

## **One vote offering more choice**

*The Electoral System Civic Forum's recommendations*

### **Foreword**

Please find enclosed the Electoral System Civic Forum's recommendations. On 22 March 2006 the Vice Prime Minister, Mr Zalm, installed 140 members of the public as members of the Civic Forum. They, on the Cabinet's request, reviewed the most suitable electoral system for the Second Chamber (Lower House). Their efforts have resulted in these recommendations.

This was the first time in the country's history that a civic forum was set up at a national level. Consequently at the time they were installed as members of the Civic Forum no-one knew precisely what was expected from them. For this reason the installation marked the beginning of a tense period for the members of the Electoral System Civic Forum – and for me, in my role as Chair. Would it be possible for this large and diverse group of citizens to arrive at more-or-less unanimous recommendations for a highly complex – and abstract – problem such as the appropriate electoral system for the Second Chamber? Looking back on the past few months, I am gratified to conclude that this was possible – although I should note that things remained tense right to the very end. Membership of the Civic Forum left none of the members unaffected. The work for the Civic Forum took up a great deal of their time, and for this reason alone it played a pivotal role in their lives. In addition, the Electoral System Civic Forum will continue to exert an influence on many lives for a long time to come – the result of the learning value of involvement in a group process of this size and the great involvement in the shared objective, the improved performance of our democracy, right from the beginning of the process.

The Electoral System Civic Forum arrived at its recommendations in a process involving schooling supervised by electoral-system experts, consultations with other members of the public in a series of regional debates, and continual intensive mutual consultations. The recommendations are based on the need for the electorate to exert a greater influence on the membership of the Second Chamber. Within this context the proposed reform of the electoral system is intended to reduce the power of the political parties. However, the political parties will continue to play an important role in issues such as the initial selection of the candidates for the Second Chamber. The members of the Electoral System Civic Forum are of the opinion that a reform of the electoral system is certainly not the only answer to the problem of the public's decreasing confidence in politics over so many years. However, it certainly *can* make a contribution. In addition, both the public and the politicians shall need to make efforts to maintain a permanent dialogue.

The Electoral System Civic Forum was a unique experiment in public participation at a national level. I have become personally convinced of the opportunities the civic-forum tool offers to politics and to society. The nature and design of civic forums is such that they result in motivated and nuanced recommendations. This presumes the appointment of a large and diversified group from the public without ties with party political or other interests, and which arrives at its conclusions during the course of

an intensive process involving schooling and mutual consultations. In this instance the Civic Forum addressed the best electoral system for the Second Chamber; however, civic forums are certainly conceivable for reviews of other difficult issues. I perceive civic forums as a public-consultation tool that offers an evident added value as compared to referendums. Referendums are necessarily restricted to a simple 'yes' or 'no', and they offer no insight into the reasons for voting 'yes' or 'no'. Moreover, civic forums also offer opportunities to give shape to the public's need for involvement in issues of general interest.

The Electoral System Civic Forum's work is complete. Now it is the politicians' turn. They have received thoroughly-studied and realistic recommendations, and consequently there is no reason for the politicians *not* to implement them.

Jacobine Geel  
Chair, Electoral System Civic Forum

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We, the members of the Electoral System Civic Forum, are proud to present our recommendations for one of the cornerstones of our democracy – the electoral system for the Second Chamber (Lower House) of the States General. This is the first time in history that a group from the Dutch public has been invited to submit recommendations to the Cabinet.

Politicians, confronted with the public's steadily decreasing confidence in politics over the course of many years, have been discussing the need for a new electoral system for decades. This confidence could be restored by measures including a reform of the electoral system. However, to date the conflicting interests of the various political parties have impeded progress, and these discussions have failed to yield results.

