

On Overhangs

What are overhangs?

Mixed Member Proportional systems award seats in proportion to the share of the list vote. Overhang seats are created when a party wins more single-member seats than they would otherwise be entitled to based on their share of the list vote. It would not be legitimate to take away a single-member seat that a party won. Therefore if a party wins more single-member seats than it is entitled to, the resulting seat bonus will reduce overall proportionality.

The solution is to create overhang seats. These are 'extra' seats that are added to the legislature to ensure the results of the election remain approximately proportional, even when parties win more single-member seats than they would otherwise be entitled to based on their share of the list vote.

On Weekend 2 of the Deliberation Phase you designed an MMP model that would allow overhangs. This document considers some of the variables that are likely to affect the number of overhangs produced by a system like the one you've designed.

Predicting Overhangs

It is difficult to make predictions about the expected number of overhangs in future elections. It is not, for example, appropriate to apply MMP counting rules to past election results from Ontario. The crucial difficulty is that voting behaviour will change if MMP is adopted. Under the MMP models that the Citizens' Assembly is considering, every voter will have two votes—one for a local candidate and one for the party of their choice. This will give voters the freedom to split their vote by supporting a local candidate from one party and casting a party vote for a different party. It is impossible to know how this change will affect the overall distribution of the vote and it is therefore inappropriate to use past election results from a one-vote system. In addition, it is important to remember that there are other factors that affect voting behaviour. Party fortunes continually wax and wane depending on the quality and diversity of a party's candidates, their policy platforms, the public's priorities, and many other intangible factors that are difficult to predict.

Instead of using past election results from Ontario we have decided to put this issue into context by comparing results from other MMP systems and looking at hypothetical examples.

Other MMP systems

New Zealand is probably the best MMP system to compare to the models the Citizens' Assembly is considering. The New Zealand legislature has 120 representatives, a two-vote ballot, a national list tier, closed lists and uses plurality elections to determine winners in single-member districts. They have a double threshold set at 5 percent of the popular vote or one single-member district seat. 42 percent of the seats are list seats.

There have been 4 elections in New Zealand since the adoption of MMP: 1996, 1999, 2002 and 2005. The 2005 election produced one overhang seat. This was the first and only overhang seat produced by New Zealand's MMP system. This overhang seat

makes up approximately 0.8 percent of the total number of seats. Among other factors, New Zealand's national list tier makes overhangs less common than they would be in a system with a regional list tier.

Germany's MMP system also has a closed list, a two-vote ballot, and plurality elections are used to determine winners in single-member districts. Their system is, however, very different from the models the Citizens' Assembly is considering. The German legislature one of the largest legislatures in the world: there are 598 members divided into 16 regions. The votes are counted nationally and allocated regionally. They have a double threshold set at 5 percent of the popular vote or 3 single-member district seats. 50 percent of the seats are list seats.

Overhangs are more common in Germany than they are in New Zealand. The 2005 German election produced 16 overhang seats and the 2002 election produced 5 overhangs. Because of the very large legislature, this constitutes, respectively, 2.7 and 0.5 percent of the total number of seats. The regional nature of Germany's MMP system increases the number of expected overhangs but the number of overhang seats remains small in proportion to the total number of seats in the legislature.

Assessing the Citizens' Assembly's MMP systems

We will now consider the MMP models the Citizens' Assembly has designed. What is the risk of there being overhang seats? As mentioned above, it is difficult to predict the number of expected overhangs with any confidence and it is not appropriate to use past election results to produce simulations. It is more appropriate to assess the *tendency* of a system to produce overhangs. What are the factors that are associated with a greater number of overhangs? What are the design features that will reduce the expected number of overhangs?

The most important factor to consider is the ratio. The MMP systems the Citizens' Assembly is currently considering have 25 percent list seats and 75 percent single-member seats. When the local seats constitute a larger share of the total number of seats, it is more likely that a party will win more local seats than it is entitled to based on the party vote. This tendency is particularly pronounced where there are one or two dominant parties that have a good chance of winning most, if not all, of the single-member seats. These factors increase the risk of overhang seats being generated by the models the Citizens' Assembly is considering.

It is, however, important to remember that the party system is related to the electoral system and the current voting patterns cannot be expected to persist if a new electoral system is adopted. If, for example, the position of the most dominant parties is weakened, the number of expected overhang seats will be reduced because only dominant parties are positioned to win a large number of single-member seats.

A party has to be particularly dominant to win more than its share of the single-member seats in a system with a province wide list tier. You can imagine a party, or several different parties, winning 'extra' seats in small regions, particularly if the parties are regionally based. It is more difficult for a party to gain enough support across the province to win more than its share of the single-member seats. This means that the province-wide list tier the Assembly is considering will reduce the number of expected overhangs.

In summary, given that the MMP models the Assembly is considering have a high percentage of single-member seats there is an increased risk of overhangs. This tendency should, however, be offset by the adoption of a province-wide list tier and the expected change in voting behaviour. Overall, the risk of overhangs is moderate to low.

Some Factors Affecting Overhangs

Lower Risk	Higher Risk
Provincial list tier	Regional list tier
Lower proportion of single-member seats	Higher proportion of single-member seats
Larger number of list seats	Smaller number of list seats