

BEGELEIDENDE NOTA

van: het secretariaat

aan: de Conventie

Betreft: Bijdrage van de heer John Burton, lid van de Conventie:
"Voorstel tot aanneming van het systeem van evenredige vertegenwoordiging met één overdraagbare stem als het uniforme kiesstelsel voor de verkiezingen voor het Europees Parlement".

De secretaris-generaal van de Conventie heeft van de heer John Burton, lid van de Conventie, de bijdrage ontvangen die in bijlage dezes staat.

Executive summary

1. The Convention has been asked to address the issue of how the European Parliament is elected. The issue forms a central part of the challenge of designing institutions that will enhance the legitimacy of the Union and bring the Union closer to the citizens. This paper argues that Proportional Representation by means of the Single Transferable Vote (PR-STV) provides the best solution to the problem of finding a suitable electoral system for European Parliament elections.
2. The electoral system for elections to the European Parliament must meet three criteria. *First*, it must elicit as much information as possible from the voters about their preferences and must channel that information with as little distortion as possible into the process of allocating seats in the Parliament (that is it must lead to proportional outcomes). *Secondly*, the electoral system must take account of the nature of public opinion vis a vis European integration and especially of the evidence of the weakness of the link between the citizens and the Parliament and indeed between the citizens and the European institutions more generally. The *third* criterion is that the electoral system must be easily understood by and be attractive to the voters.
3. This paper shows how proportional representation by means of the single transferable vote (PR-STV) meets the combination of criteria just outlined better than any other electoral system. In order to achieve the required balance between the criterion of proportionality and that of closeness to the citizens, it is recommended that constituencies should be as small as possible, ideally in the range of two to five seats per constituency. This would ensure that elected representatives, while representing the parties and party families in proportion to their support in the electorate, are identifiable, visible and accountable to the citizens.
4. In terms of the third criterion, it is vital to note that the PR-STV system is extremely easy for voters to understand. Voters simply rank the candidates in order of preference by marking a "1" in the box next to their first choice, a "2" in the box beside their second choice and so on (this paper provides a brief description of the underlying logic of the system and of how the votes are counted and processed).
5. In summary, the Convention should give the most serious consideration to the proposal that Proportional Representation by means of the Single Transferable Vote (PR-STV) be adopted as the electoral system for European Parliament elections. In regard to the question of whether there should be a European electoral constituency or constituencies that would transcend national boundaries, this paper argues that a Europe-wide thirty-seat constituency covering 25 countries would impose unrealistic demands on both the European electorate and on the candidate selection process and would put the legitimacy of the notion of transnational representation at risk. Accordingly, the Convention should propose the creation of a series of (say) six five-seat constituencies that would reflect or combine common regional groupings of the member states. These transnational seats would then be filled by the same method as is here proposed for filling the national seats in the European Parliament, namely by PR-STV. Campaigning for such transnational seats would reduce the sharpness of the borders between states and would make a useful contribution to European construction.
6. I wish to acknowledge the assistance of Professor Richard Sinnott of University College Dublin in preparing this contribution to the Convention.

A proposal to adopt PR-STV as the uniform electoral system for elections to the European Parliament

1. Addressing the issue of how to increase the democratic legitimacy and transparency of the EU institutions, the Laeken Declaration specifically asked: “Should the way in which we elect the members of the European Parliament be reviewed?” The fact that this question has been formally put to the Convention creates a unique opportunity to place the issue of how the European Parliament is elected in the context of an examination of the overall design and functioning of the European institutions and in particular of the European Parliament. It also makes it possible to seek the solution to the uniform electoral procedure problem that would contribute most to enhancing the democratic legitimacy of the European Parliament and of the European project.
2. Ever since the ambitious provision in the Treaty of Rome to the effect that the European Parliament "shall draw up a proposal for elections by direct universal suffrage in accordance with a uniform procedure in all Member States", there has been much debate and discussion about an appropriate electoral system or electoral procedure for European Parliament elections. The addition in the Treaty of Amsterdam of the phrase "or in accordance with principles common to all Member States" to the original treaty clause marked a significant development in the debate but did not lead to a resolution of the issue. Given the establishment of the Convention on the Future of the European Union and given the Convention's terms of reference, the issue of a uniform electoral procedure is now back in the realm of EU treaty revision and EU constitution-building.
3. The issues relating to a uniform electoral procedure for European Parliament elections have been very usefully summarised and evaluated in the Anastassopoulos Report (A4-0212/98). Recent progress on the issue is set out in the recommendation of the Committee on Constitutional Affairs (A5-0212/2002, Rapporteur - Jose Maria Gil-Robles Gil-Delgado). The purpose of the present paper is not to rehearse or review the debate up to this point but to advance the simple argument that Proportional Representation by means of the Single Transferable Vote (PR-STV) provides a solution to the problems and dilemmas posed by the issue of a uniform electoral system. It does so by reconciling the objectives of proportional representation, territorial representation and preferential voting, while, most importantly, fostering a close relationship between the members of the elected assembly and the citizens. These objectives are endorsed in the Anastassopoulos report and in the subsequent resolutions