During the past few months the Forum's meetings regularly reviewed questions relating to the public's confidence in politicians. Do the members of the Second Chamber have sufficient insight into issues of concern to the public? What are the elections actually about: individuals, or the content? What is the role of the political parties in contemporary society? Does the current selection procedure for candidate members for the Second Chamber ensure that the most competent members are elected?

We, in common with many politicians, have concluded that the public has little confidence in politicians. However, the reverse is also the case: politicians have little confidence in citizens. This mutual lack of confidence goes to the roots of our democracy. We are convinced that the restoration of mutual confidence will require efforts on the part of both citizens and politicians. Consequently this constitutes the basis for our approach to our assignment: the submission of recommendations for the best electoral system for the Netherlands.

During the past six months we examined many different types of electoral systems. In addition, we also consulted with the Dutch public via the Internet and a series of public debates. After intensive discussions about many potential approaches we arrived at the following recommendations.

**We recommend the implementation of a system of proportional representation in which voters cast one vote, either for the party of their choice or for the candidate of their choice.**

Voters who cast their vote for a party concur with the sequence of candidates on the list. Voters who cast their vote for a candidate express their preference for a specific member. There is no preference threshold, and consequently this preference vote has an immediate effect.

We also recommend that the residual seats should be distributed on the basis of the largest remainders.

This system complies with the principles we have formulated for the best electoral system for the Netherlands: the electorate is able to exert more influence, the system is both simple and understandable, and it retains the principle of proportional representation. We explain our choice in more detail below.

We have come to the conclusion that the restoration of confidence between the public and politicians will not only require the introduction of a new electoral system, but will also need changes in mentality and conduct. Consequently we have exercised our discretion in adding a number of supplementary recommendations.

We expect that our recommendations will conclude the discussions about a new electoral system.

## **Time for a new electoral system**

Many facets of Dutch society have changed radically in the years since the introduction of the current electoral system in 1917. Some of these changes have had an immediate effect on the relationship between the electorate and their representatives in the Second Chamber. For example, during the past century the country's former divisions along class and religion have largely disappeared; in addition, our society has become highly individualized. By far the majority of individual voters' ties with politics are no longer based on a self-explanatory membership of or involvement with a political party; they are now based on their personal perceptions of important issues which they believe should be assigned a high priority on the political agenda. Consequently voters increasingly vote for one party at an election and for another party at a later election.

This development has resulted in a major change in the role played by the political parties. While society exhibited a pronounced division by class and religion the political parties constituted an important and strong link between the electorate and their representatives in the Second Chamber. From generation to generation voters cast their vote for a specific political party because that party was highly compatible with their milieu, religious or other ideological beliefs. The parties drew up their election programmes on the basis of issues of concern to their grassroots as interpreted in terms of their ideology. They selected the persons who in their opinion were the most suitable candidates for the Second Chamber from amongst their numbers. Since the parties were at the centre of society they received broad support for their actions. Consequently the political parties' position at the heart of our electoral system was both justified and self-explanatory.

However, following the breakdown of these divisions and the individualization of society public support for the political parties is now much lower. Just some 2.5% of the Dutch public are now involved with a given political party to an extent such that they actually become members. Moreover, only a small minority of these members are active within their party. Consequently, only a very small group of people ultimately decides who will be candidates for the Second Chamber and which issues will be assigned priority for the new Government.

In view of the changes in our society as outlined above we are of the opinion that a number of elements of the current electoral system are no longer satisfactory. The current system results in a situation in which elected members are not always able to interpret the electorate's opinions in an adequate manner. Consequently large groups of the electorate no longer feel represented in the Second Chamber. We have come to the conclusion that the enhancement of the electorate's role in relation to the political parties is a condition that shall need to be met for the restoration of confidence.

## **An elusive parliament**

In the opinion of the Civic Forum the public's low confidence in politics is also due to reasons which are not directly related to the current electoral system. This lack of confidence is in part due to the electorate's inability to control many of the

developments that take place between elections. Our criticism is focused on three issues: how members of the Second Chamber perceive their tasks, the lack of any more-or-less structural public influence on issues between elections, and the often elusive and untransparent manner in which the coalition cabinets are formed after the elections.

