

## **Designing a Mixed Member Proportional System for Consideration**

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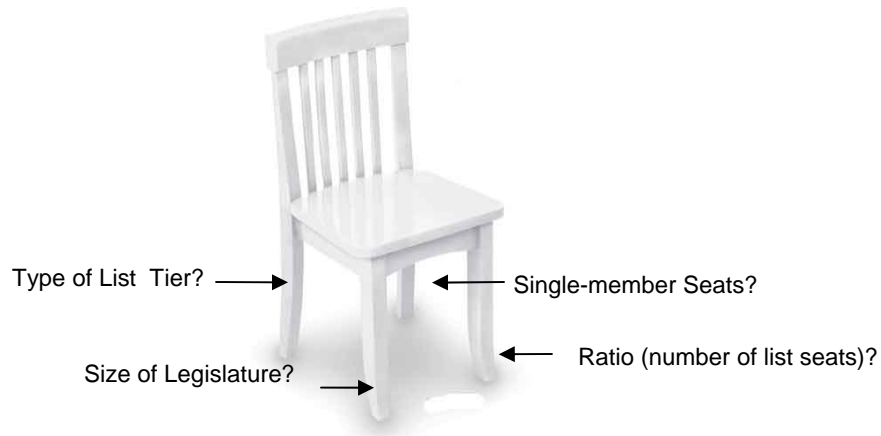
When designing an electoral system you have to think about many things at once. You have to think about each feature of the system but you also have to think about what the system will be like when you put the pieces together. You have to make sure each component will work well with the others.

Designing an electoral system is a bit like putting a piece of furniture together. When you put a chair together you do not tighten the first screw as tight as it can go before you start working on the second. If you did that it would be impossible to fit all the pieces of the chair together. You have to put all the pieces together first, make adjustments, tighten the screws, make more adjustments and continue doing this until the chair is sturdy and ready to use.

This is what we will be doing as we design a Mixed Member Proportional (MMP) system to consider for Ontario. Next time we meet we will work through each design decision that has to be made. We'll put the basic features of the system together. Then we'll take a step back and look at what we've made. We'll think about how each design decision fits together with the others. We'll talk about some of the adjustments that might have to be made. At the end of the second weekend of the deliberation phase we will have a workable MMP model that is as close to our collective ideal as possible.

What are the basic components of an MMP system? There are four basic design decisions that have to be made. Going back to the chair analogy, you can think of these four components as the four legs of the chair.

1. **Single-member (local) Seats.** How many single-member seats should there be?
2. **Ratio (number of list seats).** What should be the ratio of single-member and list seats? (How many list seats should there be?)  
Note: The results of #1 and #2 will give you the number of list seats.
3. **Type of List Tier.** What type of list tier should there be?
4. **Size of Legislature.** How many seats should there be in the legislature as a whole?



Even though each of these four basic design decisions has to be made independently, none can be made in isolation of the others. Some decision combinations will work well together and others will not. You cannot, for example, maintain the current size of the legislature, add a list tier *and* maintain the current number of single-member seats. That would be impossible! You have to think about the individual pieces of the system *and* about the system as a whole, *all at the same time*. We'll make decisions and adjustments, further decisions and additional adjustments until the basic structure of the MMP system is in place.

Note: It is important to use consistent, clear and informative terminology. In this document seats filled by electing one representative from a local district will be called "single-member" seats. These seats make up the single-member tier. Additional seats used to correct disproportional results will be called 'list seats'. These seats make up the 'list tier'.

Let's take a closer look at each of the four basic design decisions:

## **Main Design Decisions**

### **Single-member Seats**

#### **Decision:**

How many single-member seats should there be?

#### **Context:**

As of October 10, 2007 the Ontario legislature will have 107 single-member seats. The average population for each of these ridings will be approximately 107,000. The largest will have a population of approximately 123,000. The smallest will have a population of approximately 70,000.

#### **Things to think about:**

Are you comfortable with the current number of single-member seats?

Are single-member seats more important in some regions of the province than in other regions?

Are you willing to see the number of single-member seats decreased *if* it meant achieving better proportionality? How important is proportionality?