and recommendations of the European Parliament. However, the Anastassopoulos report and the subsequent recommendations do not reconcile the conflicts and tensions between these objectives. The argument of this paper is that PR-STV provides an elegant and efficient means of achieving this necessary reconciliation.

4. The electoral system chosen for elections to the European Parliament must meet three criteria. First of all it must elicit as much information as possible from the voters about their preferences and must channel that information with as little distortion as possible into the process of allocating seats in the Parliament. This criterion incorporates, but is wider, than the more frequently mentioned criterion of achieving proportionality between the shares of votes and shares of seats. It should also be noted that the problem of disproportionality or distortion is not limited to the issue of proportionality as it affects political parties, but extends to potential disproportionalities that may adversely affect any group or groups competing in an election, including, for example, women.
5. The second criterion is that the electoral system adopted must be consonant with the nature of public opinion as it relates to the level of governance in question. Given Europe's complex system of multi-level governance and the different ways in which citizens relate to these different levels, it is essential to take account of the nature of public opinion vis a vis European integration and vis a vis the European Parliament in designing an electoral system for European elections.
6. Four empirical observations are relevant in this context. (i) The Eurobarometer survey of autumn 2002 (EB 58) shows that almost 60 per cent of European citizens are not aware that the members of the European Parliament are elected by the citizens. (ii) In those member states of the European Union that did not have either compulsory voting or concurrent national elections less than 40 per cent of the citizens turned out to vote in the European Parliament elections of 1999. (iii) Turnout in European Parliament elections has declined steadily since 1979, i.e. during precisely the period when the powers of the European Parliament have steadily increased. (iv) Whereas over 85 per cent of European citizens feel a sense of identification with their locality and their region, only 45 per cent feel a sense of identification with Europe (EB58, autumn 2002). While this latter observation points to a problem that affects all the European institutions, it is particularly relevant to the design of an electoral system for the European Parliament.

7. These four empirical observations suggest that one of the most important problems facing the European Parliament is the weakness of the link between the Parliament and the citizens. Tackling this problem and, thus, bringing the Parliament closer to the citizens, must be a major consideration in choosing an electoral system for the European Parliament. The kind of electoral system used for elections to any legislative assembly has a major bearing on the relationship between the citizens and the elected assembly and, more generally, on the relationship between the citizens and the institutions of governance as a whole. Given the weakness of the relationship between European citizens and the European Parliament, the decision as to which electoral system to adopt for European Parliament elections is a matter of the greatest importance.
8. The *third*¹ criterion relevant to the choice of an electoral system for the European Parliament may be more briefly stated: the electoral system must be easily understood by and be attractive to the electorate. Citizens must be able to see the connection between their individual vote, and the outcome in representation in the European Parliament.
9. Proportional representation by means of the single transferable vote (PR-STV)² meets the combination of criteria that have just been outlined better than any other electoral system. In the first place, it scores very highly on the criterion of ensuring that the maximum amount of information about voter preferences is channelled into the electoral process. Voters can express their preferences freely regarding all the candidates on the ballot paper and can do so in terms of party preference or candidate preference within or across party lines or in terms of a combination of both. As to the problem of proportionality, PR-STV does ensure proportionality between shares of votes and shares of seats, the degree of proportionality being in part determined by the size of constituencies in the sense of the number of seats allocated to each constituency.

¹ Discussions of electoral systems at the national level frequently give prominence to an additional criterion governing the choice of electoral systems, namely that of having the capacity to produce and sustain stable majority support for a government. Even if, in the current process of institutional reform, the Parliament were to be given a major role in the selection of the President of the European Commission, this criterion would still not be relevant at the European level. Accordingly, it is not considered in this paper.

² See the appendix to this paper for a brief description of how PR-STV works.