The formation of coalitions is an inherent consequence of the Netherlands' multiplicity of political parties, since no single party ever achieves an overall majority on the elections. The formation of coalitions is a necessary element of a system of proportional representation – and an element which is currently the exclusive prerogative of the political parties. The electorate simply has to wait and see which parties form a coalition – and what remains of the election programmes at the end of the coalition discussions. The debates the Civic Forum held in the country also revealed that voters wish to have a greater influence on the formation of coalitions. However, it is extremely difficult to assess the advantages and disadvantages of potential solutions; moreover, this issue falls outside the scope of our assignment. Consequently we have not submitted any recommendations for this issue.

During the debates organized throughout the country – and the discussions within the Forum – a number of issues were mentioned relating to how members of the Second Chamber perceive their tasks. One of these issues was the inclination of members of the Second Chamber to split away from their party, a trend which has become very marked during recent years. Some members elected to the Second Chamber without a personal mandate leave their parliamentary political party between elections – but then stay on as members of the Second Chamber. We, in analogy with many other members of the Dutch public, find this irritating. The same is applicable to the frequent tendency of members of the Second Chamber to terminate their membership to accept a job with better pay or – in their opinion – with more prestige. In addition, we find it unacceptable that some candidate members, referred to in Dutch as *lijstduwers* (literally, 'list-pushers', Dutch personalities added to the bottom of the list to attract votes), are not prepared to become members of the Second Chamber in the event that they are elected.

Conduct of the above nature harms the prestige of politics, and it is detrimental to the important role members of the Second Chamber play in our democracy.

### **The strengths of the current electoral system**

Although we have established that there are a number of major problems in the relationship between politicians and the public this certainly does not imply that we are of the opinion that the entire electoral system is unsatisfactory.

The principle of proportional representation is one of the important cornerstones of our current electoral system. The Netherlands has a large number of highly diverse political parties, and the country's multifaceted society is reflected in the membership of the Second Chamber. The Civic Forum is of the opinion that this multifaceted membership is of great value. People should not decide to enter the political arena solely in an endeavour to achieve government power; minority standpoints also need to be heard. Moreover, the low election threshold makes it relatively easy for new political parties to enter the arena. This ensures that issues currently of importance to

society can also result in discussions in the Second Chamber. For this reason our proposed reforms of the electoral system retain the principle of proportional representation in its entirety.

The Electoral System Civic Forum is of the opinion that the electorate's role needs to be enhanced. However, this does not imply that the political parties no longer have a role to play. The political parties continue to play an important role in interpreting their voters' opinions in terms of a coherent perception of the required design of our society, in seeking expert and appealing candidate members for the Second Chamber, and in ensuring for a certain degree of continuity.

However, the electoral system of the future transfers some of the power currently vested in the political parties to the electorate. In effect, the Civic Forum's proposed reform of the electoral system breaks the political parties open, and it compels members of the Second Chamber to focus on the outside world rather than their own circle of party members. The new system responds to a greater degree to the electorate's wish to be represented not solely by their political party, but also by members of the Second Chamber who create a distinct profile for themselves, e.g. by adopting a specific standpoint.

#### **Our current system**

The Netherlands adopted the principle of proportional representation in the Second Chamber in 1917. All members of the Dutch public who are entitled to vote may cast one vote for a candidate of a political party. In practice, 75% of the votes are cast for the leader of the parliamentary political party. All votes for candidates of the same party are totalled. Each party is assigned a number of seats in proportion to the votes they received. These seats are then assigned to the candidates in the sequence stated on the lists drawn up by the political parties. However, there is one exception: candidates who receive a larger number of preference votes (more than 25% of the Hare quota) are placed at the top of the list.

