

Victoria

UNIVERSITY OF WELLINGTON

*Te Whare Wānanga
o te Ūpoko o te Ika a Māui*



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LAW FACULTY

VICTORIA UNIVERSITY OF WELLINGTON

2003

ABSTRACT

1 INTRODUCTION

A country's electoral system can have a significant influence on voting behaviour and on the existence and structure of political parties. It should take into account that country's history and current circumstances, so that it can be conducive to a satisfactory balance between all differences in a nation's society. The purpose of this paper is to analyse the existing voting systems in Germany and in New Zealand, highlighting the merits and demerits of them. The main focus is given to the mathematical formulas to calculate the number of seats that belong to a certain political party according to its party votes, the possibility of overhanging seats occurring, and the different possibilities for the solution of this problem. The consequences of the introduction of New Zealand's current electoral system are taken into consideration. This analysis concludes that the Mixed System of (Simple) Majority Vote and Proportional Representation (MMP) electoral system guarantees a Parliament that reflects the diversities of a society besides giving voters the possibility of influencing its personal composition. It is found that the mathematical formula Sainte Laguë is preferable, that overhanging seats occurring should, as at present, be tolerated without any measures of compensation, that only directly elected candidates should reoccupy vacated overhanging seats, that voters should be given a second choice concerning their party votes, and that the electoral system MMP in New Zealand can result in political circumstances as stable as FPP. It is recommended that Germany adopts the mathematical formula Sainte Laguë.

Word Length

The text of this paper (excluding table of contents, abstract, tables, footnotes and bibliography) comprises approximately 14,710 words.

B The Proportional Voting System

The proportional voting system is based on the principle "one man one vote". Each vote should have the same weight in the election's result. This voting system focuses on a proportional representation - the political parties obtain a certain number of seats that corresponds to the percentage of votes they have obtained in the elections.

The aim of this electoral system is to truly represent the whole society in Parliament. The most serious problem related to this system consists of the possible difficulty of reaching a majority in Parliament.

of majorities. A proportional representation electoral system with a low or no threshold could result in having as many as 15 political parties in Parliament.¹⁶⁴ A good example for such a non-functioning Parliament occurred in the Republic of Weimar (1918 – 1933). It had experienced a double-digit number of political parties in its Parliament, and sixteen government coalitions between 1919 and 1928¹⁶⁵. The consequence was that an effective parliamentary work was made almost impossible. No majorities at all were reached in Parliament from 1929. The legislature was in cessation. In consequence, only emergency decrees were passed by the executive.¹⁶⁶ These non-desirable experiences make it clear that Parliament cannot represent a total reflection of a society, that some restrictions must apply. Thus, a threshold of five per cent could be perceived as a reasonable measure to assure the efficiency of Parliament. And even if the establishment of new political parties becomes more difficult because of the threshold, there are still enough examples to justify it.

Nevertheless, there is a question that needs to be dealt with. It is often discussed whether the threshold should be lowered to four per cent¹⁶⁷. The arguments speaking in favour of this idea are that it could ensure that minor parties gain some representation and that it would reduce the number of “wasted” votes.¹⁶⁸ On the other hand, a higher limit reduces the risk of instability. Furthermore, there might be a better model for solution of the “wasted” votes. It should be analysed whether it is necessary in order to achieve a functioning Parliament that all the votes for political parties with fewer than the established threshold of the total amount of votes get lost.

Two German citizens¹⁶⁹ have made the proposal that electors should have a “second choice” concerning their party votes on their ballot papers. It was proposed that the elector should enter the number 1 next to the name of his or her favourite political party and the number 2 besides the second favourite one.¹⁷⁰ In case the favoured party

¹⁶⁴ Jackson and McRobie, above, 320.

¹⁶⁵ Wikipedia <http://de.wikipedia.org/wiki/Weimarer_Republik> (last accessed 14 September 2003).

¹⁶⁶ Freistaat Thüringen

<<http://www.thueringen.de/de/index.asp?untent=http://www.thueringen.de/de/lzt/politik/politsys/weimare/content.html>> (last accessed 30 September 2003).

