

CYNGOR SIR POWYS COUNTY COUNCIL.

Report for Full Council 5th October 2023

REPORT AUTHOR: Head of Legal Services

REPORT TITLE: Consideration of Single Transferable Voting system

REPORT FOR: Decision

1. Purpose

To allow Council to consider whether or not consultation should be undertaken as to whether future County Council elections should be run on a single transferable voting system as opposed to the current first past the post system.

2. Background

2.1 Sections 8 and 9 of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) allows local authorities in Wales to choose to adopt the Single Transferrable Voting system (“**STV**”) as the type of electoral system to be used after 2027 instead of the current First Past the Post System (“**FPTP**”). FPTO is currently used for county or county borough council elections in all 22 local authorities in Wales.

2.2 Prior to the 2021 Act coming into force, Welsh Government commissioned research exploring the introduction of the STV system in future local elections in Wales. A copy of the WG summary of the research is attached as Appendix 1 and a full copy of the research is found at Appendix 2.

3. What is a Single Transferrable Voting system (STV)

3.1 STV is a form of proportional representation used in Northern Ireland, the Republic of Ireland, Malta, Scotland, Estonia and Australia for some of their elections.

3.2 If Full Council decides to adopt STV for its 2027 election or for elections at a later date, the following are the main changes :

- A move from 52 single member wards and 8 multi member wards to all multi member wards. Each new electoral ward would have no less than 3 councillors but no more than 6 councillors, the number to be determined by Welsh Government upon recommendations from the Local Democracy and

Boundary Commission for Wales (“ the Boundary Commission”). The boundary Commission would make recommendations to Welsh government based upon their aim of establishing, in so far as it is possible to do so, wards with similar number of constituents both within the county and across Wales. In other words, the council would in future have between 12 and 23 wards instead of the current 60 wards and the boundaries for every ward in the county would change;

- The Council will still have 68 Councillors;
- The process is more complex than currently used for Police & Crime Commissioner elections and for elections to the Welsh Assembly ie it is a different system.
- In future voters rank candidates in order of preference ie voters would place “1” next to their favourite candidate, “2” next to the second favourite and so on;
- Voters can rank as many or as few candidates as they wish, or can vote for only one candidate;
- To be elected, candidates must reach a Quota. This is the minimum number of votes calculated according to the number of seats and votes cast.

$$\text{votes needed to win seat} = \frac{\text{number of valid ballot papers}}{\text{number of seats} + 1} + 1$$

- Ballot papers are sorted into first preference votes. Candidates reaching the Quota are immediately elected:
- Surplus votes from candidates reaching the quota are reallocated to second preference candidates;
- The candidate with the fewest first preference votes who do not reach the quota are eliminated. Their votes are reallocated to second preference candidates through a complex transfer process set out in regulations;
- Following the reallocation of votes, candidates reaching the quota are in turn elected. Their surplus votes are then reallocated until all vacancies are filled;
- Where no candidate reaches the quota, the candidate with the fewest votes is excluded and their votes transferred to the remaining candidates.

- 3.2 Members will see from the above that the method of counting votes will be more complex under an STV system, and the counting mechanism will be set out in regulations from Welsh government. Welsh government have published some draft regulations be called the Local Elections (Principal Areas) (Single Transferable Vote) (Wales) Rules 2023, but these have not yet come into force . I have been told that the regulations will be discussed in the Senedd on Tuesday 3rd October 2023 before the Minister signs them into law.

4. The Process to Move to STV

- 4.1 If Full Council were to decide that it would like to consider moving to the STV system, the following process should be followed:-
- A decision taken by a simple majority of Council to consult with voters, each Town and Community Council and with other appropriate persons or bodies;
 - Council considers the results of the consultation process and decides whether or not to adopt the STV system for its 2027 local elections. **In order for Council to make this decision at least a 2/3 majority of the total number of Members in full council will be required;**
 - The 2021 Act requires the Council to make such a decision by the **15th November 2024** if STV is to be used for the 2027 elections, so as to allow sufficient time for the Boundary Commission to undertake the necessary work and to make recommendations on boundary changes to Welsh Government;
 - A decision to move to STV following the consultation must be taken at a meeting which is specifically held for that purpose (ie no other Council Business) and the agenda for the meeting must be published at least 21 days before the date of the meeting;
 - Welsh Ministers and the Local Democracy and Boundary Commission must be notified of the decision to move to STV within 14 days of the date of the resolution;
 - If the Council opts to change to STV, we will be required to use STV for the next two rounds of ordinary local elections (ie the 2027 and the 2031/2032 elections) before the Council could consider changing back to the current First Past the Post system;

5. Learning from the Adoption of STV in Scotland and Elsewhere According to Research for Welsh government (Appendix 2)

- 5.1 Members will see from the research in Appendix 2 that:
- There is some evidence that voters have found STV to be more complex to understand than first past the post (see paragraphs 3.26 to 3.38) :

