

Tus
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March '96

Elections to All-Party Talks

An Alliance Party Paper

Principles

Alliance wants to see All-Party Talks on as *inclusive* a basis as possible, starting at the *earliest* possible date, without continuing lengthy debate about electoral systems causing unnecessary delay. It would also be an advantage if a system could be used for which the legal basis was clear, and which did not require the delay occasioned by entirely novel legal drafting.

The electoral system should be easily *understood* by voters, parties, and officials, and should contribute to the election of a body which is *widely representative* of all significant groupings in the community.

After due consideration, we are strongly of the view that the elections should be held on a Westminster constituency basis. Such an approach is *familiar* to the electorate and will provide a sense of *local involvement* and identification with the process across the province. We are convinced that such a system will ensure the election of the most widely representative range of negotiators, and it is also an advantage that candidates seeking election under a constituency STV system will have an incentive to make their appeal as wide as possible, in order to *seek transfers from the supporters of other parties*.

Representatives elected on such a basis will be more likely to be conscious of, and responsive to, the wishes of the wider community (which is likely to be pro-compromise) than representatives who take their authority simply from appointment through party mechanisms and who are answerable only to party committees (which are likely to be more hard-line).

Individuals should be elected rather than parties. Electing individuals not only encourages a sense of identification and involvement for local communities, but also, under STV, allows voters the opportunity to express a preference between candidates of the same party. A party voting system would require a mechanism for party registration, which could be the subject of legal challenge. A system of voting for parties would inevitably lead to party nominees being tied to party manifesto's, having to report back continually to party committees and conferences, and lacking the same freedom and confidence to negotiate.

Elections should produce a result which is as proportional and fair as is practically possible, and should involve a transferable vote system, since this vote system undermines the argument about 'wasted votes' which so severely weakens smaller parties.

The lesson of European (province-wide constituency) elections is very relevant to this consideration.

The Electoral Facts - from previous experience

The DUP has consistently beaten the Ulster Unionists in European elections -which are the only NI elections to use a province-wide constituency. The DUP has always vastly overperformed in these elections as compared to the outcomes in any other elections. The SDLP also does better against Sinn Fein in European elections than in local elections, at least since 1984. It is useful to compare the Euro-Results with those achieved in Local Government Elections, Assembly Elections and Westminster Elections.

One element in the difference in election outcomes may be the traditional difference in electoral turnout between the East of the province and the West. Over many years the voters in the West have turned out in much larger numbers, and this skews the results towards parties with a more largely rural base, and against parties which have their main base in the East of the province and in urban areas. While this may account for a proportion of some of the difference it is not one of the more important reasons.

It would appear that the most significant explanation for the marked difference in the results in province-wide constituency elections may be that such elections concentrate attention on certain prominent personalities and that many people set aside their particular policy and party preferences. They may be voting for the candidate they see as being the strongest representative of their section of the community. The result is therefore a **divisive** two-horse race, with people voting not for the candidate or party they prefer but for the representative of their community who they see as most likely to do well. It becomes in effect a matter of voting for tribal champions in a sectarian headcount.

The first European election in 1979 is particularly revealing and shows in full force the electoral effect of using a province wide voting system, without the added effects of precedent.

In the local elections in 1977 the UUP got 29.6%, the DUP 12.7%.

In the Westminster election on May 3rd 1979 the UUP got 36.6% of the total vote (fighting 11 seats), while the DUP got 10.2% (five seats).

In the European elections on June 7 the DUP got 29.8%. The UUP got 21.9%. The Alliance vote fell from 14.4% in the 1977 locals and 11.8% in the 1979 Westminster to 6.8% in the European election. Oliver Napier got 15,066 votes in East Belfast in May 1979, and 39,026 across the province four weeks later.

