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AV Referendum

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The Referendum on the Alternative Vote

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1. The purpose of a referendum is to allow the people to choose. But the choice in this referendum has been pre-cooked by the two coalition parties, neither of which proposed a referendum on the alternative vote in their election manifestoes. The Conservatives favour first past the post, while the Liberal Democrats favour the single transferable vote method of proportional representation. The only party to have proposed a referendum on the alternative vote in its election manifesto was Labour. Oscar Wilde said of Whistler that he had no enemies but was thoroughly disliked by all of his friends. Perhaps the same is true of the alternative vote. The referendum on the alternative vote is being proposed for tactical reasons as the lowest common denominator of agreement between the coalition parties.
2. Survey evidence indicates that most voters, and particularly supporters of the alternative vote, want a wider choice. Therefore popular support for a change from first past the post should not be equated with support for the alternative vote.
3. In October, 2010, Caroline Lucas, the Green party MP, proposed an amendment to the Parliamentary Voting and Constituencies bill providing for a multi-option referendum, which would include proportional representation. She declared that the coalition was offering 'little more than a Hobson's choice between the alternative vote and first past the post'. A multi-option referendum was held in New Zealand in 1992. In that referendum, just 7% voted for the alternative vote, while 88% voted for proportional representation. New Zealand adopted proportional representation for the 1996 election. It is holding another multi-option referendum this year to ask whether voters want to maintain the proportional system.
4. Caroline Lucas's amendment was defeated by 346 votes to 17. Of the 57 Liberal Democrat MPs, 55 voted against it and none for.
5. The referendum to be held in May is to be binding, not consultative. The Parliamentary Constituencies and Voting bill provides that the next election will be held under the alternative vote system provided that two conditions are met. The first is that the boundary review, proposed for 2013 has been completed. The second is that there is a 'Yes' vote in the referendum. Such a vote is binding whatever the

turnout and whatever the margin of victory. Turnout for the referendum on a mayor and Assembly for London in 1998 was 34%. If there is a 34% turnout in the referendum, and 17.5% vote 'Yes', and 16.5% vote 'No', the alternative vote will be introduced. If there is a large 'Yes' majority in Scotland, and a slim 'No' majority in England, there could easily be a 'Yes' majority overall and the alternative vote would be introduced, whatever the strains in what has become a multi-national kingdom. Parliament will have no discretion in the matter.

6. There has been no previous binding referendum in Britain, with the partial exception of the devolution referendums of 1979, which were also post-legislative referendums. Had there been a majority 'Yes' vote in either of the 1979 devolution referendums, and had the 'Yes' vote been over 40% of the electorate, devolution would have come into effect without Parliament being able to look again at the legislation. By contrast with the 1979 devolution referendums, there is no threshold in the alternative vote referendum. The 1997 devolution referendums were pre-legislative and consultative. The 1975 referendum on whether Britain should remain within the European Community, as the European Union then was, as also consultative. The then Leader of the House, Edward Short, declared, in the House of Commons on 11 March 1975, that the referendum was 'wholly consistent with parliamentary sovereignty. The Government will be bound by its result, but Parliament, of course, cannot be bound'. He then added 'Although one would not expect honourable members to go against the wishes of the people, they will remain free to do so'. That has hitherto been accepted doctrine.
7. It has until now been thought that a binding referendum was inconsistent with the doctrine of parliamentary sovereignty. It is remarkable that the government declares in the European Union bill that Parliament is sovereign, while proposing to bind Parliament through a referendum on the electoral system, as well as with projected referendums on any further transfer of powers to the European Union.
8. The referendum will not be decided only on the merits of the case for AV. In referendums, voters tend to follow the cues of favoured party leaders or other politicians whom they like and respect. The 1975 result is not to be explained by British enthusiasm for the European Community, but because, as one expert in opinion polls declared, 'One strong card in our hands now is that the major public figures advocating EEC membership are relatively popular, while those advocating leaving the EEC are relatively unpopular'. A private poll conducted for the Britain in Europe campaign showed that in a list of the twenty best-known politicians, the thirteen pro-Marketeers each attracted a high 'respect and like' rating, while the anti-Marketeers in general received negative rating, with maximum dislike being aroused by Tony Benn, Ian Paisley and Enoch Powell. In 1979, the defeat of devolution did not occur solely because the Scots and Welsh had decided that they did not want it; but because the referendum followed the 'Winter of Discontent' of public sector strikes,

and the Scots and the Welsh decided that they wanted to punish the Labour government which had presided over these strikes. They did so by voting 'No'.