10. Equally importantly, PR-STV opens up the possibility of improving proportionality in the representation of groups in a wider sense, that is in terms of groups other than political parties, provided that this is what the voters want. It achieves this by giving the voters more control over which individual candidates will win seats. Thus, for example, if the voters wish to improve the level of representation of women in the legislative assembly, they can do so under PR-STV by voting for women candidates within their preferred party or regardless of party, thus contributing to the improvement in the level of representation of women in a way that is independent of the willingness or unwillingness of party hierarchies to work actively to improve gender equality in the legislature.
11. The discussion of the second criterion above (that the electoral system must be consonant with the nature of public opinion) suggested that the electoral system that is chosen for use in European Parliament elections must contribute to bringing the Parliament and its elected representatives closer to the citizens. The evidence outlined above also suggests that the electoral system should work through local and regional identities in order to achieve this objective. PR-STV does both these things. As well as providing citizens with elected representatives who represent political parties, it provides citizens with identifiable representatives of identifiable territories within states. In addition to this, the process of electoral competition involves direct appeals to the voters by parties and by individual candidates as representative of parties. Thus the PR-STV system forges much stronger links between the elected representatives and their constituents than does the main alternative, namely list PR systems.
12. It must be acknowledged at this stage that there is a trade-off between the criterion of proportionality and the criterion of closeness to the citizens. If one were to put exclusive emphasis on the criterion of proportionality, one would be likely to adopt a list system of proportional representation with a small number of big constituencies with very large numbers of seats to be filled. However, one would do so at the expense of greatly attenuating the link between citizens and the elected representatives and between the citizens and the Parliament. If one were to put exclusive emphasis on the criterion of closeness to the citizens one might well go for single-seat constituencies but this would not be a proportional system and would produce disproportionalities between vote shares and seat shares. Political principle and political realism call for an equal emphasis on both criteria. Given constituencies of appropriate size (as defined

by the number of seats per constituency), PR-STV can deliver the required balance between the proportionality and closeness criteria.

13. In order to ensure the achievement of this balance, it is recommended that constituencies should be as small as possible, ideally in the range of two to five seats per constituency, thus ensuring that elected representatives, while representing the parties and party families in proportion to their support in the electorate, are identifiable, visible and accountable to the citizens. It must be recognised, however, that small deviations from this recommended range of constituency size may be necessary in order to take account of particular configurations of regional identity in certain member states.
14. The third criterion is that the system must be easily understood by and must be attractive to the voters. Since, in discussions of the design of electoral systems, it is often alleged that PR-STV is an unsatisfactory electoral system because it is difficult to understand, it is essential to tackle this question head-on. The point is that PR-STV can be understood at three different levels.
15. The first and most important level of understanding is that which the voters must have. From the voters' point of view, the system is extremely easy to understand. Voters simply rank the candidates in order of preference by marking a "1" in the box next to their first choice, a "2" in the box beside their second choice and so on. Since, in the majority of cases, this process is substantially governed by the voters' preferences as between parties, this is also a preferential ranking of the parties. Note, however, that the voter is not limited to expressing his or her preferences for candidates within a particular party. Thus, the system is not just easily understood by voters but is attractive to them in terms of allowing for a fuller expression of their views than that allowed for in any other electoral system.
16. The other two levels of understanding of PR-STV have to do with its underlying logic and with the mechanics of how the votes are counted and processed. The logic underlying the system is simple and elegant and is briefly explained in the appendix to this paper. The mechanics of the system of counting and transferring votes are, admittedly, somewhat complex. However, this third level of understanding is only a requirement for returning officers and for the agents of candidates and of political parties (some essential aspects of the mechanics of PR-STV are briefly referred to in the accompanying appendix).