#### **The principles of the proposed electoral system**

The electoral system of the future will need to give the electorate **more influence**. In essence, in the current system the sequence of the candidates on the lists drawn up by the political parties ultimately determines who are elected. In our opinion the electorate needs to be able to exert more influence on the membership of the Second Chamber. This will automatically result in the members of the Chamber concentrating on the electorate rather than on their party.

The electoral system needs to be **simple and understandable**. Many members of the public already find it difficult to decide who will receive their vote. For this reason we are not in favour of a more complicated electoral system in which voters are assigned more votes or are requested to list the candidates in *their* preferred sequence.

The existing **principle of proportional representation** must be retained. The ready access to membership of the Second Chamber and the broad range of opinions

voiced on debates in the Chamber are both essential characteristics of the Dutch political culture.

The Civic Forum attaches paramount importance to the **quality** of the members of the Second Chamber. Within this context, we understand 'quality' as expertise in political issues together with appropriate communicative skills.

The parliamentary political parties must ensure that the membership of the Second Chamber **mirrors** society in terms of gender, ethnicity, and region. We do not propose any specific reforms relating to this requirement, such as the introduction of constituencies or the imposition of mandatory quotas for women on the lists of candidates. We are of the opinion that the political parties bear the responsibility for the composition of their lists of candidates. However, we *do* advocate that the list of candidates be drawn up in the most democratic manner possible.

**The Civic Forum's assessment of the 5 greatest strengths and weaknesses of the current electoral system**

**Strengths**

- 1) Proportional representation → large number of parties
- 2) Just one constituency: the entire country
- 3) The open list system
- 4) The low electoral threshold
- 5) The existence of coalition governments

**Weaknesses**

- 1) The electorate has little influence on the membership of the Second Chamber.
- 2) The members who leave their political parties between elections
- 3) The electorate has no influence on the formation of coalitions
- 4) Few members of the Second Chamber have a personal mandate (they benefit from the popularity of the leader of the parliamentary political party)
- 5) The remoteness of the members of the Second Chamber from the public

## **The electoral system of the future: vote for a party or a candidate**

The Electoral System Civic Forum recommends the introduction of a system of proportional representation in which voters can choose between voting for the party of their choice and casting a preference vote for the candidate of their choice. Voters casting a vote for a party indicate that they agree with the party's ideas and have confidence in the sequence of the list drawn up by the party. Voters who cast a preference vote indicate that they wish to see a specific candidate become a member of the Second Chamber, for example in view of the candidate's expertise, regional ties, or strong advocacy of specific issues in the party's programme.

### **Why do we opt for voting for a party or for a candidate?**

Our proposal retains the strengths of the current system: the principle of proportional representation is unimpaired, and the system remains easy to understand. However, at the same time the new system increases the electorate's influence on the membership of the Second Chamber. In the recommended system all members of the Second Chamber receive a personal mandate; they either obtain their seats on the basis of preference votes – and, consequently, receive a direct mandate from the electorate – or they receive their seats on the basis of the votes for their party – and, consequently, receive an indirect mandate – since voters who vote for a party indicate their agreement with the sequence on the list. However in this electoral system, irrespective of which method voters use to cast their vote, the *electorate* decides who will become members of the Second Chamber.

In the current system few members of the Second Chamber receive a personal mandate. In practice, the sequence on the list almost always determines which candidates become members of the Second Chamber, since candidates need to receive preference votes amounting to at least 25% of the quota before they are personally elected to the Second Chamber. In the 2003 elections only some 10% of the members of the Second Chamber were elected in person. As a result of this preference threshold the political parties in fact determine the members of the Second Chamber. The strength of our proposal lies in the opportunity offered to the electorate to give an explicit indication of their preference, i.e. whether they support the sequence on the list drawn up by their political party, or whether they wish to elect an individual candidate. Our proposal does not specify a preference threshold, and consequently these preference votes are of greater importance than in the current system. At the same time, voters who wish to support the list are offered an opportunity to do so.