There were no dramatic developments between the May and June elections which would account for the changed voting pattern in the European Election, which was seen as a

watershed in Northern Ireland politics. It established Ian Paisley as the dominant figure in Unionism and led directly to the resignation of Harry West as leader of the Ulster Unionist Party. The DUP, riding on the crest of a wave followed the 1979 results with good results in elections in 1981 and 1982. Their vote in constituency based elections has since fallen back sharply, but they continue to achieve very much their best results, and to beat the Ulster Unionist Party by clear margins, in European elections. In the May 1989 Local Government Elections the UUP took 31% against the DUP's 18%; while in the European election in June the result was reversed to UUP 22% : DUP 30%.

Smaller Parties

Much has been claimed about the benefits of a province-wide constituency election for smaller parties. While simple mathematics would seem to support, such a view the political facts would suggest otherwise. The case of the Workers Party, which has actually contested all Northern Ireland elections since 1973, is the most accurate indicator of the likely fortunes of other small parties which have come to the scene more recently.

There has been a very clear trend in Worker's Party results. The *best* result they have ever achieved in a European election was *worse* than their *worst* result in any other form of election (see appendix 2). In 1989 they took 1.7% in the Westminster elections (fighting 7 constituencies out of 12) against 0.8 in the European election a month later. In 1989 they got 2.1 % in the local elections, fighting a very limited number of seats, against 1% in the province wide European election. The full history of their results is tabulated in Appendix 2.

Why might a small party like the Worker's Party (or the newer Loyalist Parties) do so poorly in such elections? It is clear that the problem is not just one of the voter believing that the candidate cannot be elected, for in Westminster Elections, where there is similarly no chance of election, the results as an overall percentage are much better. One part of the problem may be to do with manpower and other resources. These parties are only organised in limited (usually urban) areas. They do not have the resources to fight a province-wide election effectively. Instead of being able to muster resources locally and **target** seats, their limited capacity is dissipated province-wide. Differential voter turnout between the urban East and the rural West may also be significant, but it seems likely that much the most important element is the 'tribal champion' ethos of the province-wide constituency.

In a list system - where electors can vote only for a single party - the smaller parties become marginalised, through suffering from the wasted vote and 'one strong voice' arguments. In a pure party system they would also suffer from the unfamiliarity of their names/initials. They will do best, **even in overall percentage terms**, in multi-constituency elections, where they can concentrate on the areas where they are strongest. In such areas of concentration they may well be able to stay in the race long enough to get transfers from other candidates (eg Hugh Smyth in West Belfast, might well stay in

longer than an Alliance candidate and get transfers which keep him ahead of the DUP/UUP, then taking their transfers be elected.) Such a process of building on transfers is of course impossible in a list system. Even more problematic for the two Loyalist parties is the fact that in a list system **both** will simply get their own vote, and will not transfer even to each other. In an STV system they could transfer to each other and thus improve the chances for the better performing Loyalist in any area.

If it is felt essential to provide for circumstances in which they fail to be elected in any constituency their involvement could perhaps be ensured by providing, by a simple mechanism, that any party grouping which fights 6 seats and obtains 1% of the total vote is entitled to one seat, though this may not be an easy system to operate. (These figures are of course purely arbitrary.)

It is also worth noting some of the other disadvantages of a party system in which people vote only for a party name. This system could well lead to the election of unknown and idiosyncratic candidates claiming to represent other views. It is also worth remembering that Rev Hugh Ross, standing on an Independent Ulster platform, obtained a significant percentage in the 1994 Euro election, and there are sometimes diversionary attempts to create various Labour and Tory parties. An untried and unpredictable system may have unpredictable results.

A system which is based on individual candidates standing in individual areas, and then topping up the votes of candidates who *associate with each other on their nomination papers and who fought in a minimum number of constituencies*, ought to eliminate the really fringe parties and candidates and might also simplify the problems of party registration. All of these methods of tinkering with the system to address the concerns of very small and divided loyalist opinion will however complicate the legislation, and may create more problems than they solve.

