

## SUBMISSION BY EDWARD HITCHCOCK ON THE I.E.R. JUNE 2023 INTERIM REPORT

### 1. INTRODUCTION

I have made several submissions to this review. This submission is in response to your invitation to comment on the interim report. My interest is in the voting system, and in particular the threshold mechanism and overhangs.

I ask in particular that the final report demonstrate an understanding of the issues created by wasted votes, and that it demonstrate an understanding of the simple proposed solution to these problems.

### 2. THE THRESHOLD MECHANISM

#### 2.1. Threshold mechanism problems.

Any discussion of possible changes to the MMP thresholds should demonstrate a thorough understanding of the problems which changes might address.

Both thresholds (5% and one-seat) have a serious problem. They are vote-discarding thresholds. Any voter voting for a party that does not pass a threshold has their party vote discarded. They almost certainly had an interest in the final allocation of seats between qualifying parties, but they were denied any say.

This problem causes the issue of wasted votes, with numerous resulting downstream issues which I and others have described in submissions already made, to this and to the 2012 review.

I ask that the final report demonstrate that the panel understands these issues.

Analysis of problems arising from the vote-discarding nature of these thresholds demonstrates that most of those problems can be solved simply by changing the vote-discarding nature of the thresholds. Changes to the threshold criteria and percentage can only reduce the scale of the problem. Also, the problems are not size, so a minor change of percentage may be perceived as changing nothing. In contrast, removing the vote-discarding nature of the thresholds can *solve* these problems.

#### 2.2. The existing Threshold mechanisms

I would like to see the final report consider methods of solving the problem of vote-discarding thresholds which create the 'wasted votes' issue.

The existing party voting system tries to do two things with one vote.

- The first step invites all voters to decide which parties pass a threshold and so get considered for seats in parliament.
- The second step then invites **only those voters who voted for a qualifying party** in the first step, to decide the makeup of parliament amongst those qualifying parties. This step uses qualifying votes from the first step.

This mechanism implies that voters who voted for a non-qualifying party (and they could not find out in advance which parties were non-qualifying) had no further interest in the election.

However, I assert that this is far from the truth. Most, probably all, voters have a preferred party they would like to see in parliament, **and** they also have a strong interest in how the parliament is made up from qualifying parties.

Voters should be able to express this common type of opinion in the way they vote. They cannot under the present system. There is no apparent reason for this restriction, except perhaps administrative convenience.

This is the real problem with the thresholds, and the final report should address it.

### **2.3. The simple threshold *mechanism* solution**

I have submitted that the party voting system be tweaked so that all voters can both

- Have a vote deciding which parties qualify for seats AND
- Have a proportional vote to help decide the makeup of parliament among qualifying parties.

The solution is “a second choice of party vote”.

This is very easy to achieve, without adding any significant complexity to the voting system.

I have already submitted in detail about this proposed change. In essence it invites all voters to choose a second party, one that would receive their vote should their first choice fail to pass any threshold.

As I have previously submitted, this change requires only second column on the party voting paper, where voters may place a tick if they wish. Provided there is a valid tick in one of these columns, voter intention is clear.

This is a very simple solution to what is a major problem in New Zealand MMP.

This proposal seems to have been rejected without the panel understanding how simple and effective it is. It was rejected on the grounds of a perceived similarity with preferential voting and the complexity that involves. The response to my question at one the webinars showed that I had not succeeded in showing the panel that the second choice of party vote is very different and much simpler than preferential voting.

The second choice of party votes has indeed been carefully designed to be simple to understand, to use and to implement, and to give fast easily understood results.

The second choice of party vote acknowledges that voters cannot know which parties will pass the threshold, and hence gives them an opportunity to make a second choice in case the first cannot be applied.

## **2.4. A reminder about the simplicity**

This second choice is just so simple:

- Everybody understands the idea of a second choice.
- Just one extra column on the party voting paper.
- One optional extra tick.
- Counting is simple and fast
- Results should be just as fast as now.

Note that this system does not guarantee a vote for a qualifying party. A voter can still choose two non-qualifying parties. The second vote has the same limitations as the present single vote. For a vote to count it has to be for a qualifying party. So, people would normally make their second choice for a party that seemed certain enough to pass the threshold.

## **2.5. And the second choice removes the present problems**

A reminder about the main problems solved:

- No more wasted votes and associated problems.
- No more need for strategic voting.
- Lower barriers to entry.
- All voters treated equally.
- More proportional results.
- Changing the threshold percentage (or not) is a separate issue.

## **2.6. The second choice has history**

The idea of offering a second choice of party came from Germany more than twenty years ago, apparently proposed and still advanced by Dr Bjorn Benken of the Institute for Electoral Reform ([wahlreform.de](http://wahlreform.de)).

It has also been named as the 'Spare vote' and as 'Dual voting'.

The first mention of the second choice of party vote in New Zealand was in a 2003 Victoria University of Wellington Law Faculty student research report by a Claudia Winkler comparing New Zealand and German electoral systems. The second choice as proposed by Dr Benken is mentioned in the abstract, discussed in detail, and recommended in conclusions. I have only recently learned of this report. The main learning in it for me was the idea that a second choice of party vote is important in order to treat each voter equally. It can be found at <http://researcharchive.vuw.ac.nz/handle/10063/5988>

Dr Benken is the true originator of the second-choice-of-party-vote concept, I believe.

The value of a second choice of party vote was mentioned in many submissions to the 2012 MMP review, with at least three including mine making detailed proposals. The idea seems not to have been evaluated in the 2012 review report. The idea proposed in my submissions to this review is slightly simplified from my 2012 submission.

The second choice of party vote is a proposal that deserves serious consideration in the final report of the present review.

### **3. THE PARTY THRESHOLD PERCENTAGE**

If the second choice of party vote were introduced, the need for reduction in the threshold percentage would be much reduced, although it is still a desirable change in my opinion.

### **4. THE SINGLE-SEAT THRESHOLD**

The interim report suggests that the single seat threshold is unfair because it is seen as more permissive than the 5% threshold. It is proposed that the single seat threshold be abolished. But this proposal leaves the idea that lone MPs can win electorate seats as independents, so it is leaving a way into parliament more permissive than passing the 5% threshold. For this reason, the idea seems flawed. It is making a significant change for little advantage.

The interim report suggests that the single electorate seat threshold be abolished. It is suggested that this change should go with a different handling of overhang situations.

This change aims to replace small parties having party-proportional seats with potentially numerous independent MPs, completely outside party proportionality. This seems to me a serious backing away from proportional representation.

I have in recent years studied the various overhang-handling methods under MMP-like systems. The present proposal to abolish the provision of extra seats to accommodate overhangs is similar to the system now used in Scotland and recently abandoned in Wales. This method doubly distorts proportionality, and could particularly disadvantage small parties. Proportionally unjustified seats would be given to independent MPs and balanced by taking proportionally justified seats from parties, including on occasion small parties.

There is the potential risk that this change could invite false independents, candidates loyal to parties but not formally representing them. Special rules would be needed to ensure fairness regarding independents, and no such rules seem to have been proposed.

It appears to me that this is a major change, a backing away from proportionality, a change not well understood or defined, and one which may create more significant problems than those it aims to solve.

I submit that no changes to the single-seat threshold or overhang method should be recommended in the final report.

### **5. CONCLUSION**

Thank you for the opportunity to make a submission to this stage of your deliberations.