In so doing, this system ensures for an appropriate equilibrium between the party's influence on a balanced membership in the parliamentary party and the electorate's influence on their personal representation – a balance which is not determined by the party, but by the electorate. Consequently the electoral system once again becomes the electoral system of the electorate rather than of the parties.

### **How does the recommended system work?**

In the electoral system of the future voters still cast one vote. However, other than in the current system, they can choose between casting their vote for a party or casting a preference vote for one of the candidates on the list.

The number of seats to which each party is entitled is calculated in a manner comparable to the current method: the total of the party votes and the preference votes determines the number of seats to be awarded to the relevant party.

It is then necessary to determine which candidates on the list are to be assigned to the party's seats. This is carried out using the following procedure.

For example, a party has obtained 20 seats. 40% of the voters cast a vote for the party, and 60% cast a vote for individual candidates on the list. Consequently eight of the 20 seats have been obtained by virtue of the party votes (i.e. 40% of 20 seats), and twelve seats have been obtained by virtue of preference votes (i.e. 60% of 20 seats). First, the eight seats obtained via party votes are assigned on the basis of the sequence of the candidates on the list. Consequently the first eight candidates on the list are assigned a seat, irrespective of the number of preference votes they received. The remaining candidates on the list are ranked in the sequence of the number of preference votes they received. The first twelve of these candidates are then declared elected. Note: there is no longer a threshold for the number of preference votes.

As indicated earlier, the distribution of the seats between the parties continues – in analogy with the current situation – to be based on proportional representation. Consequently the relationship between the total number of votes cast for a party and the number of seats it receives remains unchanged. The party votes awarded to all parties and the preference votes for all candidates are totalled, and the total number of votes cast is divided by the number of seats in the Second Chamber (150 seats). The result is the Hare quota. The total votes cast for a party divided by this quota determines the number of seats assigned to the relevant party.

There will always be a number of residual votes, and consequently there are still a number of seats that have not yet been assigned to a party. We propose that these residual seats be assigned to the parties on the basis of the largest remainder (see box). We are of the opinion that this method allocates the residual seats in a more transparent and more honest manner than the apportionment key currently in use. In contrast to the current system, in which the large parties usually walk off with the residual seats, we propose that in the future the smaller parties are granted an equal chance of gaining a residual seat. Smaller parties that secure a residual seat will benefit from a proportional enhancement of their position as compared to the larger parties. We are of the opinion that the enhancement of the signalling role of the smaller parties is more important than the reinforcement of the larger parties' power.

#### **New method for the allocation of residual seats**

At present, the residual seats are allocated using a method based on the highest averages. In the highest-averages method the total number of votes cast for each party is divided by the total number of assigned seats plus one. The party list with the highest average number of votes per seat is then assigned a residual seat. A given

party can be assigned more than one residual seat. Allocating the residual seats in this manner is almost always to the benefit of the large parties, since the addition of a residual seat has a smaller effect on the average than for the smaller parties. The Civic Forum proposes that the highest average method be replaced by the largest remainder method. The party list that has the largest number of remaining votes is allocated a residual seat. Each party receives a maximum of one residual seat, as a result of which the residual seats are allocated to a larger number of parties. However, a given party must have received at least *one* seat for entitlement to a residual seat.

### What does a ballot paper look like?

- | <input type="checkbox"/> CDA           | <input type="checkbox"/> PvdA        | <input type="checkbox"/> VVD        |
|--|--------------------------------------|-------------------------------------|
| <input type="checkbox"/> 1. Balkenende | <input type="checkbox"/> 1. Bos      | <input type="checkbox"/> 1. Rutte   |
| <input type="checkbox"/> 2. Verhagen   | <input type="checkbox"/> 2. Albayrak | <input type="checkbox"/> 2. Verdonk |
| <input type="checkbox"/> 3. ....       | <input type="checkbox"/> 3. ....     | <input type="checkbox"/> 3. ....    |

### What are the consequences of this system?

The main effect of our proposal is the electorate's increased influence on the membership of the Second Chamber. Since every preference vote counts, we expect that candidate members for the Chamber shall increase their focus on the voters. This will promote the ties between the electorate and their representatives, and it will increase mutual confidence.

