

List Systems (see Appendix one for detailed comparisons)

There are a huge variety of list systems in operation - many options need to be decided on:

- the degree of openness: open, semi-open, closed
- size of regions - whether entire countries are regarded as a single electoral region or whether the country is subdivided into regions
- use of thresholds;
- the formulae used for allocating seats proportionally;
- the extent to which voters can express preferences for candidates within party lists (are voters only able to vote for a party or can they vote for individuals)

[Ken] In 1997 Blair announced in the Commons that the UK would use closed lists for European elections (despite the fact that Charter 88 had advised and many electoral reformers had campaigned for the Belgium's semi-open list system)

to use the Belgian open list system). The UK chose closed lists for European elections, although many electoral reforms had campaigned for the Belgium's semi-open list system

Too often with a semi-open list (where voters can opt to show a preference for a party or listed individuals) voters take the easy option and tick the party box – as a result the party ordering of the list is very rarely overturned. Belgium now counts party votes at only half their value when considering which of a party's candidates are elected. The Luxembourg system demonstrates how innovative you can be with open lists – almost taking the system to STV.

Denmark balances out the loss of proportionality caused by regions: 135 MPs are elected from ten multi-member constituencies on a party list PR system using the d'Hondt method and the remaining 40 seats are allocated as leveling seats to ensure proportionality at a national level.

Region size and Representation

In List systems the larger the electoral region (in terms of the number of seats to be filled), the more proportional the result will be, but the perceived distance between representatives and those they represent is greater and there is a danger that accountability is lessened. There is also a danger that with a national list some regions may not have many or any representatives from their area and consequently they feel under-represented.

The use of regions therefore ensures that regional interests are represented. There is evidence that smaller regions lead to a greater sense of people “having their representatives in power”, and for it to be more likely that smaller regions will receive leaflets or visits from canvassers. However - the more regions there are the less proportional is the final result.

Small Parties

The use of regions makes it more difficult for small parties to gain seats and can therefore advantage larger parties.

Closed lists - detailed look in Europe

[Ken] Closed list systems leave much to be desired. Electoral systems in which electors can choose only the parties they want to represent them, and not the people, can only weaken the relationship between representatives and their constituents. Candidates have no individual mandate from the electors, who may know little about them and their experience and abilities, and as election campaigns will tend to focus on parties, they offer little chance for candidates to enhance their profiles.

With closed lists MPs are elected as a result of where their parties placed them on their party lists rather than on the basis of their merits or public approval of past performance. Consequently voters cannot support those they like or remove those of whom they disapprove, which should be a central principle of representative democracy. Owing their positions to their parties, MPs' sense of accountability can shift from electorate to party.

Closed lists offer only an imperfect form of democracy. People's votes do not necessarily give them what they want. A voter might, for example, be attracted to a list with candidates A, B and C (in order) on the basis of the merits of C, but considering A and B to be second-rate or worse. But if the party receives only enough votes to win 2 seats, the voter may have contributed, against his or her wishes, to the election of A and B but not of C.

In other cases a voter may be attracted to a list because of a prominent or charismatic candidate at the head of the list, but if the popularity of that candidate attracts enough votes for the party to win more than one seat, then the vote contributes to the election of a candidate, or candidates, in whom the voter has little interest. Such problems can be exacerbated if the lead candidate then resigns or defects to another party (e.g. in Britain in the 2004 EU elections UKIP benefited from having a popular television presenter as a candidate, but shortly after the election he left UKIP leaving questions over whether electors now have the representation for which they voted). If MPs do defect to another party, then questions arise over their legitimacy as their election was entirely based on their inclusion in a party list.

In many cases the candidate at the top of a party's list is almost guaranteed election, whether or not that candidate enjoys popular support while a candidate at the bottom, even if popular and with outstanding ability, has next to no chance of election. Prior to elections it is generally possible to predict many candidates who will be successful and many who will not.

List systems of proportional representation assume that the party is all-important. Undoubtedly most voters will cast their votes on the basis of party affiliations, but many also want to choose candidates on the basis of other factors, such as gender, age, ethnicity, or an interest in particular issues that go beyond the commitments of party manifestos. Closed lists deny voters that choice.

