

# EUROPEAN ELECTIONS BRIEFING 2

April 1977

The British Government published its "White Paper with green edges" on European Elections ("Direct Elections to the European Assembly", Cmnd. 6768, 60p) on April 1. It concentrates on the single most important matter still to be decided in this country if the elections are to be held, as planned, in May or June 1978: the electoral system to be used.

The White Paper outlines three main possibilities:

## 1. Simple Majority System, but with STV in N. Ireland

England would be divided into 66 single-member seats, Scotland into 8 and Wales into 4.

These Euro-constituencies would be groupings of 8 to 10 House of Commons constituencies, and would have roughly equal electorates.

The Euro-constituency boundaries would be drawn up by the Parliamentary Boundary Commissions following one round only of representations, but no local enquiries.

Candidates' deposits would be £500, and 50 electors' signatures would be needed on nomination papers.

Election would be by simple majority, i.e. "first past the post".

Northern Ireland, however, would be a single 3-Member seat, with voting by Single Transferable Vote (see below).

## 2. A. Regional List System

The UK would be divided into 11 electoral areas, based on the existing economic planning regions. Each would have more than one Member:

Electoral Area	Seats	Electorate (m)	Electorate per seat
Scotland	8	3.7	467,000
Wales	4	2.0	508,000
N. Ireland	3	1.0	348,000
SE England	14	7.0	503,000
Gt. London	10	5.3	530,000
S.W. England	6	3.1	517,000
E. Anglia & E. Midlands	8	4.0	500,000
W. Midlands	7	3.7	531,000
N.W. England	9	4.75	530,000
Yorks & Humb.	7	3.6	508,000
N. England	5	2.3	460,000

Parties would put up lists of the appropriate number of candidates in each area.

Voters would put an X against one candidate on the party list of their choice.

The seats in each area would be allocated proportionately between the parties on the basis of the votes for each list (votes for a candidate are taken as votes for that candidate's party list).

The seats allocated to each party would be filled according to the number of votes for each individual candidate.

## 3. Single Transferable Vote in Multi-Member Constituencies

The UK's 81 seats would be allocated to about a dozen constituencies, each returning between 3 and 10 members.

Wales and N. Ireland would each constitute a single constituency, of 4 and 3 Members respectively. Scotland would comprise "one or more" constituencies, totalling 8 seats. English constituencies would be formed on the basis

of the economic planning regions, with modifications.

Candidates would stand as individuals, but parties would probably put up the same number each as there were seats in the constituency.

Voters would order some or all of the candidates by marking them 1, 2, 3, ... etc.

Individual candidates would be elected according to the preferences (in some cases 2nd, 3rd, etc., preferences) of the voters. The result would probably, but not necessarily, be proportional as between parties.



Possible distribution of seats between regions.

## A dual mandate?

The White Paper also discusses the possibility of a compulsory dual mandate, i.e. only Members of the House of Commons would be able to stand for the European Parliament. Such a provision could be combined with any of the alternative electoral systems.

## What next?

Before coming to a conclusion on the various options, the White Paper states, "the Government wishes to listen to the various views expressed in Parliament and elsewhere". According to the agreement between the Government and the Liberal Party, however, legislation for European Elections "will be presented to Parliament in this session" (i.e. before the Autumn).

In other Community countries, arrangements for the holding of European Elections are making steady progress (see back page). The first country to ratify the Community Act of September 20, 1976 was Italy (Chamber of Deputies on February 17, Senate on March 29).

# The Government White Paper

Her Majesty's Government, the White Paper observes in the introduction, "has undertaken to use its best endeavours to be ready for elections by May/June 1978." The Treaties establishing the European Community provide for the direct election of the European Parliament; and on September 20 last year an Agreement was reached by the Community's Council of Ministers. The White Paper draws especial attention to the facts that:

1. "The electoral procedures for these first direct elections should be governed by the national provisions of each member State."
2. "The substantive provisions of the

Agreement will not come into force until all member States have completed their respective constitutional requirements."