¹⁶⁷ See for example Report of the MMP Review Committee *Inquiry into the Review of MMP* (Wellington, 2001) 47 <<http://www.clerk.parliament.govt.nz/content/20/mmprevw.pdf>> (last accessed 25 September 2003) and Royal Commission on the Electoral System “Towards a Better Democracy” [1986-87] IX AJHR H.3 67.

¹⁶⁸ MMP Review Committee, above, 48.

¹⁶⁹ Dr. Björn Benken and Gerhard Kottschlag.

¹⁷⁰ Wahlreform.de <<http://www.wahlreform.de/presse.htm>> (last accessed 14 September 2003).

does not pass the threshold, the elector's second choice should automatically be counted. The authors say that this way the efficiency of Parliament could be guaranteed besides ensuring the principle of the equality of votes. Also, Parliament would really represent the society's will, as tactical thoughts when voting would not be necessary anymore.¹⁷¹

When considering this idea, the possible problems related to it have to be faced. First, the idea would not represent a solution in those cases where the elector prefers political parties that both do not pass the threshold. Therefore a longer list of the preferred parties could be considered. But the practicability and clearness of an election are also very important. It could provoke a lot of confusion if electors were confronted with ballot papers requiring them to make a list of their most preferred political parties. This problem would even arise if the proposal is followed and the electors only have to fill in two numbers for their party vote and one cross for their electorate vote. Electors already often do not understand the reason for having two votes; three would not make things better. Thus, the clearness of an election could be risked when following this proposal. Also, it has to be seen that such a procedure could be difficult to carry out in practice. The alternative vote should be counted automatically, the authors say. This has to be realised somehow, but in our modern era an accordant technology could be developed for sure.

Therefore, the remaining problem is the clearness of the elections. On the other hand, this problem could be lessened by a suitable campaign informing the electoral population about the changes. The benefits from it would be the possibility of a very strict consideration of the principle of the equality of votes and the avoidance of tactical thoughts when voting. Nevertheless, it seems more reasonable to let electors mark their ballot papers with just two numbers for their party votes instead of five or even more. It is likely that most electors would choose a larger party as their second choice when their first choice is a smaller one.

Therefore it has to be concluded that the "two-choice" proposal should be followed in order to ensure both a functioning Parliament and the compliance with the principle of the equality of votes.

¹⁷¹ Wahlreform.de, above.

E Consequences of the Introduction of MMP for New Zealand

Political circumstances are often not predictable. Whereas the German public does, despite some insignificant exceptions, not question the appliance of MMP, a wave of doubt has overcome New Zealand's society.

What are the factual changes that took place in New Zealand after the introduction of MMP? For example, it is considerable that the average vote won by a majority party decreased significantly with MMP. Whereas this average was 41.7 per cent of the total amount of votes during the FPP period, it only was 33.5 per cent after the introduction of MMP.¹⁷²

It is unlikely that major parties win the absolute majority in Parliament. Thus, the composition of Parliament with an estimated total of five or six parties gives the choice between coalition or minority governments or a minority coalition.¹⁷³ Among the population of New Zealand, the fear has raised that minority governments or minority coalitions could not present the stable conditions they were accustomed to with the FPP electoral system.¹⁷⁴ But minority governments are not necessarily unstable. They have often lasted a considerable time in many countries.¹⁷⁵

Furthermore, the examples given by the National and Labour/Alliance Governments do not justify the apprehension that MMP could lead to ineffective governments.¹⁷⁶

Coalition governments are likely to act effectively and implement their policies. These just sometimes need to be submitted to modifications in order to gain a majority in Parliament.¹⁷⁷ Also, the electors should not overestimate the requirement that potential coalition partners are viable and available. In 1998, it was predicted that the principal two potential coalition partners, Alliance and New Zealand First, were unlikely to constitute a coalition because of personal antipathies concerning the major parties their leaders had broken with.¹⁷⁸ But only four years later, the Progressive

¹⁷² Keith Jackson and Alan McRobie *New Zealand Adopts Proportional Representation* (Ashgate, Christchurch, 1998) 320.