Are you willing to see the number of single-member seats decreased *if* it meant gaining greater representation at the regional level?

Are you willing to see the number of single-member seats decreased *if* it meant gaining greater representation at the provincial level?

**Options:**

**1) Increase the number of single-member seats:**

If you want to enhance local representation you may want to increase the number of single-member seats.

If you want to increase the number of single-member seats it will make it impossible to achieve proportionality without dramatically increasing the size of the legislature.

Example: 120 single-member seats and 40 list seats  
75% single-member seats and 25% list seats  
Total number of seats: 160

**2) Maintain the current number of single-member seats:**

If you want to maintain the current number of single-member seats it will be necessary to increase the size of the legislature in order to create a list tier and achieve proportionality.

There is a direct relationship between how much you increase the size of the legislature and the degree of proportionality (depending on other decisions) you will achieve.

Example: 107 single-member and 46 list seats  
70% single-member seats and 30% list seats  
Total number of seats: 153

Example: 107 single-member seats and 27 list seats  
80% single-member seats and 20% list seats  
Total number of seats: 134

**3) Decrease the number of single-member seats:**

If you want to achieve proportionality without dramatically increasing the size of the legislature it will be necessary to decrease the number of single-member seats.

Example: 90 single-member seats and 30 list seats

75% single-member seats and 25% list seats  
Total number of seats: 120

Example: 80 single-member and 27 list seats  
75% single-member seats and 25% list seats  
Total number of seats: 107

If you want to decrease the number of single-member seats you will have to think about how it might be done and what the implications will be (it will require making some or all of the single-member districts bigger). Should the size of the single-member districts be increased in all areas of the province? Or, would you be more willing to increase the size of the local districts in some areas (e.g. urban areas) but not in others (e.g. rural areas)?

### **Ratio (number of list seats)**

#### **Decision:**

What should be the ratio between single-member and list seats? How many list seats should there be?

#### **Context:**

Experts say that in order to produce results that have a good degree of proportionality (depending on other decisions), 30% of the legislature should be list seats. This means that with anything less than 30% you will be sacrificing some proportionality because you don't want to lose too many single-member seats, or because you want to limit the growth of the size of the legislature. Countries that use MMP range from having approximately 33% list seats (Wales) to 54% list seats (Hungary).

It is impossible to introduce list seats without increasing the size of the legislature or decreasing the number of single-member seats.

#### **Things to think about:**

How important is proportionality? (Keep in mind that there are other decisions [e.g. regions, thresholds] that can reduce proportionality.)

Are single-member districts that provide local representation more important than proportionality?

Are you willing to see the number of single-member seats decreased *if* it meant achieving greater proportionality?

#### **Options:**

##### **1) Equal Number of single-member and list seats**

This ratio allows for local representation and proportionality, but how much local representation you have depends on the size of the legislature.

Example: 75 single-member seats and 75 list seats  
50% single-member seats and 50% list seats  
Total number of seats: 150

Example: 60 single-member seats and 60 list seats  
50% single-member seats and 50% list seats  
Total number of seats: 120

## **2) More single-member than list seats**

This ratio favours local representation over proportionality, but the degree of proportionality will depend on the number of local seats and the size of the legislature.

Example: 90 single-member seats and 40 list seats  
69% single-member seats and 31% list seats  
Total number of seats: 130

Example: 110 single-member seats and 20 list seats  
85% single-member seats and 15% list seats  
Total number of seats: 130

Example: 107 single-member seats and 45 list seats  
70% single-member seats and 30% list seats  
Total number of seats: 152

## **3) More list than single-member seats**

This ratio favours proportionality over local representation, but the degree of proportionality will depend on the number of local seats and the size of the legislature.

Example: 40 single-member seats and 80 list seats  
33% single-member seats and 67% list seats  
Total number of seats: 120

Example: 70 single-member seats and 80 list seats  
46% single-member seats and 54% list seats  
Total number of seats: 150

## **Type of List Tier**

### **Decision:**

Should there be a province-wide list tier or should this tier be divided into regions?

### **Context:**

The type of list tier will have a big impact on the degree of proportionality, the amount of geographic representation, and the simplicity of the system. The general rule is that the more regions you have the more geographic representation you will have. On the other

hand, the more regions you have the less proportional the result will be and the more complicated the system will become.