3. Although there is an "agreed intention" to hold the first elections in May/June 1978, "the agreement provides for the Council, acting unanimously . . . to determine the date of the first elections at a later stage".

The White Paper also notes that, for the United Kingdom, "there are fundamental constitutional issues involved in direct elections . . .", on which there should be "debate in Parliament and in the country" before legislation is introduced.

## System of Election for the U.K.

The system of voting to be used in the UK for the first European elections "presents a most difficult issue". On the one hand, the White Paper argues, our "distinctive electoral system" has "stood the test of time and is well understood by the electorate at large and by the political Parties". "The concept of the constituency is a fundamental part of our traditional electoral practice"; and "the advantage of the single member constituency is that the elector votes for a particular candidate in the clear knowledge that the candidate who obtains the most votes will be elected and will act as his Member". As far as the political Parties are concerned, "the selection of candidates tends to be de-centralised and exercised by the local constituency".

On the other hand, if this traditional system of voting is adopted, there will be "significant differences between our procedure and that of the other eight countries", all of which will have some kind of Proportional Representation. Moreover, "the inherent characteristics of the British system" might produce some disturbing consequences:

a) *Swings in electoral opinion tend to be magnified in terms of seats won or lost. In the context of Westminster elections "this is regarded by many as an advantage". But in the context of European Elections, where no Government is being elected, "it might be regarded as a less desirable feature". In general, the smaller the number of seats, the greater the possible disproportion between seats won and votes cast (see next page).*

b) *Thus, if the European Elections were held mid-way between General Elections to the House of Commons, there could be a wide divergence between the balance of power at Westminster and the Party composition of the UK Members of the European Parliament. This could lead to friction.*

The White Paper goes on to suggest that some of these problems could be resolved by adopting a system of proportional representation. Since the European Parliament "does not constitute a legislature or provide a government," PR for European Elections might not be open to the same objections as PR for Westminster elections. "A different institution might warrant a different form of election."

### Alternative systems

First, the White Paper considers various forms of PR through Party lists, which "would bring us into line with the majority of our European partners". There might be:

1. A **Single National List** system, under

which the whole of the UK would be considered a single constituency. (Each party would nominate up to 81 candidates, and electors would simply "vote the party ticket").

2. Separate lists for **four national constituencies**: England, Scotland, Wales and N. Ireland.

3. **Regional lists** (see page 1).

The list system would have an added advantage: "the speed with which it could be brought into operation". Any Boundary Commission procedures would be very limited. On the other hand, it would be "a major constitutional innovation, the consequences of which are difficult to foresee". The sort of constituency link we are used to would go, "giving the central or regional Party organisations a bigger role in nominating candidates". Voters might take time to get accustomed to the new system. They "might be confused by the existence of separate procedures for national and European elections, although the Northern Ireland electorate have coped with a similar situation since 1973". Moreover, there might have to be yet another change when the uniform system of voting for the whole Community is introduced for the second or later elections.

Secondly, the White Paper considers the **Single Transferable Vote** in multi-member constituencies, already used for some elections in N. Ireland. "This system gives maximum influence to the elector, who is able to express a preference as between the different candidates of the Party of his choice as well as between the candidates of other Parties". The concept of the constituency would be retained, though they would be much larger; this would mean some kind of boundary procedure. STV would also give rise to the same problems of unfamiliarity, etc., as the list system.

### Conclusions

The White Paper does not make any decision on the electoral system. There are, however, a number of conclusions:

1. "Whatever electoral system is used in the rest of the United Kingdom for direct elections . . . the special circumstances of Northern Ireland would make it appropriate for direct elections there to be conducted by a system of proportional representation."
2. Of the list systems, **Regional lists are favoured.**
3. **Whatever system is chosen, "it would be important to ensure a democratic procedure for the selection of candidates and to involve the constituency party organisations . . ."**

## Dual Mandate

The White Paper discusses the possibility of combining any of the alternative electoral systems with a compulsory dual mandate. This would mean that an elected Member of the European Parliament would also have to be a Member of the House of Commons (the White Paper does not mention the House of Lords). In effect, it would mean that all the candidates for European Elections would have to be sitting House of Commons Members.