Open lists

An 'open' list, in which all voters are required to vote for candidates rather than parties, offers the voters most influence over the result. Votes for candidates count as votes for their parties for the allocation of seats to parties, but which of a party's candidates win the seats depends on their personal votes and not on the order determined by party selectors. Successful candidates are therefore elected in the knowledge that they have a personal democratic mandate – and the knowledge that if they do not perform to the electorate's satisfaction they can be removed by supporters of their party in a subsequent election.

Offering voters this choice may not be appealing for party managers and for many candidates, and particularly for those who are elected, but electoral systems should be designed for the benefit of voters rather than candidates. With a closed list, a party's candidates must work as a team as their fortunes are linked to, and only to, the performance of the team as a whole, but open lists introduce an element of competition between candidates of the same party. With open lists all candidates of a party have, at least theoretically, the same chance of being elected, and the system encourages candidates to campaign individually, stressing their abilities and experience that suit them to the role of an MP. In Finland concern that campaigning by individual candidates was pushing the role of parties into the background led in 2004 to some senior politicians calling for a change to closed lists.

The system does not, however, get over the problem of voters finding that their votes had consequences they did not intend if their preferred candidates were unsuccessful and their votes consequently used to secure the election of others on the list. (The only solution to this problem is the use of STV)

Luxembourg uses an interesting variant of open lists. Instead of choosing just one candidate, voters can select six (the number of seats to be filled), and they need not choose all six from the same list. They can even give two votes to the same candidate. A vote for a candidate counts as a vote for that candidate's party, just as it would in other list systems, but it means that voters can split their support between parties.¹

Semi-open lists (see Appendix two for examples)

Semi-open lists are a compromise between open and closed lists. Voters have the choice of ticking a box to indicate that they support a party and are content with the order of the candidates presented by the party, or they can give their vote to an individual candidate (in which that vote counts as a vote for the party in the allocation to seats to the parties).

¹ While this system has merit in that it extends voter choice, it can be criticised on the grounds that it is open to tactical voting and that a voter, by voting for a candidate may damage the chances of a more preferred candidate from winning a seat.

Before the seats won by a party are allocated to its candidates, the order of the list can be changed to take account of votes cast for individual candidates, but only if candidates receive a required number of votes. How this is done varied from country to country, so we will look at some examples.

Appendix one - Comparing list systems

All list systems provide the same degree of party proportionality – differences in proportionality arise only through the sizes of electoral regions, the choice of allocation system and, to a lesser extent, the use of thresholds. They differ quite significantly, however, in the extent to which they allow voters to determine which candidates are elected.

At one end of the scale, open lists put the choice entirely with the candidates (although a party's ordering of a list may influence choice). There is a strong argument that representative democracy should be about people choosing their representatives, and that only if people have chosen the candidates (and can choose others at a subsequent election if they feel they have not performed their duties satisfactorily) will they feel any real link with their MPs. Nevertheless, the attraction of voting for candidates rather than for just parties does not appear to affect turnouts: Finland where, as we have noted, there have been concerns that candidates' campaigns have pushed party campaigns into the background, the turnout in 2009 was only 40.3%, and in previous elections it was lower.

At the other end of the scale, closed lists deny voters any choice of candidate within a list, and that can be regarded as a denial of democracy. There is a counter argument that it is important to focus the attention of voters on to policy rather than personalities, particularly as many candidates in EP elections will not be prominent figures whose individual views and competences are well known, but where a significant number of voters want to express a preference for a particular candidate, it seems perverse that no account is taken of their opinions.

semi-open lists, as long as they are reasonably open, appear to offer a sensible compromise. They take account of both the views of voters, whom MEPs must represent, and parties which may have a fuller view of the experiences and abilities of the candidates. While they allow a voter to express a preference, they recognise that many voters will be content to follow the recommendations of their parties (and a party's ordering of its list will often be similar to how that party's supporters might order the list as in most cases the party order will have been determined by party members whose views are likely to be similar to the views of non-member supporters – consequently in many Member States with semi-open lists, a majority of voters prefer to vote for the party list in the order presented by the party).

However, while semi-open lists offer an important safeguard against parties promoting candidates that few voters want, the question is where the balance should be struck between the views of voters and the wishes of parties. Unfortunately the methods for awarding seats to candidates in semi-open lists generally favour the views of the parties over the views of voters.