17. This paper has set out the three key criteria that must be taken into account in choosing an electoral system for elections to the European Parliament. The first criterion is that the electoral system be capable of eliciting the maximum amount of information about voter preferences and of channelling this information into the seat allocation process with minimal distortion (this criterion includes the criterion of proportionality between votes and seats). Secondly, the electoral system chosen must be consonant with the nature of public opinion as it relates to the European Parliament and to European integration more generally. Thirdly, the system must be easily understood by and be attractive to the voters.
18. PR STV meets these three criteria better than any other electoral system. It deals with the problems of transmitting information about voter preferences and of disproportionality better than the plurality or first-past-the-post system and better than the absolute majority system. Of course, the problem of disproportionality is also overcome in list systems of proportional representation. However PR-STV deals with the disproportionality problem while at the same time eliciting and employing more information about voter preferences than list systems of proportional representation.
19. In terms of the need for the electoral system to be consonant with the nature of public opinion, there is clear evidence of an overriding need to strengthen the link between the citizens and the Parliament. This need for the Parliament to be closer to the citizens is strongly emphasised in all recent discussions of the issue. This objective is much more likely to be achieved by having an electoral system that produces identifiable representatives for identifiable areas and that encourages MEPs and aspiring MEPs to maintain close links with their constituents.
20. Finally, from the voter's perspective, PR-STV is easily understood and is clearly attractive to voters in that it allows for the expression of a much wider range of information about the voters' preferences than any other electoral system.
21. In sum, the Convention should give the most serious consideration to the proposal that it recommend that Proportional Representation by means of the Single Transferable Vote (PR-STV) be adopted as the electoral system for European Parliament elections.
22. Before concluding it may be appropriate to deal directly with the most frequently canvassed alternative to PR-STV, the PR List System which is used in elections in many countries and is familiar to the voters in those countries. The list system can achieve proportionality in terms of party preference. But it fails to meet the criterion of creating a close link between Parliament

and citizens. This is because members with a high place on their party list feel under comparatively little obligation to maintain close ongoing contact with voters because, short of a complete meltdown in their party's vote, they are assured of re-election. The method whereby members are placed in order on closed party lists is also one that is often lacking in accountability to the general public. Unlike PR-STV, in which individual voters choose the order in which candidates are elected, under a closed list system this is done either by the party executive, or by a ballot of party members. Both such methods fail to represent the views of the citizens and can have a distorting affect. The party executive may give preference to national considerations, rather than local ones, in placing people in order on the list; this devalues local considerations that deserve to be reflected at European level and also devalues European considerations. If the party membership decides candidates' placing on the list this can have a distorting effect to the extent that party activists are not generally representative of the party's electorate and tend to have more pronounced and less flexible views. The inclusion of a preferential element in some list systems of proportional representation goes some way towards alleviating these defects but the remedy thus provided is at best very partial. In general terms, if there is a decision to be made *about who is elected*, the bias should be in favour of letting the *people* make that decision rather than party executives or party members. This is one of the major reasons why PR-STV is preferable to list systems.

23. The Laeken Declaration asked the Convention to consider, as well as the question of the electoral procedure for the Parliament generally, the question of whether there should be a European electoral constituency or constituencies that would transcend national boundaries. Its precise words were "should a European electoral constituency be created, or should constituencies continue to be determined nationally? Can the two systems be combined?" I believe that, in addition to the national seats in the European Parliament, which should be filled on the basis of the system outlined in this paper, there should also be a further thirty seats that would be competed for and filled on a transnational basis. The question arises as to whether this Europe-wide election should be on the basis of one single thirty member constituency covering all 25 member states of the Union, or whether smaller transnational constituencies of (say) five seats each should be drawn up. While it might seem that the most logical case would favour a single thirty-member constituency because only such a constituency could be described as truly Europe-wide, a thirty-seat constituency covering 25 countries would impose unrealistic demands on both the European electorate and on the candidate selection process and would put the legitimacy of the notion of transnational representation at risk. Accordingly, the Convention should propose the creation of a series of (say) six five-seat constituencies that would reflect or

combine common regional groups of member states e.g. Mediterranean states, Atlantic states, Central European states etc. These seats would then be filled by the same method as is here proposed for filling the national seats in the European Parliament, namely by means of proportional representation using the single transferable vote (PR-STV). Campaigning for such transnational seats would reduce the sharpness of the borders between states and would make a useful contribution to European construction.

24. I wish to acknowledge the immense assistance of Professor Richard Sinnott of University College Dublin in preparing this contribution to the Convention.

Appendix

How PR-STV works

The electoral system of proportional representation by means of the single transferable vote (PR-STV) comprises three elements - (i) a single transferable vote, (ii) a quota or threshold that entitles a candidate to a seat and (iii) multi-seat constituencies.

(i) The single transferable vote

It is important to emphasise that the voter has only one single vote. This vote is, however, transferable according to the voter's preferences when his or her most preferred candidate is either eliminated due to being the candidate with the lowest number of votes or is elected with surplus votes (i.e. votes in excess of the quota). As emphasised in the text, all the voter needs to understand is the simple process of ranking the candidates in order of preference by marking a "1" in the box beside the name of his or her most preferred candidate, a "2" in the box beside the name of the second most preferred candidate and so on (see the sample ballot paper at the end of this appendix). Voters can express as many preferences as there are candidates or any number of preferences less than the number of candidates. The completed ballot paper can be thought of as a set of instructions to the returning officer as to what to do with the voter's single transferable vote.