The advantages claimed for such an arrangement are:

- the UK Members of the European Parliament would "have as their primary base their position at Westminster . . .";
- it would minimise the risk of divergencies between the European Parliament Members and the Westminster Members of the same party;
- it would "discourage the development in Britain of European parties with federalist aims which might undermine the position of our national parties".

As against this, the White Paper notes that a compulsory dual mandate would:

- impose considerable strain on the 81 Members, who would be unable to play a full role in either Parliament;
- give rise to considerable problems if an MP lost his seat at Westminster (since Westminster elections would not normally coincide with the 5-yearly European Elections);
- involve proxy voting or automatic pairing at Westminster;
- make it difficult for the Government party at Westminster to find enough candidates, especially with single-member constituencies.

As the White Paper also notes, an elected European Parliament "is likely to have a more intensive scheme of business which pays little regard to the time of sittings of the various national legislatures". And Conservative spokesman Douglas Hurd pointed out in the House of Commons on March 25 that "Hon. Members with a dual mandate have to divide their time in three parts — first in this House; second in the European Parliament; and third in aeroplanes and airport lounges".

## Select Committee

As outlined in European Elections Briefing 1, a Select Committee of the House of Commons has produced three reports on European Elections. It recommended that the electoral system should be "first past the post" in single-member constituencies. The White Paper contains a commentary on the more important Committee recommendations.

### Matters common to all electoral systems.

1. The Government accepts the Select Committee's division of the UK's 81 seats between the parts of the UK: England 66, Scotland 8, Wales 4, N. Ireland 3.
2. On the other hand it *rejects* giving the vote in European Elections either to nationals of other Community countries resident here, or to UK nationals resident abroad (other than service and diplomatic voters). This, the White Paper suggests, must wait for a Speakers' conference.
3. Consultation with the parties is promised

on election expenses, but there is to be a free postal delivery of candidates' election addresses.

4. The cost of the elections (estimated to be "at least £10 million") is to be met out of the Consolidated Fund. But "the Government has not yet formed a view on whether candidates should receive any reimbursement of their expenses from central funds".

### Matters applying to the simple majority system

1. Single-member constituencies would be of roughly equal electorates, and be formed by grouping together Westminster constituencies, as recommended by the Select Committee.

2. In this event, however, Northern Ireland would become a single, three-member constituency, with voting by STV.

3. "The Government accepts that some curtailment of the full Parliamentary review procedures will be necessary for the first elections if they are to be held in May/June 1978."

The White Paper considers three possibilities:

a) *Boundary Commission recommendations following one round of representations and local enquiries (total time from legislation to Commission reports: "a minimum of 30 weeks")*.

b) *Commission recommendations following one round of representations only (total time: "a minimum of 18 weeks")*.

c) *Commission recommendations with no representations or enquiries (total time: "a minimum of 9 weeks")*.

In view of the fact that "some six months will be needed to select candidates and prepare for the elections", the White Paper notes that the Commissions "will need to complete their work by the end of 1977". It therefore inclines in favour of option (b).

4. The White Paper rejects the Select Committee recommendation for deposits of £150 per Westminster constituency (i.e. £1,200-£1,500), in favour of £500 irrespective of the Euro-constituency size. It also favours a flat-rate 500 signatures.

### Timetable

The White Paper makes it clear that the timetable for European Elections will be affected by the choice of electoral system. If a system of single-member seats is chosen, for example, the deadlines will be:

*Royal Assent to Legislation:* by end of August 1977

*Boundary Commission work:* September-December (18 weeks)

*Preparation by parties:* January-June 1978 (6 months)

A Single National List system would require no Boundary Commission work; and, for Regional Lists "even if Boundary Commission procedures were necessary they would be less elaborate than would be required to define 81 new constituencies".

On the other hand, the White Paper also makes clear that a list system "would be new to the United Kingdom and there would need to be a reasonable period of time for political parties, candidates and electors to learn about the workings of the new system". Information and training would be needed for those who would be conducting the poll and the count.

