

# **OUR WORST PREFERENCE**

## **Reforming the Electoral System**



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## Chapter Four

### A Word to the Wise

*A Submission to the Parliamentary Labour Party, 2007*

## 4. A Word to the Wise

### Background

The following paper was drafted for the Parliamentary Labour Party as a contribution to its submission to the Constituencies Commission in 2007. The material was not employed, presumably because it showed the STV system had, perversely, begun to favour the party, as in the 2007 election.

The key point made was that the number of five-seaters determines the proportionality of STV as a whole.

Throughout the submission STV is equated with Proportional Representation and used inter-changeably with PR. This is not, of course, true. STV is not a form of PR but establishing that truth was a battle for another time and place.

### Section One: General Context

#### Origins of the Commission

The original purpose of the Constituency Commission was to ensure that the system of proportional representation (PR), as introduced into the constitution of Saorstát Éireann

and retained in Bunreacht na h-Éireann (Article 16.2.5) would be allowed to operate as intended. The article states that in respect of the National Parliament “The members shall be elected on the system of proportional representation by means of the single transferable vote”.

While there are many forms of PR to be considered, their common underlying purpose is to ensure that in a general election political parties should secure seats in parliament in proportion to their share of the national vote.

The people of Ireland, who are the enactors of the constitution, have on four occasions endorsed and upheld PR as the electoral system of their choice. On the last two occasions when the matter was put to them for resolution in referenda called by Fianna Fáil governments they expressly chose to retain STV over the British “first past the post” system.

The people’s refusal to jettison PR in 1968 provoked a revision of the constituencies a year later, which immediately drew sustained criticism from the Labour Party on the grounds that having failed to ditch PR in a referendum the Fianna Fáil government was intent on subverting the system by reducing its proportionality effect.

## Number of Constituencies

This deliberate dilution of the proportionality of STV was to be achieved not only by substantially increasing the number

of three seat constituencies and drastically reducing the number of five seaters but also by concentrating the three seaters in regions where the Fianna Fáil vote was strongest and four seaters in regions where it was weakest.

A comparison of the distribution of constituency sizes between the 1961 and 1969 revisions clearly demonstrates that the purpose of the latter revision was to dilute the proportionality effect of STV, thereby giving Fianna Fáil a larger bonus of seats over votes than had been the norm.

Table One Size of Constituencies				
Year of Revision	3 Seats	4 Seats	5 Seats	Total
1961	17	12	9	38
1969	26	14	2	42

The most significant effect of this change in the distribution of constituency sizes was the increase in the number of three seaters from seventeen to twenty-six and the corresponding reduction in the number of five seaters from nine to two. It is accepted by political scientists that proportionality and constituency size are inversely correlated, and that the larger the size of constituencies the greater the proportionality of the system as a whole. It is self evident from these analytical insights that the 1969 revision was consciously intended to use these features of STV for partisan purposes.

The impact on the proportionality of the system as a whole was profound and can be gauged from the number of TDs elected per size of constituency as set out here in Table Two.

<div>Table Two</div> <div>Number of TDs per size of Constituency</div>				
Year of Revision	3 Seats	4 Seats	5 Seats	Total
1961	51	48	45	144
1969	78	56	10	144

The percentage of TDs elected per size of constituency is even more revealing as means of demonstrating the political intent behind the constituency revision. As the Table Three below proves, the net effect was a drastic alteration in the distribution of deputies by size of constituency in favour of the smallest possible constituency and to the detriment of the largest permissible under legislation.

<div>Table Three</div> <div>% TDs elected per size of Constituency</div>				
Year of Revision	3 Seats	4 Seats	5 Seats	Total
1961	35.4%	33.3%	31.3%	100%
1969	54.2%	38.9%	6.9%	100%

The above table illustrates the profound shift in the make-up of the Dáil. Whereas the number of members elected

from each size of constituency had been roughly equal the situation had been changed to one where over half the members were elected in three seaters, with only 7% coming from five seaters. The constituency system was effectively reduced to that of three and four seaters, with the very minimum of five seaters being retained for the sake of appearances. The full implications of this radical rearrangement of constituencies is examined in more depth in the following section but the paragraphs below summarise the repercussions in terms of the events which led to the formation of the Constituency Commission.

### Political Repercussions of the 1969 Electoral Act

The immediate effect on the proportionality of the system can be seen from Table Four in which the percentages of votes won in the 1965 and 1969 general elections are each compared with the percentages of Dáil seats gained by the three main parties.

The difference between the two percentages is then expressed as either a bonus or a deficit. In a truly proportional system the two percentages would, of course, be identical. As the table below demonstrates the difference between seats and votes increased by more than a factor of three in the case of the Fianna Fáil party. This is hardly surprising as that is precisely what the constituency revision was intended to achieve in the 1969 general election.