There is, however, one argument that has been made in favour of closed lists. By allowing parties to determine the order in which candidates are elected, the parties can choose to promote women and people from minority groups whose chances of election might be less if the choice were in

the hands of the voters. In some countries, for example, the major parties ‘zip’ their lists, i.e. they alternate between men and women. The argument, however is not supported by the facts. Table 5d.3 compares women’s representation in a selection of countries using open and closed lists.

Table 5d.3: Women’s representation under open and closed lists in EU 2014

Closed lists		Open lists	
	% of women MEPs		% women MEPs
France	47	Finland	62
Germany	40	Portugal	41
Hungary	36	Latvia	33
Spain	37	Italy	21
Greece	32	Poland	20

If the EP is to be truly a representative body of the citizens of Europe, and not just the parties of Europe, then there is a case for requiring a minimum degree of openness. In the example we have given above, it might be argued that Slovakia, where the threshold is 3% of a party’s vote, is satisfactory but Sweden is not. A better approach, however, may be to base the threshold on the proportion of the total vote so that it does not vary from party to party.

Appendix two - examples and more detail on semi-open lists

Semi-open list example

Suppose that 5,000,000 votes are cast in an election, party P wins 1,200,000 of them and as a result wins 5 seats. Suppose that half of the votes cast for party P are cast for the party list and the other half are given to individual candidates as follows:

A	B	C	D	E	F	G	H	J
214,000	76,000	28,000	24,000	14,000	160,000	29,000	15,000	40,000

(In this example, candidate A receives by far the most votes. In semi-open list elections this often happens – party leaders or prominent candidates will head parties’ lists and many voters supporting a party will vote for the list leader.)

Some countries require a candidate to receive a percentage of the party’s vote before a candidate can be moved to a higher position on the list: Sweden uses 5% and Slovakia 3%. In this example, a Swedish candidate would require 60,000 and a candidate in Slovakia 36,000. Table 5d.2 below shows which candidates would have won seats in these countries and with open and closed lists.

Table 5d.2: Comparison of allocation of seats to candidates under different list systems

Candidate	A	B	C	D	E	F	G	H	J
Votes	214,000	76,000	28,000	24,000	14,000	160,000	29,000	15,000	40,000
Open list	X	X				X	X		X
Closed list*	X	X	X	X	X				
Sweden	X	X	X	X		X			
Slovakia	X	X	X			X			X

*With closed lists, voters would not be able to show preferences for candidates, but that does not mean they do not have views on which candidates they want elected.

Lithuania takes account of list order and personal votes by multiplying personal votes by a candidate’s ‘election rating’. The lowest candidate on the list is given an election rating of 8, and the top candidate 20 times that number. Moving down the list, the election rating of each candidate is

reduced by 19. This makes Lithuania's system much nearer to a closed list than an open one, and in the above example it would produce the same result as Sweden (i.e. with only candidate F being elected out of list order).

The system in The Netherlands is sometimes described as 'open' as voters must vote for candidates and not just for party lists (although voters who only want to express support for a party but not for a particular candidate tend to vote just for the first name on the list). The system is, however, semi-open in that which candidates are elected can depend on candidates' positions in their party lists. As with Sweden and Slovakia, seats are allocated first to candidates who pass a threshold, and then remaining seats are allocated in list order, irrespective of the numbers of votes received by candidates. The threshold was originally 50% of a party's votes divided by its number of seats, but this was reduced to 25%, and then (for EP elections only) to 10%. These changes have moved The Netherlands from being near a closed list system to very near a true open list one.

In Belgium a different approach is used. A Droop quota is calculated, being:

$$(\text{total votes for party}) / (1 + \text{number of seats won by the party})$$

Starting from the top of the list, half of the party list votes are then used to top-up candidates' votes (where necessary) to the quota. Candidates with at least a quota are then considered elected, and any remaining seats are allocated in list order. The system does, however, strongly favour candidates near the top of the list, and although a change was made from several years ago from using all party list votes to using only half of them, it is rare for candidates to be elected out of list order. It has therefore been criticised on the grounds that the influence of the voters over which candidates are elected can be illusory.

The Czech Republic, Slovakia and Lithuania differ from other Member States in that voters can express preferences for more than one candidate from the same list – 2 in the Czech Republic, 4 in Slovakia and 5 in Lithuania.