Countries with MMP systems have responded to this issue in a variety of ways. New Zealand has a national tier. Scotland and Wales have regional tiers with regional counting. Germany has a regional tier with national counting.

### **Things to think about:**

How important is proportionality? (Keep in mind that there are other decisions [e.g. regions, thresholds] that can reduce proportionality)

How important is regional representation?

How important is simplicity & practicality?

Are you willing to give up some regional representation *if* it meant achieving better proportionality?

Conversely, are you willing to give up some proportionality if it meant achieving more effective regional representation?

Are you willing to accept a more complicated system of counting votes and allocating seats if it meant achieving proportionality *and* better regional representation?

Does regional representation make it easier to give up single-member seats?

### **Options:**

#### **1) Province-wide list tier with provincial counting:**

You may favour this option if:

- You want proportionality for the province as a whole
- You think it is important to have MPPs who represent the province as a whole.
- You think it is important to have a system that is easy to understand.
- You think that demographic representation is important and can be more easily achieved by electing all the list members from a single, province-wide tier.

If you favour this option you might have to choose a closed list or the near winner method. The ballot might be very complicated if you choose an open or free list.

This option does not provide geographic representation (aside from the single-member seats).

This option is not possible if you have decreased the number of single-member seats in some areas of the province but not in others.

#### **2) Regional list tier with regional counting:**

You may favour this option if:

- You want increased geographic representation at the regional level.
- You think it is fine to have proportionality within regions but not at the provincial level.
- You think it is important to have list MPPs represent a region.
- You want to be able to choose an open or free list, without having to worry about creating a very complicated ballot.

The degree of demographic representation depends on the number of members elected in each region. It is easier to ensure better demographic representation when more members are elected in each region.

If the regions are too small, there is an increased possibility of either disproportional results or, if allowed, overhang seats.

### **3) Regional list tier with provincial counting:**

You may want this option if:

- You want both geographic representation and proportionality
- You think it is important to have MPPs represent a region.

The degree of demographic representation would depend upon the number of members elected in each region. It is easier to ensure better demographic representation when more members are elected in each region.

If you favour this option you might have to choose a closed list or the near winner method. The ballot might be very complicated if you choose an open or free list.

The math involved in counting provincially and allocating seats to a regional tier is very complicated and makes it very difficult to explain the results produced by the system.

## **Size of legislature**

### **Decision:**

How many seats should there be in the legislature as a whole?

### **Context**

The size of the legislature helps determine the degree of proportionality and the amount of local representation. It also relates to the legitimacy of the electoral system as a whole.

The legislature currently has 103 members. As of October 10, 2007 the size of the legislature will be increased to 107. In 1999 the legislature was decreased from 130 to 103 (the second time this there has been a decrease in Ontario's history). It is common for the size of the legislature to be periodically increased to account for population growth.

Compared to other Canadian provinces the Ontario legislature is currently smaller than its population would suggest.

### **Things to think about:**

How important is proportionality?

How important is single-member/regional representation?

What size legislature would be legitimate and defensible?

### **Options:**

#### **1) Decrease:**

If you want to decrease the size of the legislature there would obviously be fewer single-member seats than there are now.

If you were to choose this option you would have to think about how you would justify this decrease.

Example: 60 single-member seats and 30 list seats  
67% single-member seats and 33% list seats  
Total number of seats: 90

Example: 54 single-member seats and 36 list seats  
60% single-member seats and 30% list seats  
Total number of seats: 90

#### **No Change:**

If you want to maintain the size of the legislature you would have to decrease the number of single-member seats in order to achieve proportionality.

There is a direct relationship between how much you decrease the number of single-member seats and the degree of proportionality (depending on other decisions).

Example: 95 single-member seats and 12 list seats  
89% single-member seats and 11% list seats  
Total number of seats: 107

Example: 85 single-member seats and 22 list seats  
79% single-member seats and 21% list seats  
Total number of seats: 107

#### **Moderate Increase:**

If you want to have a moderate increase in the size of the legislature you would be able to either achieve some proportionality or good proportionality if you were willing to reduce the number of single-member seats.