Table Four			
Difference in percentage votes and seats			
Election 1965			
	Votes	Seats	Difference
Fianna Fáil	47.8%	50.0%	+ 2.2%
Fine Gael	33.0%	32.6%	- 0.8%
Labour	15.4%	14.6%	0.8%

Table Four (2)			
Election 1969			
	Votes	Seats	Difference
Fianna Fáil	44.6%	51.4%	+ 6.8%
Fine Gael	33.3%	34.7%	+ 1.4%
Labour	16.6%	12.5%	4.1%

This disparity between the percentage of votes won nationally and seats gained in the Dáil led to retaliation on the part of the Fine Gael and Labour Party government which was elected in 1973 on foot of a pre-election voting pact. The constituencies were revised in 1974 as follows:

Table Five				
Constituencies per number of TDs				
Year of Revision	3 Seats	4 Seats	5 Seats	Total
1969	26	14	2	42
1974	26	10	6	42

At first sight, the two schemes do not appear to be significantly different, given that the number of three seaters



was the same at twenty-six each. But this mathematical identity marked a major shift in the regional location of the three seaters from west of the Shannon to the Dublin area. Despite this switch in regional concentration, and notwithstanding the increase in the number of five seaters, the subsequent general election in 1977 again gave rise to a disproportionate allocation of seats between the three main parties.

## The Constituencies Commission

The upshot of this decade of controversy over the electoral system was that the parties effectively called a truce on trying to bias the mechanics of the system in favour of whosoever was in power. It was agreed on the basis of a broad consensus that the periodic revision of the constituencies should be depoliticised and made the responsibility of an independent commission.

It is immediately evident from this brief history of the origins of the Constituencies Commission that its *raison d'être* is to protect the integrity of the STV system as a form of proportional representation from political bias or interference and, additionally, to ensure that the electoral system functions as intended by Article 16.2.5 of the constitution.

It follows that if the members of Dáil Éireann are to be “elected on the system of proportional representation” then the fundamental requirement is to protect and give effect to the proportionality of the system as a whole and that

this feature of the system must be given precedence over what can only be regarded as secondary characteristics or mechanical concerns, such as county boundaries, continuity in relation to the arrangements of constituencies or regard for significant physical features.

From a reading of the Commission Report 2004 (Pr 1554) this does not appear to have been the case. The concluding paragraph of Section 3.4 page 12 is instructive in this regard when it states that:

“Overall, we did not set out with a preconceived view as to the number and location of the different sizes of constituency but, in complying with the constitutional requirements and our terms of reference we endeavoured to suit the constituency size to the population and particular circumstances of each locality.”

This is precisely the wrong point of departure. The Commission should have had a preconceived view as to the number of the different sizes of constituency. Contrary to the position it adopted, it should be guided by the fundamental requirement of ensuring a close approximation between votes cast and the seats won so that proportional representation is achieved in practice. This objective requires, in turn, that the appropriate balance between the different sizes of constituency should be determined *a priori* rather than emerging as the consequence of suiting “the constituency size to the population and particular circumstances of each locality”.

As Table Four above demonstrated, the number and

location of the different sizes of constituency have the most serious implications for the size of the parties in Dáil Éireann and can, quite literally, determine who goes into government and who is condemned to opposition. For this reason, the substantive argument being presented here is that the Commission must, above all, have due regard to the number of the different sizes of constituency if STV is to behave as a system of proportional representation.

In effect, the Commission's choice of the number of the different sizes of constituencies and their location has profound political implications.

In order to reinforce this point the following section analyses the factors which determine the proportionality of STV and draws on academic studies as appropriate.

## Section Two: Factors affecting the proportionality of STV

### The Size of Constituencies

The STV system is differentiated from other forms of PR in two ways. Under STV the voter chooses between individual candidates whereas in most other PR systems the choice is between parties or lists of candidates submitted by the parties (Germany has a hybrid system of individual candidates and parties).

Secondly, STV is distinguished by a large number of small constituencies whereas under list systems the opposite is true and in extreme cases the whole country acts as a single constituency.

It has long been accepted by psephologists that size of constituencies – “district magnitude” as it is called in the United States – is a variable affecting proportionality (O’Leary, 1979, 108). This proposition was expressed in 1945 by Hogan (Hogan, 1945, 13) as follows:

“The decisive point in PR is the size of the constituencies, the larger the constituency, that is, the greater the number of members which it elects, the more closely will the result approximate to proportionality. On the other hand, the smaller the constituency, that is, the fewer the number of members which it returns, the more radical will be the departure from proportionality”.

This proposition is a mathematical truism since the larger the constituency the smaller the quota – they are inversely related – and the greater the prospect of voter preferences being reflected in the number of seats won by the respective parties.

### Trends in Constituency sizes

That being so, it might have been expected that the number of deputies elected in five seat constituencies would

predominate and that recourse to three and four seaters would be regarded as a departure from the norm, justified perhaps by the necessity to accommodate to significant physical features in special circumstances. That, of course, is not the case. The reverse has been happening and the five-seat constituency is becoming the exception rather than the rule, as Table Six demonstrates.