9. In 2011, there do not seem to be any very obviously popular politicians, as Roy Jenkins and Shirley Williams were in 1975. But there is one obviously unpopular politician, especially amongst the student population, Nick Clegg. Some students may decide to vote 'No' to the alternative vote, not because they are against it, but solely to punish Clegg. The Labour Party which supported a referendum on the alternative vote in its election manifesto will probably not campaign strongly in favour of it, and many Labour supporters may vote 'No' not because they are hostile to it, but in order to weaken the coalition.
10. The political effects of the referendum could be considerable. Whatever the outcome, it is unlikely finally to settle the question of the right electoral system for Britain. In 1975, following the 2 to 1 majority for staying in the European community, Tony Benn, who had campaigned for a 'No' vote, declared, 'By an overwhelming majority the British people have voted to stay in and I am sure that everybody would want to accept that'. One journalist declared that 'The Common Market issue is settled. By their unambiguous vote – the most overwhelming expression of popular will, certainly since 1931 --- Secession is now politically inconceivable in this generation'. But by 1981, the Labour Party was committed to leaving the Community without a referendum, a proposal that was in the 1983 Labour election manifesto. Devolution, defeated in 1979, by a four to one majority in Wales, was resurrected in 1997 and came into effect in 1999. Finality, as Disraeli said, is not the language of politics.
11. If there is a 'Yes' vote, the Liberal Democrats might well continue to campaign for proportional representation, while some Conservatives might campaign to reverse the vote. If there is a 'No' vote, Liberal Democrats and other supporters of proportional representation, may claim that the referendum was not a genuine test of electoral reform since proportional representation was not on the ballot.
12. The outcome is bound to disappoint one of the parties in the coalition. A 'Yes' outcome will annoy the Conservative grass-roots who will claim that David Cameron has sacrificed the chance of a single-party majority Conservative government for the sake of the coalition. A 'No' outcome will annoy the Liberal Democrat grass-roots who will claim that Nick Clegg has sacrificed Liberal Democrat policies for little gain. Whatever the outcome, it is likely to increase the strains on the coalition. The 1975 result had important political consequences, marginalising the Left-wing of the Labour Party, and strengthening centrist forces. It perhaps had some impact on the break-away from Labour and formation of the SDP in 1981. A 'No' vote in 1975 would have led to a convulsion in British politics. Two popular senior Cabinet ministers- Roy Jenkins and Shirley Williams- had indicated that they would resign, and Shirley Williams declared that she would leave politics entirely. The government would have

been forced to the humiliating expedient of preparing legislation to take Britain out of the European Community, even though it had argued strongly during the referendum campaign in favour of membership. In 1979, the defeat of devolution destroyed James Callaghan's Labour government and paved the way for 18 years of Conservative rule. The consequences of the 2011 referendum could be equally great.

How much difference might AV make?

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Changing an electoral system can affect the outcome of an election in two ways:

- By changing the way that people *vote*, and
- By altering the outcome in *seats*

Votes

Theoretically AV reduces the incentive to vote tactically. Voters can give a first preference vote to a candidate with little apparent chance of winning, safe in the knowledge that their vote will eventually be transferred to whichever of the more popular candidates they prefer. We thus might expect smaller parties to win more support than they do under FPP.

However, FPP itself is currently proving ineffective at denying votes to smaller parties. In 2010 nearly 12% of the vote across the whole of the UK was cast for parties other than the three largest, the highest ever level since the partition of Ireland.

Meanwhile, two survey exercises that have ascertained vote choice under FPP and first preference vote under AV both suggest that most people would vote in a similar manner under the two systems.