This would also be true of STV outside N. Ireland. In addition, this system would almost certainly involve work by the Boundary Commissions, though to a lesser extent than single-members seats.

## Proportional Representation

If PR is held under a single national list system, the number of seats won by each party will be proportional to the votes cast for it. By contrast, if PR (or STV) is organised within two or more constituencies (national areas, regions, etc.), the final result need not be proportional, though the result within each constituency will be. Many forms of PR, however, combine regional and national lists — for example, in Denmark. If the result of allocating seats at a regional level does not produce a proportional final result, the additional seats allocated at national level "top up" each party accordingly.

### Methods of counting

Yet, except by an improbable freak, the distribution of seats under PR can never be "proportional" in a strictly mathematical sense. Either there would have to be the same number of seats as voters; or some individual MPs would be obliged to divide their loyalties proportionally between parties!

A great deal therefore depends — particularly for the smaller parties — on the practical formula used to convert votes cast into seats won.

For example, the d'Hondt system of counting is used in some Community countries. This effectively involves dividing the total vote for each party successively by 1, 2, 3, etc. Seats are then allocated among the resulting figures from the largest down. In strict mathematical terms, there is a slight bias towards larger parties. A similar method used in Denmark is the Sainte Laguë. Here the divisors are 1, 3, 5, etc.,

which produces a slight bias in favour of smaller parties. Under the PR systems of most countries, however, seats are not allocated at all to parties receiving under a certain percentage of votes (e.g. Germany 5%; Denmark 2%; Netherlands 0.627%).

Counting under STV is done by the "Droop quota" method. As soon as a candidate has topped the requires total, he is elected and any "surplus" votes redistributed according to the second preferences of all the voters for that candidate. If at any stage no candidate tops the quota, the bottom candidate drops out, and the votes redistributed. The process goes on until all the seats are filled.

\*  $\frac{n}{r+1} + 1$ , where *n* is the number of votes cast at any stage, and *r* is the number of seats to be filled.

### Candidates and the campaign

Under the *Single National List* system outlined in the White Paper, votes would effectively be cast for party labels only. As far as the candidates went, a great deal would then depend on how high they were on their party lists.

By contrast, under the *Regional List* system described by the White Paper, votes would be cast for only one candidate. This would mean that there would be competition, not merely between the parties, but also between the candidates of the same party.

The same would be true of STV. In addition, parties would have to take into consideration the fact that second, third, fourth, etc., preferences might have an effect on the result.

### Results under different systems

A number of studies have been made outlining the possible consequences of choosing alternative electoral systems. Most contain projections of the likely results under a system of simple majority in single-member seats.

For example, *The Economist* of 30 October 1976 published a possible list of constituencies (N. Ireland was not included), which at the October election of 1974 would have given the following result:

	England (66)	Scotland (8)	Wales (4)	N. Ireland (3)	TOTAL (81)
Labour	32	6	4	—	42
Conservative	34	—	—	—	34
Liberal	—	—	—	—	0
SNP	—	2	—	—	2
(UUUC	—	—	—	3	3)

This compares with probable results under Proportional Representation of:

	England (66)	Scotland (8)	Wales (4)	N. Ireland (3)	TOTAL (81)
Labour	27	3	2	—	32
Conservative	26	2	1	—	29
Liberal	13	1	1	—	15
SNP	—	2	—	—	2
UUUC	—	—	—	2	2
SDLP	—	—	—	1	1

Calculations have further been made as to the possible results given the electoral swings since October 1974.

For example, Professor Michael Steed's pamphlet "Fair Elections or Fiasco?" (*National Committee for Electoral Reform, 26pp, 50p*) suggests that if 20.5% of those who voted Labour in Scotland in October 1974 switched to the SNP in 1978 (with no other changes taking place) the SNP would win all 8 seats under "first past the post". The pamphlet also calculates the possible results in England and Wales, given the

swing to Conservatives of the November 1976 by-elections. Together, these give a possible European Election result:

	Simple majority	PR
Con.	65	43
SNP	8	3
Lab.	5	21
UUUC	3	2
Lib.	—	11
SDLP	—	1



# What's happening in the rest of the Community?

Introducing European Elections in most Community countries involves two separate pieces of legislation:-

1. Ratification of the Community Act signed on 20 September 1976.
2. Passage of the necessary electoral law providing for voting system, constituencies, etc.