Having examined the facts, as distinct from the purely mathematical possibilities put forward by pundits who have a limited understanding of the political realities in elections, the clear conclusions which one must draw are as follows:

- The form of election influences the way people vote. It will not only affect which party they vote for, but also whether they tend to vote in a way which exaggerates division, or which optimises cross-community agreement.
- The use of province-wide polls has consistently and significantly favoured the DUP, and also the SDLP. It is therefore not surprising that it is these parties which have proposed such a system. Much caution however should be exercised in any proposal which sets Proportional Representation aside. In the past this was done for party advantage in Northern Ireland, much to the detriment of political life here.

- The experience of the Workers Party (the one small party which has consistently fought all elections) shows that small parties are 'squeezed' in 'province-wide' elections, even when the use of STV mitigates against the wasted vote argument.

Voting for a Party, not a Person

As already suggested a system based on voting for parties rather than individuals would result in negotiators who will be mandated by party appointment. They would not be likely to represent the more independent and flexible strands of party thinking. They would be at all times under the direction of the party leader and of the party apparatus, would be tied to party manifestos and would have to report back to party structures.

It is worth noting too that there is no tradition in these islands of voting solely for a political party. The tradition is to vote for a person, who may or may not represent a party. Only with some reticence should one move away from a system which allows small local groups and independent minded individuals to stand for election and represent the views of particular interests and viewpoints. Some would argue that we have already moved too strongly towards large parties governed by a tough 'whipping' system. This at least has gradually grown up by convention. A clear step away from such individualism should not come without due thought and public debate.

A list system obviously requires a party list. Parties as currently ordered have no constitutional mechanism for constructing such lists, and so any party which was going to construct a democratic way of selecting its representatives, would need to immediately introduce internal constitutional change since the absence of precedent means that no local parties have currently the internal mechanisms for democratic selection of such candidates - only for their appointment by party leaders.

A province-wide party list system or a party plebiscite would also require a fool-proof system of party registration, for which there is no British precedent or model. There are models in other countries. The establishment of the bona fides of a political party in Denmark for example requires for registration a petition of names amounting to the number of voters in one electoral area. In Northern Ireland terms this would be 1/90 of the electors, in an election using the (18 x 5) model. It is likely that small parties would not find it easy to create a list of 7-8,000 supportive electors.

The reason for such tight legal arrangements for the registration of political parties comes out of the experience of using such systems. Disputes about ownership of names and variations of names can, and would almost certainly would, cause huge problems, with the very real possibility that such disputes could finish up in court, disrupting the process and reducing it to ridicule. If this seems far fetched it is worthwhile to consider the following:

- The 'Literal Democrat' in the last European election in the UK, cost the Liberal Democrats a European seat, a matter which was sustained in an electoral court.
- A person has changed his name by deed poll to Sir Nicholas Lyell and is proposing to stand against the Attorney-General as a 'Conversative'.
- The party led by David Trimble could hardly stand both as Official Unionists and as Ulster Unionists, leaving the other name, or similar variations, free for others to claim. This technique has been used on Belfast City Council to create a separate Unionist Grouping.

There may seem to be an element of silliness to this issue but actually it is extremely serious. Important elections could be delayed or disrupted by court arguments about the right to use particular names. The ultimate absurdity would be the whole process being delayed for months while various left-wingers dispute through the courts the right to use the name 'Labour'.

Finally, there would need to be clarity on which distributive system were to be used after the casting of votes designed to make the number of votes as nearly as possible equal for all parties. There are a number of such systems in place in countries where a list system is used. The D'Hondt Rule is commonly described, however it tends to benefit larger parties, and other systems such as the Sainte-Lague and Hare-Niemeyer Systems have been developed to address this problem, and indeed in the case of the latter actually to give a slight advantage to small parties. A decision would be required as to which of these methods was to be put into the legislation.