- After the 2010 election, the British Election Study asked members of an internet panel to complete a mock ballot paper to show how they would have voted under AV. 87% indicated their first preference vote would have been the same as their FPP vote. At 9% the share of the first preference vote cast for 'Others' in England was the same as the proportion of the sample resident in England who actually voted for such parties.
- In July 2010 YouGov ascertained people's current vote intention and their first preference AV vote. Around 95% chose the same party on the two votes. The proportion saying they would vote for an 'Other' party was 9% in both cases.

Seats

AV will only make a difference to who wins an individual constituency when someone who comes second (or third) in first preference votes is sufficiently more popular than whoever comes first amongst the supporters of lower placed candidates that they succeed in overhauling the first placed candidate when votes cast for lower placed candidates are transferred. This is only likely to happen in seats that are already marginal.

A party is likely to benefit from AV if it is relatively successful at securing the second preferences of other parties' first preference supporters – but only in so far as it is already a close second in some constituencies. A party is likely to lose out if it is relatively unsuccessful at picking up second preferences – and especially so if it is only narrowly ahead in many constituencies.

At past elections, the Liberal Democrats have typically been a close second in a relatively small number of constituencies, thereby most probably limiting the degree to which they would have benefitted from the second preferences of other parties' supporters. Until 2005, the close second places they did secure were disproportionately in seats won by the Conservatives. However, this pattern has been less marked at more recent elections.

The second preferences of each parties' supporters have been collected by surveys at each election since 1983. Full details are given in the appendix to this note. They show two key points:

- The Liberal Democrats have consistently been the most popular second preference of both Conservative and Labour supporters.
- The second preferences of Liberal Democrat/Alliance voters have varied over time. Between 1983 and 1992 they were more likely to prefer the Conservatives to Labour; more recently they have favoured Labour, though less so in 2010.

These patterns of marginal seats and of second preferences suggest that the Liberal Democrats/Alliance would typically have derived a modest benefit from the use of AV at previous elections. They also suggest the Conservative landslides of the 1980s and the Labour landslides of 1997 and 2001 may have been even bigger under AV, except that in the 1980s the 'gains' the Conservatives would have made from Labour would have been tempered by 'losses' to the Liberal Democrats.

These expectations are borne out by the following estimates of what the outcome of each election between 1983 and 2010 would have been if AV had been in place.

Projected Seats under AV (and difference from FPP result)

Year	Con		Lab		Lib Dem	
	AV Seats	Diff from FPP	AV Seats	Diff from FPP	AV Seats	Diff from FPP
1983	391	(- 6)	190	(-19)	48	(+25)
1987	381	(+5)	202	(-27)	44	(+22)
1992	328	(- 8)	268	(- 3)	31	(+11)
1997	70	(-95)	445	(+26)	115	(+69)
2001	140	(-26)	423	(+10)	68	(+16)
2005	171	(-27)	377	(+21)	68	(+ 6)
2010	287	(-20)	255	(-3)	80	(+23)

These estimates suggest that the only recent election in which a hung parliament would have occurred under AV was 2010, an election that produced the same outcome under FPP.

The mock ballot exercise conducted by the British Election Study in 2010, which also identified third and subsequent preferences, generated a not dissimilar estimate for 2010. It reckoned the Conservatives would have won 285 seats (-22), Labour 248 (-10) and the Liberal Democrats 89 (+32). It also suggested that the eventual winner would have been different in just 43 of the 632 constituencies in Great Britain.

However, it is possible that these survey based estimates somewhat overestimate the number of people who would express a second and subsequent preference. Although surprisingly little reference has been made to the fact in the referendum debate so far, AV has been in use in Scottish local government by-elections since 2007. In six cases where these by-elections were counted electronically, full details are available of the number of preferences cast by each voter. On these occasions only between a half and two-thirds did so. In contrast, most surveys elicit second preferences from around 80% or so of respondents (see the Appendix). As a result they may thus somewhat overestimate the impact of transfers on the outcome in seats. (Note, however, that many an AV by-election in Scotland has been counted by hand, and thus the information on the number of preferences cast not been generated.)

Scotland's experience does confirm that the use of AV usually only makes a difference to the outcome in marginal contests, but that it is likely to be of some limited benefit to the Liberal Democrats. Of the 31 by-elections held under AV to date, the candidate who won most first preferences has failed to win the seat on only four occasions. Two were contests where the

Liberal Democrats were between 4 and 5% behind the Conservatives on first preferences; the remaining two were contests where an Independent candidate overtook the SNP after being 1% and 7% behind (in the latter instance a number of Independent candidates stood in the by-election).