In the United Kingdom, the ratification of treaties is the prerogative of the Crown rather than of Parliament, so that legislation is not necessary. Mr Callaghan told the House of Commons on March 29, 1976 that ratification would be by simple affirmative resolution of both Houses of Parliament; and this will probably take place at the same time as the passage of the implementing legislation.

This means that the UK is not as far behind other Community countries as is sometimes assumed. Although ratification is well advanced, most are at much the same stage as the UK in the introduction of the electoral law.

## Electoral systems

Article 7 of the Community Act states that, for the first elections at least, "the electoral procedure shall be governed in each Member State by its national provisions". This enables each country to adapt the system of election used to elect its national parliament, or to adopt a new one. Belgium, Denmark, Italy, Luxembourg, the Netherlands and Ireland are likely to adapt their national systems; France and Germany are likely to adopt a system of National List PR instead. The United Kingdom could go either way.

The later elections, a uniform system of voting will be used in all countries.



The four multi-member constituencies proposed for Ireland by the Irish Government. Voting would be by Single Transferable Vote.

## Pay and conditions

The financial and other conditions of service for directly elected Members of the European Parliament are formally the responsibility of the European Parliament itself. The Parliament's Bureau is currently drawing up a draft statute, covering such matters as parliamentary privilege and salaries and expenses.

No figure for salary has so far been fixed, though proposals have been made for a

figure equivalent to about £22,000 per annum. This would be subject to Community tax (marginal tax rates rise to 45% on salaries over about £9,800 after deducting allowances.)

In addition, Members will probably receive travel expenses, and a monthly sum for postage, secretarial assistance, etc.

## Money for political parties

Each of the six currently established political groups in the European Parliament (see European Elections Briefing 1) are entitled to draw on Community funds for the employment of staff, research, publications, etc. European Elections raise the questions:

*To what extent will political parties receive Community funds?*

*Will these be distributed through the political groups?*

*How will they be divided between the national parties making up each group?*

*How will parties not represented in the groups (e.g. Plaid Cymru and the UUUC) receive funds?*

The 1977 Budget contains an entry of about £833,000 to be divided among the political groups for a preliminary research and information programme. This will probably be divided among the groups in the following proportions:

	%
Socialist	29.5
Christian Democrat	23.8
Liberal & Democrat	17.6
Progressive Democrat	10.0
Communist	10.0
Conservative	9.1

## The position in other countries, mid-April 1977

Country	Ratification	Electoral Law	Probable System	Comments
Belgium	In Parliamentary Committee	Under discussion between parties	Certainly PR. Dispute about whether single national; separate Flemish and Walloon; or separate Flemish, Walloon and Brussels constituencies	National elections on April 17
Denmark	In Parliamentary Committee. Expected in June	In Parliamentary Committee. Expected in June.	Certainly PR. Two constituencies: Denmark and Greenland. Uncertainty about whether compulsory dual mandate	Danish national elections took place in February
Germany	Bill announced March 31	Government proposals announced	Government wants PR with single national constituency, no seats for parties polling under 5%. Opposition CDU/CSU wants regional (Land) constituencies	Difficulties with Soviet Union over 3 Berlin seats
France	Expected June 15	Expected in Autumn	PR with single national constituency proposed by Government	Communists and some Gaullists oppose any European Elections
Ireland	Ratified on March 29	Government proposals announced	4 multi-member constituencies (see map) with STV	
Italy	Ratified March 24	Under discussion	PR with regional constituencies generally agreed	
Luxembourg	Bill January. Legislation expected in June	Under preparation by Ministry of Interior	PR with single national or two regional constituencies	
Netherlands	Bill February. Legislation expected in Autumn	Bill expected at beginning of Summer	PR with single national constituency	National elections on May 25