If you were to choose this option you would have to think about how you would justify this increase.

Example: 107 single-member seats and 18 list seats  
86% single-member seats and 14% list seats  
Total number of seats: 125

Example: 85 single-member seats and 40 list seats  
68% single-member seats and 32% list seats  
Total number of seats: 125

Example: 107 single-member seats and 28 list seats  
79% single-member seats and 21% list seats  
Total number of seats: 135

Example: 90 single-member seats and 45 list seats  
67% single-member seats and 33% list seats  
Total number of seats: 135

### **Large Increase:**

If you were to have a large increase in the size of the legislature you would be able to achieve good proportionality without losing too many single-member seats.

If you were to do this you would have to think about how to justify this increase.

Example: 100 single-member seats and 50 list seats  
67% single-member seats and 33% list seats  
Total number of seats: 150

Example: 75 single-member seats and 75 list seats  
50% single-member seats and 50% list seats  
Total number of seats: 150

### **Other Design Decisions**

After working out the basic structure of an MMP model we will have to think about other important features of the system. There are at least 5 other design decisions that have to be made when we design an MMP system. They are:

#### **Threshold**

##### **Decision:**

Should there be a threshold? If yes what kind of threshold should it be? What size should it be?

##### **Context:**

Thresholds set the minimum percentage of votes, or minimum number of seats, that a party must win in order to qualify for list seats. Thresholds are related to the issues of proportionality and small parties. The existence of a threshold will tend to decrease proportionality. Thresholds prevent some small parties from being elected. This will limit

the number of parties in the legislature and help prevent the election of “extremist” parties.

Bolivia has a single threshold set at 3% of the national vote. Germany has a dual threshold that requires parties to win either 3 single-member seats or 5% of the national vote in order to gain a proportional distribution of seats. New Zealand has a dual threshold that requires parties to win either 1 single-member seat or 5% of the national vote in order to gain a proportional distribution of seats. In Wales and Scotland there is no threshold.

### **Things to think about:**

How important is proportionality? (Keep in mind that there are other decisions [e.g. regions, thresholds] that can reduce proportionality.)

How important is the election of smaller parties?

How concerned are you about the possible election of too many small parties?

The smaller the threshold the more likely it is that smaller parties will win seats, and the more proportional the results will tend to be.

With a threshold above 5% it will be quite difficult for small parties to be elected.

If the threshold is set too high, without good reason, it is possible that the threshold could be found unconstitutional.

There are other decisions to be made (e.g. ratio, overhangs) that will tend to reduce proportionality.

### **Options:**

#### **Single threshold:**

A single threshold is somewhat more difficult for small parties to reach than a dual threshold.

#### **Dual threshold:**

A dual threshold may be perceived as unfair if a small party wins a single-member seat but does not come close to meeting the percentage of the popular vote threshold while another small party just misses the percentage of the popular vote threshold and does not win a single-member seat. (In this case the first small party would be entitled to a proportional share of the seats even though it received fewer votes than the 2nd party while the 2nd party would not receive any seats). A dual threshold is also somewhat harder to explain.

### **Type of list**

#### **Decision:**

What type of list should there be? How should the list operate?

**Context:**

The list is a group of names (either a list pre-prepared by the parties, or a list of “near winners” determined on the basis of the single-member results) from which the candidates who are elected to the list tier are drawn. The type of list is related to the issues of voter choice, demographic representation, accountability, and simplicity & practicality.

**Things to think about:**

How important is it to encourage the election of under-represented groups?

How important is it to give voters a high degree of choice?

How important is it that voters vote for a candidate?

How important is simplicity & practicality?

**About the Options:**

**Open or Free**

Open and free lists provide a greater degree of choice than the other options

**Closed**

The use of a closed list can increase the likelihood of greater demographic representation (closed lists can also allow for the creation of regionally balanced lists if there is a provincial tier).

**Open or Free or Near Winner**

Open or free lists, as well as the use of the “near winner” method, are likely to be perceived as offering greater accountability as voters would have a more direct vote for those who are chosen to represent them. But this could make it more difficult to achieve better demographic representation.