¹⁷³ Jackson and McRobie, above, 321.

¹⁷⁴ Jackson and McRobie, above, 321.

¹⁷⁵ Jackson and McRobie, above, 323.

¹⁷⁶ Hon Sir John Wallace "Reflections on Constitutional and other issues concerning our electoral system: the past and the future" in David Carter and Matthew Palmer (ed) *Roles and Perspectives in the Law: Essays in Honour of Sir Ivor Richardson* (Victoria University Press, Wellington, 2002) 297, 307.

¹⁷⁷ Wallace, above, 297, 307.

¹⁷⁸ Jackson and McRobie, above, 322.

Coalition, which split from Alliance, entered a coalition with the Labour Party. The new electoral system can result in circumstances as stable as with FPP.¹⁷⁹

Another significant change for New Zealanders is the circumstance of the party list mechanism of MMP. The electors have no influence on the candidates put forward on the party lists. Nevertheless, the numerous merits related to the list MPs have to be regarded. The Maori representation in Parliament increased under MMP, resulting in a broadly proportional representation. This circumstance is due both to the list representation and the increased number of Maori electorates.¹⁸⁰ Also, the representation of women in Parliament has increased since the introduction of MMP. Even before the introduction of the new electoral system, New Zealand ranked eighth in an international comparison for women's representation. This number has increased markedly since then. At the last FPP election, women occupied 21.6 per cent of the seats in Parliament. Under MMP, this number increased to 29.2 per cent in 1996 and further to 30.8 per cent in 1999.¹⁸¹ Therefore, the nature and diversity of the New Zealand society is better reflected in Parliament than under any previous electoral system.¹⁸²

III CONCLUSION

The Mixed System of (Simple) Majority Vote and Proportional Representation (MMP) electoral method guarantees a proportional representation in Parliament besides giving the electors the possibility of influencing the personal composition of it. Other voting systems, such as the Single Transferable Vote (STV), Supplementary Member (SM) or First-Past-the-Post (FPP) are not preferable in comparison to MMP.

Numerous mathematicians have been working on the development of an accurate mathematical formula to calculate the number of seats that belong to the political parties according to the party vote. It was demonstrated in 1978 that an error-free formula cannot be developed. The Sainte Laguë formula, which applies in New

¹⁷⁹ Jackson and McRobie, above, 323.

¹⁸⁰ Report of the MMP Review Committee *Inquiry into the Review of MMP* (Wellington, 2001) 41 <<http://www.clerk.parliament.govt.nz/content/20/mmprevw.pdf>> (last accessed 25 September 2003).

¹⁸¹ MMP Review Committee, above, 43.

¹⁸² MMP Review Committee, above, 46.

Zealand, is the method to be preferred as it presents the lowest possibility of unsatisfactory results. This formula should substitute the Hare/Niemeyer formula in Germany.

The occurrence of overhanging seats changes the proportional composition of Parliament. Even so, measures of compensation for overhanging seats should not be taken. As currently occurs, the overhanging seats should be granted as additional to the regular seats in Parliament. If an overhanging seat is vacated during a legislative period, only a candidate who was directly elected can reoccupy it.

It is recommended that Germany allocates the party vote as the first vote in the ballot papers and the electorate vote as the second, as in New Zealand. Electors who do not understand their voting system might think that the first vote is the more important.

The current threshold of five per cent represents a deviance from the proportionality. Political parties that do not obtain five per cent or more of all valid votes are not represented in Parliament. This threshold is necessary in order to assure a functioning Parliament. Nevertheless, the votes for political parties that did not pass the threshold do not need to get "wasted". Electors should be given a second choice concerning their party votes. If the preferred political party does not pass the threshold, the voters' second choice should automatically be counted.

The MMP voting system can result in political circumstances as stable as the FPP system. It has increased the representation in Parliament of minorities such as Maori. Also, women's representation has increased since the introduction of the MMP system in New Zealand.