- An increased number of spoilt ballots since STV was adopted in Scotland in 2007 as compared to the number of spoilt ballots in the two elections before 2007. In 1999 and 2003, only 13,597 (0.59%) and 14,579 (0.77%) of ballots were rejected, respectively. This proportion almost doubled with the introduction of STV, with 36,351 (1.83%) of ballots being rejected. The researchers thought that the increased level of spoilt papers may have been reasonable bearing in mind the introduction of a new voting system and the fact that the 2007 elections coincided with the Scottish Parliamentary elections which itself included the introduction of 2 mixed member parliamentary votes on the same ballot paper. However, the higher level re of rejected ballot papers continued in 2012 when 1.71% were rejected and 1.95% were reject it in 2017. (see para 3.27-3.28 of Research);
- In the first STV election in Scotland in 2007, the majority of ballots (59.6%) were rejected because counters were unable to ascertain voters' intentions from the marks (or absence of) on the ballot. (see research para 3.31);
- In the Scottish 2017 election, the primary reason for ballot rejection was the presence of more than one first preference. Of the 37,492 rejected ballots in 2017, 82.2% of these were rejected because of multiple first preferences. The second largest reason was lack of a first preference (12%). This may suggest that whilst the 2017 local election was the third iteration of STV in the local elections, a lack of voter understanding remains, as the rejection rate is still significantly higher (see para 3.29 pf Research);
- A similar increased in spoilt papers was also found in New Zealand where there was a 0.7% to 1% increase (see para 3.30 of Research)
- In the Scottish 2017 election, there was a positive correlation between the number of candidates presented on the ballot of the rate of ballot rejection. In other words, the more candidates' voters have to choose from, the greater the likelihood that a ballot will be rejected. Among ballots with four candidates the average rejection rate was 1.25% and this rate increases to 2.62% among those ballot papers that present ten candidates or more (see para 3.29 pf Research) ;
- In 2008 the electoral form STC declared the introduction of STV in Scotland and Northern Ireland to have been successful;
- Following the 2007 elections in Scotland, 84% of respondents to a survey claimed that the new STV ballot was "not very" or "not at all difficult" (see para 3.33 of Research) ;
- The Scottish local elections demonstrates that voter understanding was weaker in deprived areas. Taking the proportion of rejected ballots as a measure of voter understanding of the new process showed that

council wards experiencing greater levels of economic deprivation reported a significantly higher proportion of rejected ballots. This was not an issue in New Zealand and Estonia (see paras 3.34 – 3.36 of Research);

- The Research made 3 recommendations to deal with voter and stakeholder understanding namely (1) significant effort should go into educating *candidates* and *parties*, usually by the Electoral Commission. (2) Returning Officers in deprived areas should be provided with more resources to address misunderstanding in those areas; and (3) voter educational material should focus on how to fill in ballots and avoid discussion of transfers.(see para 5.1 of Research) ;
- The physical task of counting ballots under the STV system can be more arduous and labour-intensive than that of the FPTP system. Scotland, New Zealand and Malta used electronic counting methods to count ballots. E-counting would be the best start for a new system but this has been ruled out by WG as being too expensive (see para 3.88 and 3.39 of Research) ;
- Whilst electronic counting is deemed desirable because of its capability to deal with a more complex counting process and reduce the chance of error, it is worth noting that electronic counting does not erase risk and there are also potential issues that may arise from digitising the process (see para 3.43 of research);
- Multi member wards may lead to longer ballot papers, and candidate ordering on the ballot can be an issue if candidates are listed alphabetically rather than using a system which randomises the order which may be expensive (see para 3.55 -3.57 of research);
- There is a financial cost associated with training and employing staff for manual counts (see para 3.74 of research) ;
- A manual STV count will take at least 2 days. A general election in Ireland took 3-4 days to process (paras 3.77-3.80 of Research)

6 Resource Implications

- 6.1 It is difficult to quantify the costs involved in going out to consultation. We could not afford to attempt all 104,992 voters in a mail shot and provide stamped addressed envelopes for a response as this may cost in the region of £150k. We have 68,795 properties in the County. We would of course try to undertake the consultation as far as possible by electronic means, but the cost could be as much as £50k. We would endeavour to keep the cost down

in so far as it is possible to do so by holding meetings and the use of electronic consultation methods. There has been no provision for the costs of a consultation exercise in the budget for 2023/24 or 2024/25.

- 6.2 As outlined in the report the method of counting votes will be more complex under an STV system. Current costs incurred for the “Count” are around £27.5k for one day, an STV count would take place of over more than 1 day and additional budget would also be required to meet these costs if the STV system is adopted.
- 6.3 The Head of Finance (Section 151 Officer) confirms that additional budget would need to be identified to meet the costs of the consultation exercise. Should Council decide to consult the additional pressure would be added to the Council’s budget plan for consideration at budget setting.

7. Legal implications

- 7.1 The Head of Legal Services and the Monitoring Officer has commented as follows; “The recommendations can be supported from a legal point of view”
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8. Recommendation

Recommendation:	Reason for Recommendation:
1. That Council decides whether or not to go out to consultation with persons entitled to vote as electors at a local government election , Town and Community Councils and such other persons as the Council considers appropriate on the issue of adopting the Single Transferable voting system proposed by Welsh Government at the 2027 local elections and the following local election.	To comply with the requires of the 2021 Act.

Appendix 1

Welsh Government research - summary

Appendix 2

Welsh Government research – full copy