**Closed or Open or Free**

The closed list is the easiest type of list for voters to understand, followed by the open and free lists.

**Other Considerations**

Whatever choice you make you will also have to think about the mechanics of how the method will operate.

Whatever list you create, you may want to establish some mechanism to ensure that the lists are created in a democratic manner and/or take into account demographic considerations.

There are a few different things that you could potentially say about the list.

1. If you choose an open or free list you may wish to think about how easy it is for a candidate's name to be moved up the list when they receive personal votes.
2. If you choose a "near winner" list you may wish to comment on whether the near winners will be determined using the total number of votes they receive or the percentage of popular vote they receive.

### **Number of Votes**

#### **Decision:**

How many votes should there be, one or two?

#### **Context:**

While most MMP systems offer voters the chance to cast two votes, one for the party and one for the candidate, it is possible to have a one-vote MMP system. In this case, a voter's candidate vote also counts as their party vote. The number of votes is related to the issues of voter choice and the election of small parties.

#### **Things to think about:**

How important is it important to offer voters a high degree of voter choice?

How important is the election of smaller parties?

#### **About the options:**

##### **One-Vote**

A one-vote MMP system makes it easy for voters to cast their vote. In fact, a one-vote MMP ballot would look just like the current ballot.

##### **Two Votes**

A two-vote MMP system offers more voter choice and helps to eliminate some of the concerns about strategic voting.

A two-vote MMP system is more likely to help the election of small parties for the same reason.

### **PR Formula**

#### **Decision:**

What formula should be used to allocate seats?

#### **Context:**

The PR formula is the method used for determining the allocation of seats. There is not a great deal of difference between the effects of the different formulas. In fact, they only differ in who is allocated the last seat. Some of the formulas tend to make it easier for the last seat to go to a smaller party, while other formulas tend to make it easier for the last seat to go to a larger party. The choice of formula is also related to simplicity & practicality.

Scotland and Wales both use the d'hondt formula. Germany uses the Hare formula. New Zealand uses the Pure Ste. Laguë formula.

**Things to think about:**

How important is simplicity & practicality?

How important is the election of small parties?

**About the options:**

**Pure Ste. Laguë or Hare or Modified Ste. Laguë**

These formulas tend to favour smaller parties in their allocation of the last seat. The Hare formula tends to be the easiest one to understand.

**Droop or D'hondt or Imperiali**

These formulas tend to favour larger parties in their allocation of the last seat.

**Overhangs**

**Decision:**

Should overhang seats be permitted?

**Context:**

Overhangs are seats that are temporarily added to the legislature to account for the fact that a party won more single-member seats than their percentage of the popular vote entitles them to. Regions increase the likelihood that this could occur because there are fewer list seats to distribute. The general rule is that the larger the number of list seats available in each region/jurisdiction, the less likelihood there is that a party will win more seats than they are entitled to. Overhangs are related to the issues of proportionality and legitimacy.

Germany and New Zealand both have overhangs which sometimes result in slight increases to the size of the legislature. Scotland does not allow overhangs which means that smaller parties get fewer seats than their votes entitles them to.

**Things to think about:**

How important is proportionality?

How important is it that voters know the size of the legislature prior to the election?

There are other decisions to be made (e.g. ratio, threshold) that will tend to reduce proportionality.

Other decisions will increase (e.g. regional list tier) or decrease (e.g. provincial list tier) the possibility of overhang seats.

**Options:**

**Allow Overhangs**

If you decide to allow overhangs you will ensure that any disproportionality that might have been caused by a party winning more single-member seats than their percentage of the vote entitles them to, will not result in actual disproportionality because the size of the legislature will be temporarily increased to prevent that from happening.

### **Don't Allow Overhangs**

If you do not allow for overhangs to be created you will ensure that voters will know prior to the election that the size of the legislature is fixed.

If you don't allow overhangs and a party wins more single-member seats than their vote entitles them to, the number of list seats available will be decreased.

## **Additional Design Decisions**

You will note on the "decision tree" document there are 3 additional design decisions for MMP systems that could be made (dual candidacy, seat vacancies, local vote). Because most MMP systems have a common response to these issues, we will not be discussing them in detail unless there is an interest in doing so.