Legislation

Any new electoral arrangement would require new legislation, which would require to be complex and detailed. Any such legislation needs to deal precisely and exactly with every stage of the electoral process, and must be proof as is humanly possible against legal challenge. It must be stressed that it may jeopardise the next stage of the Peace Process if vitally important elections are conducted on the basis of a new, unfamiliar, and ill-considered electoral system. No British legal precedent exists for party registration or for any form of list system, and the legislative problems in devising and introducing such complex legislation at such short notice should not be underestimated. Given the extreme urgency of moving the Peace Process forward the case is overwhelming for the use of the **existing** electoral system.

There is surely little argument for **changing** a system with little to commend it other than the assumed benefit to some political parties. In the past such changes, calculated to benefit already large parties, contributed heavily to the political problems of Northern Ireland.

Appendix 1: Election results in Northern Ireland since 1970:

European Elections

	DUP	UUP	oth U	Alliance	others	SDLP	SF
1994	29%	24%	2%	4%	3%	29%	9%
1989	30%	22%	5%	5%	3%	25%	9%
1984	34%	21%	3%	5%	2%	22%	13%
1979	30%	22%	7%	7%	9%	25%	

Local Government Elections

	DUP	UUP	oth U	Alliance	others	SDLP	SF
1993 (cllrs)	17% (103)	29% (197)	4% (28)	8% (44)	7% (32)	22% (127)	12% (51)
1989 (cllrs)	18% (110)	31% (194)	6% (32)	7% (38)	6% (27)	21% (121)	11% (43)
1985 (cllrs)	24% (142)	29% (190)	3% (14)	7% (34)	6% (26)	18% (101)	12% (59)
1981 (cllrs)	27% (142)	27% (152)	5% (22)	9% (38)	15% (69)	18% (103)	
1977 (cllrs)	13% (74)	30% (178)	9% (34)	14% (70)	13% (57)	21% (113)	
1973 (cllrs)	4% (21)	41% (233)	11% (53)	14% (63)	16% (73)	13% (83)	

Westminster Elections

	DUP	UUP	oth U	Alliance	others	SDLP	SF
1992 (MP's)	13% (3)	35% (9)	8% (1)	9% (0)	2% (0)	23% (4)	10% (0)
1987 (MP's)	12% (3)	38% (9)	5% (1)	10% (0)	3% (0)	21% (3)	11% (1)
1983 (MP's)	20% (3)	34% (11)	3% (1)	8% (0)	4% (0)	18% (1)	13% (1)
1979 (MP's)	10% (3)	37% (5)	11% (2)	12% (0)	12% (1)	18% (1)	
1974b (MP's)	8% (1)	36% (6)	17% (3)	6% (0)	10% (1)	22% (1)	
1974a (MP's)	8% (1)	32% (7)	24% (3)	3% (0)	10% (0)	22% (1)	

Stormont Elections

	DUP	UUP	oth U	Alliance	others	SDLP	SF
1982 (seats)	23% (21)	30% (26)	6% (2)	9% (10)	3% (0)	19% (14)	10% (5)
1975 (seats)	15% (12)	26% (19)	22% (21)	10% (8)	4% (1)	24% (17)	
1973 (seats)	11% (8)	29% (24)	22% (18)	9% (8)	7% (1)	22% (19)	

Appendix 2: The Workers Party performance in different elections.

1973	Council Elections	3.0%
1973	Assembly Election	1.8%
1974	Feb Westminster Election	2.1%
1974	Oct Westminster Election	3.1%
1975	Convention Election	2.2%
1977	Council Elections	2.6%
1979	Westminster Election	1.7%
1979	European Election	0.8%
1981	Council Elections	1.8%
1982	Assembly Election	2.7%
1983	Westminster Election	1.9%
1984	European Election	1.3%
1985	Council Elections	1.6%
1987	Westminster Election	2.6%
1989	Council Elections	2.1%
1989	European Election	1.0%

After the split into Worker's Party and Democratic Left:

1992	Westminster Election	0.6% (+ 0.3% Dem Left)
1993	Council Elections	0.7% (+ 0.4% Dem Left)
1994	European Election	0.5%

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