated’ opponents setting up shop in the district with some claims to being a local representative. None of the list MLAs could be accused of having entered the legislature via a back door after a local defeat.

4. **List-Constituency access and compatibility provisions:**

This is the so-called ‘Italian problem’ that might arise if parties ran under different labels in the two parts of the system. It really only is a concern if large parties (who might be expected to win constituency seats) do it. If it were to occur it has the potential to turn an MMP system into an MMM one. If this is seen as a problem then one might want to require that parties run candidates for both riding and list seats. The issue of how many constituencies they would need to nominate in to be eligible to access the list side of the ballot is important for too high a barrier (which would effectively be an organizational threshold) might freeze out some small or regionally-focused parties.

5. **Number of Votes:**

a) *2-Votes*. Most Mixed systems allow the voter two votes on separate ballots – one for the local candidate, one for the party. For the parties the most important vote is the party, not the candidate, vote. For the electors, this gives them greater choice and allows vote splitting (now at about 40% in New Zealand). By in large this favours small parties whose supporters can give them their party vote but then vote for the candidate of a larger party who may have a more realistic chance of winning the local constituency. This leaves the

large parties dominated by constituency members (especially on the government side) and the small parties by list members.

*Example = Germany; New Zealand*

b) *I-Vote*. In this type of system the voter selects her preferred candidate and the total of all candidate votes becomes the measure of the party's vote share. This minimizes vote splitting and so should reduce the incentives to party proliferation. It establishes the primacy of the constituency vote and forces the parties, and all its candidates, to concentrate on it.

*Example = Germany in early years of the system*

## 6. **Constituency seats:**

a) First Past the Post – this would retain a familiar process

*Examples = New Zealand, Scotland*

b) Majority principle (AV or run off) – this would increase voter choice at this level. It would also give the parties some incentive to declare their preferred coalition partners in advance of the election as part of a vote-trading campaign appeal.

## 7. **PR seats** (assuming PR list)

### 7.1 **Level at which seats allocated:**

Seats can be allocated at the provincial level to provide for province-wide proportionality OR they might be allocated regionally to ensure that parties got a proportional share of seats for each particular region. The former would likely give the greatest degree of overall proportionality; the latter would probably have a lower degree of over-all proportionality (the 'natural threshold' might be higher) but it could provide regionally based parties a chance to win more seats.

*Example: System-wide = Germany (now), New Zealand;*

*Regional = Scotland, Wales, Germany (originally)*

### 7.2 **Level at which seats assigned**

Irrespective of the level at which seats are allocated to parties the question of who fills them must also be settled. Do the successful candidates come from a single system-wide party list or from regional lists? The latter would be used to ensure that elected candidates come from the various regions of the province.

*Example: System-wide = New Zealand; Regional = Germany, Scotland*

For an example of how a province-wide allocation with regional seat assignments might work see the submissions by Day (# 1203 and 1667)

### 7.3 Provincial or Regional List

Registered parties will need to file a list of candidates for this section of the ballot. Whether they would be required to nominate a candidate for every possible seat is an open question. The decision as to whether it will be one list or several regionalized ones depends upon decisions made about allocation and assignment.

If lists are regionalized the question of how many regions and whether they are of equal size might be considered.

### 7.4 Closed or Open list:

*Closed lists* are straightforward although one related form might be a ‘best losers’ option which would take decision of who actually filled the party seat from the party and gave it (indirectly) to the voters. This would require that all candidates run in local constituencies and effectively do away with a formal list (it would theoretically include all local candidates).

*Open lists* would need to specify the form and counting rules. Would voters indicate a preference among candidates, have an option to move candidates around on the list, or simply vote for one candidate on the list (e.g. *Finland*)? The issue is do you want to give the voters the option to alter the list OR do you want to force them to make the decision about which candidate wins.

### 7.5 Formula for list seat allocations (Farrell p 71-8)

Here are decisions for the mathematically enthusiastic. Farrell gives examples of mechanisms that use quotas (Hare, Droop, Imperiali) which operate on the subtraction principle [*Examples = Austria, Denmark, now South Africa*], or formula (d’Hondt, Sainte-Laguë or modified Sainte-Laguë) that operate on the divisor principle [*Examples = Finland, New Zealand and Norway respectively*].

Farrell reports a ranking of the extent to which these different formulas will approach proportionality on p 78. He says the research suggests that the Hare quota “produces the most proportional result” while the “least proportional systems’ use the D’Hondt highest average of the Imperiali quota.

### 7.6 Threshold(s):

Is there to be a threshold that parties must meet before they are eligible to win any seats from the list side of the system? If so what kind, what level?

a) *Kind* – some systems use a minimum percentage of the vote. Recall, however that all systems have a ‘natural threshold’ which is a function of

the DM. If it is a province-wide allocation this would be 1/79. If regional allocations were used it would obviously be higher. The other kind is a requirement that seats can be won if a party captures some number of constituency seats. This typically helps small or regional parties that cannot meet a system-wide minimum.

b) *Level* – This is simply a statement of what level is established for the particular threshold(s).

*Example = New Zealand, 5% of the vote OR 1 constituency seat*

### **7.7 Overhang seats (almost always called *Überhangmandate* seats):**

In MMP systems it is possible for a party to win more seats at the constituency level than its vote share would entitle it to on a proportional basis. If proportionality is to be respected and the party is also to be allowed to keep these seats it won on the ground then the legislature must be temporarily enlarged. (*Example = Germany*). This is perhaps more likely if the list side of the system is regionalized.

Issue is do you provide for such seats – if not, do you accept the resulting disproportionality or have some formula for deciding which constituency seats must be given up.

## **8. Seat vacancy provisions for both types of seats**

a) *Constituency seats* – By-elections are the norm, and on the same principle as the initial election.

b) *List seats* – The typical practice is to go back to the list on the assumption that the seat belongs to the party

## **9. Other considerations (?)**

On the assumption that list seats belong to the party the Assembly might want to offer the consideration that the Legislature will need to make some provision for what happens if a Member leaves his/her party. Will the seat be declared vacant and then filled in the usual way (*Example = New Zealand*) or will some other rule be applicable?

Attached are two ballots from mixed systems – one from New Zealand, one from Germany – to give you an idea what they look like