Table Six: Five Seat Constituencies			
Year	No. of constituents	No. of TDs	% of Dáil
1980	15	75	45%
1990	14	70	42%
2003	12	60	36%

The corollary, of course, is that the number of three seaters has been increasing, thereby automatically diluting the proportionality effect of the system as a whole.

Table Seven: Three Seat Constituencies			
Year	No. of constituents	No. of TDs	% of Dáil
1990	12	36	22%
1998	16	48	29%
2003	18	54	33%

## Other Factors

It has to be said, of course, that other factors also influence the proportionality of the general election results. All other things being equal, the outcome can be affected by a pre-election pact between parties to transfer votes between them; the 1969 and 1973 general elections being the classic example of this phenomenon (see Knight and Baxter-Moore, 1973). In addition, the number of parties contesting the election can have a major influence on the proportionality of the outcome. Likewise, the impact of independents. But all that having been said, it can be taken as a sound rule of thumb that electoral systems have significant political implications (see Douglas Rae, *The Political Consequences of Electoral Laws*, 1971). This is particularly true of the prevalence of three and four seat constituencies in the STV system.

## Index of Proportionality

One measure of the proportionality of any system of PR is what O'Leary calls "the index of proportionality". The index is derived by dividing the percentage of seats won by the percentage of votes won, full proportionality being represented by the figure 100. Alternatively, it can be also determined by dividing the number of seats won by the number of seats that would have been won in proportion to votes. O'Leary used the index to measure the proportionality of Irish elections between 1923 and 1977 (O'Leary, 1979, pps 100 - 110).

Table Eight below calculates the index since the February 1982 general election for each of the three main political parties.

Table Eight: Index of Proportionality			
Election	Fianna Fáil	Fine Gael	Labour
1982 (Feb)	103	102	99
1982 (Nov)	103	108	102
1987	107	111	113
1989	105	113	96
1992	105	111	104
1997	120	117	98
2002	118	83	111
2007	112	112	119

### Bonus Seats for Fianna Fáil

It is evident that there has been a pronounced upward shift in the index in favour of Fianna Fáil over the past three elections. Whereas the index averaged 104 during the decade 1982–92 it rose to an average of 117 over the most recent decade 1997–2007. It follows that the number of bonus seats won by Fianna Fáil has risen substantially in each of the past three general elections, as Table Nine proves.

Table Nine: Bonus Seats for Fianna Fáil			
	Proportionate Seats	Actual Seats	Bonus Won Seats
1982	79	81	2
1987	73	81	8
1989	73	77	4
1992	65	68	3
1997	65	77	12
2002	69	81	12
2007	69	77	8

*The return of the outgoing Ceann Comhairle is excluded  
where applicable from the number of seats won*

## The Impact of Constituency Size

The bonus seats arose from the predominance of three and four seaters in the system. As was argued above, three seaters allow a large party like Fianna Fáil to maximise the effectiveness of its vote where it is electorally strongest and to minimise the effectiveness of its opponent votes in constituencies where it is at its weakest. This was the strategy behind the Fianna Fáil revision in 1969. It is remarkable that this is how the current location of different constituency sizes worked out in practice in the 2007 election.



Table Ten: Fianna Fáil Bonus Seats 2007 General Election						
Constit. Size	Votes % votes	Seats Won % seats	Entitlement	Actual Seats Won	Bonus Deficit	Proportionality Index
3 seats	43.9%	51.9%	23	28	5	118
4 seats	39.8%	46.4%	20	24	4	117
5 seats	41.9%	41.8%	25	24	-1	100

While the above table contains rounded up figures for the number of seats proportionate to the votes won the conclusions to be drawn are unambiguous. The three seat constituencies confer the biggest bonus of seats on Fianna Fáil and have a Proportionality Index of 118. The four seaters, despite recording the lowest percentage of votes for Fianna Fáil, also confer a significant bonus of seats on that party and have a Proportionality Index of 117. It is only the five seat constituencies that correlate votes and seats won.

This bears out the point made throughout this submission that a large number of three and four seat constituencies will distort the proportionality of the system as a whole and that the surest guarantee of a high degree of proportionality is the presence of a large number of five seat constituencies.

## Conclusion

The Constituency Commission should start with a decision on the configuration of constituency sizes which it believes would best guarantee a reasonable degree of proportionality between the votes cast for the parties and the seats won by them. By way of illustration, the following configuration would meet the objective implicit in Article 16.2.5 of the Constitution:

Thirteen 3-Seaters returning 23% of the TDs.  
Twelve 4-Seaters returning 29% of the TDs.  
Sixteen 5-Seaters returning 48% of the TDs.

The number of TDs would under this formula be increased to 167.

The current configuration of constituency sizes frustrates the intent of the constitution and the will of the people who enacted and protected its provisions. Any further increase in the number of either three or four seaters would only serve to add to the current distortion in the translation of votes into seats. It must be resisted.

# References

## Chapter 4. A Word to the Wise

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