It should, however, be remembered that the past is not necessarily a reliable guide to the future. We have already seen that the pattern of second preferences has changed during the course of the last thirty years. It has now already done so again since last year's general election. When YouGov obtained second preferences in July 2010, just 33% of Labour voters indicated a willingness to give a second preference to the Liberal Democrats, less than half the proportion who did so at the time of the general election (see Appendix). Meanwhile, given the current standings of the parties in the polls and the more recent pattern of second preferences, Labour would be expected to secure an overall majority in an immediate general election irrespective of whether it was held under FPP or AV.

Conclusions

- A switch to AV is likely to be of some benefit to the Liberal Democrats.
- But the overall partisan consequences of such a switch are likely to be both modest and to vary somewhat over time.
- Hung parliaments would be somewhat more likely to occur, but they would still be far from inevitable (and can still occur under FPP).
- Landslide victories would still be quite possible.

Appendix: Second Preferences of Main Party Supporters 1983-2010

1983-97: If the voting paper had required you to give two votes, in order of preference, which party would you have put as your second choice?

2001 & 5: If the voting paper required you to give two votes, in order of preference, which party would you put as your second choice?

2010: If you were given a second preference vote in the general election, would you give that second preference vote to the Conservatives, Labour Party, Liberal Democrats or some other party?

Con voters		Second Preference				
		Con	Lab	Lib Dem	Nat/Other	None
1983	%	-	5	76	1	17
1987	%	-	8	71	2	19
1992	%	-	8	69	6	17
1997	%		25	54	11	11
2001	%	-	21	47	12	20
2005	%	-	21	54	15	10
2010	%	-	8	41	26	26

Lab voters		Second Preference				
		Con	Lab	Lib Dem	Nat/Other	None
1983	%	14	-	60	7	20
1987	%	17	-	59	8	15
1992	%	14	-	58	13	16
1997	%	11	-	65	15	10
2001	%	15	-	57	13	15
2005	%	22	-	59	11	8
2010	%	9	-	70	13	9

LD/Alliance Voters		Second Preference				
		Con	Lab	Lib Dem	Nat/Other	None
1983	%	43	36	-	3	18
1987	%	52	32	-	4	12
1992	%	42	36	-	7	15
1997	%	22	64	-	7	7
2001	%	19	53	-	11	18
2005	%	26	54	-	10	8
2010	%	27	35	-	18	20

Sources : 1983 -1997 British Election Study (post-election); 2001/5 : ICM/BBC (pre-election); 2010 ComRes/Independent (pre-election).

The Alternative vote: A benign electoral reform for the UK

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1. What is different (and not different) about AV vis-à-vis the existing FPTP system? The crucial point of difference is the election of MPs with 'majority' support in their constituencies. Other than that little else will change. The main point here, of course, is that if the referendum passes, then Britain will be moving from one form of non-proportional system to another. In other words, there actually would not be that much change: this is not the revolutionary reform that many of its supporters and detractors suggest it is.
2. Evidence from Australia (the country that 'invented' AV, and with the longest history of using this system) suggests that a move to AV is likely to have little impact on the bottom line – the election result. It may well be the case that voters will make use of the option to vote preferentially – rank ordering candidates on the ballot paper – but in the bulk of cases the preferences are likely to have little impact on the final electoral outcome. This is what the history of AV in Australia demonstrates.
3. On the whole, a switch to AV would be a relatively benign move. It would give MPs greater electoral legitimacy in their constituencies because they could credibly claim to have the support of more than half of the voters. But apart from that there may well be little other tangible effect: apart from a possible 'hop and jump' in the first election or two – which is often the product of a recent electoral reform – over time the balance of electoral power between the existing parties is likely to look much as it currently does. In short, this is not the 'major' electoral reform its proponents make it out to be. It would, however, be a potentially important stepping stone in the direction of real electoral reform. And in that respect, if the referendum is defeated then this would seriously jeopardize the cause of electoral reform, killing it off for generations to come.