(ii) The quota

The quota is the proportion of votes that entitles a candidate to a seat. It is calculated by dividing the total number of valid votes by the number of seats plus one and, ignoring any fractions, adding one vote to the outcome of this calculation. The formula can be written as follows:

$$\text{Quota} = \left[\frac{\text{Total valid vote}}{\text{No. of seats} + 1} \right] + 1$$

The logic underlying the system can be seen be readily appreciated by considering the effect on the size of the quota of the introduction of more than one seat per constituency.

(iii) Multi-seat constituencies










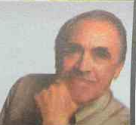
If there were only one seat in a constituency, the quota of votes (i.e. the proportion of votes required to be elected) would be 50 per cent plus 1. This is essentially the majority rule principle used, for example, in French presidential elections. While this rule is an improvement on the first-past-the-post rule, it can still leave large minorities unrepresented and, when used in elections to a legislative assembly, can give rise to substantial disproportionalities between shares of the vote and shares of the seats. PR-STV solves this problem by extending the majority rule principle by the simple device of increasing the number of seats being contested in each constituency. Thus, in a two-seat constituency, the quota or threshold for election becomes 33.3 per cent (plus one vote), in a three-seater, it becomes 25 per cent (plus one vote), in a four-seater, 20 per cent (plus one), in a five seater, 16.7 per cent (plus one) and so on. This varying threshold is the mechanism by which the system achieves the objective of a reasonable degree of proportionality between shares of the (first preference) votes and shares of the seats and the related objective of facilitating the representation of minorities or under-represented groups.

As already noted, the mechanics of transferring votes involve a certain degree of complexity, particularly when it comes to the transfer of surplus votes. Suffice it to say here that an elected candidate's surplus votes (i.e. his or her votes in excess of the quota) are redistributed to the remaining candidates in proportion to the distribution of the next available preferences on his or her ballot papers. When all available surpluses have been distributed, the candidate with the lowest number of votes is eliminated and his or her votes are redistributed. This process of redistribution of surplus votes and of the votes of eliminated candidates continues until the number of candidates who have reached the quota equals the number of seats to be filled or until a seat or seats remain to be filled and there are no more votes to be redistributed; in the latter case the candidate(s) with the largest number of votes is (are) deemed to be elected without reaching the quota.

Mock-up example of ballot paper used in a PR-STV election (note that ballot papers currently in use in Ireland also include party logos).

INSTRUCTIONS

- I. Write 1 in the box beside the name and photograph of the candidate of your first choice, write 2 in the box beside the name and photograph of the candidate of your second choice, and so on.
- II. Fold the paper to conceal your vote. Show the *back of the paper* to the presiding officer and put it in the ballot box.

DOYLE — URBAN PARTY (European Radical Group) (MARY DOYLE of 10 High Street, Knockmore; Nurse) Liosta Ionaid UP Replacement List		
EGAN (JANE ELLEN EGAN of 12 Main Street, Ardstown; Shopkeeper) Liosta Ionaid JEL Replacement List		
FLOOD — NON-PARTY (PAUL FLOOD of West Street, Ballymore; Architect) Liosta Ionaid RST Replacement List		
GALVIN — WORKERS' LEAGUE (EILEEN GALVIN of South Road, Monksfield; Teacher) Liosta Ionaid YZ Replacement List		
MURPHY — DEMOCRATS (Group of European Democrats) (PATRICK MURPHY of 12 Main Street, Ballyduff; Carpenter) Liosta Ionaid DEM Replacement List		
O'BRIAIN — CUMANN NA SAORÁNACH (SEAMUS O'BRIAIN as 10 An tSráid Ard, Carnmore; Oide Scoile) Liosta Ionaid CS Replacement List		
O'BRIEN — NON-PARTY (EAMONN O'BRIEN of 22 Wellclose Place, Knockbeg; Butcher) Liosta Ionaid EOB Replacement List		
O'BRIEN — YOUNG IRELAND (Liberal Group) (ORLA O'BRIEN of 102 Eaton Brae, Cahermore; Solicitor) Liosta Ionaid YI Replacement List		
O'CONNOR — NATIONAL LEAGUE (CAROLINE O'CONNOR of 7 Green Street, Carnmore; Engineer) Liosta Ionaid NL Replacement List		
THOMPSON — FARMERS' PARTY (WILLIAM HENRY THOMPSON of Dereen, Ballyglass; Farmer) Liosta Ionaid FP Replacement List		

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