In addition, the introduction of a party vote eliminates the current aggregation of preference votes for the leader of the parliamentary political party and votes cast in support of the actual party. In the new system votes cast for the leader of the parliamentary political party are genuine preference votes rather than disguised votes supporting the party and its list of candidates. This latter support can be given in the form of the party vote.

#### *The voters' conduct*

Voters will receive direct influence; voters can vote for a party to express their confidence in the party's ability to assign the appropriate members to the Second Chamber, or they can vote for a specific candidate they wish to see elected to the Chamber. A preference vote for a specific candidate now has an immediate effect, since there is no election threshold.

Since preference votes now carry more weight we expect that the electorate shall act accordingly. Voters who come to appreciate the effect of casting a preference vote – candidates lower on the list are elected to the Second Chamber with a personal mandate – will be more inclined to cast a preference vote than a party vote. However, some voters will wish to give their support to the sequence of the list. The ability to vote for a candidate or for a party serves the purposes of both groups.

#### *The conduct of individual politicians*

Political parties position themselves by means of their election programmes. However, we also consider it desirable that individual politicians are recognizable to the electorate. The elections should not, as it were, be fought solely between Bos and Balkenende; they should also be fought between Smeets and Hessels. For this reason candidate members of the Second Chamber will need to position themselves more as individuals. The proposed system explicitly challenges them to do so. On the introduction of this system candidates are more likely to receive a direct personal mandate. When more voters cast a preference vote then fewer candidates will be elected to the Second Chamber on the parliamentary political party leader's coattails; the voters' specific preference votes will give more candidates a direct personal mandate.

In our proposed system candidates who adopt a more explicit position in relation to the content of their party's election programme are more likely to be elected to the Second Chamber. Consequently, in the future they will conduct a more personal election campaign in an endeavour to gain the electorate's confidence – and their votes. Candidates could, for example, conduct an active campaign on the basis of their expertise, their home region, or the professional group they represent.

Politicians who have been elected will attach more importance to remaining accessible to their electorate, since in a following election they will personally be called to account for their performance. Our system will not only compel politicians to listen carefully to the electorate during elections, but will also urge them to remain in contact with the electorate during their period of office. This will improve the interaction between members of the Second Chamber and the electorate.

#### *Consequences for the political parties*

In this system the political parties' influence on the membership of the Second Chamber is dependent on the electorate's wishes. Voters who have confidence in the list of candidates drawn up by the party will cast a party vote. Voters who wish to change the sequence of the list – or determine the sequence – cast a preference vote.

This electoral system encourages political parties to select candidates who can convey the party's message in an effective manner. Although the parties continue to bear the responsibility for the selection of suitable candidates – i.e. candidates with the necessary expertise and communicative skills – we advocate that they determine the definitive list of candidates in the most democratic manner possible.

#### **Conclusions**

Elections should be about the content, and the debates need to focus on the election programmes. However, candidates other than the leader of the parliamentary political party should also use the content to position themselves. Candidates shall need to earn their seat, and they must be offered scope to do so during the campaign. Our proposed system offers individual candidates scope to position themselves, but without detriment to the important cohesive role of the political parties.

## **Supplementary recommendations**

The Civic Forum has observed that there is a lack of confidence in politics. Merely introducing a new electoral system will be insufficient to restore this confidence. A flourishing democracy is possible solely with responsible members of the Second Chamber and the involvement of the citizens. For this reason we also submit a number of unasked recommendations.

### **Responsible members of parliament**

All members need to be aware of the nature of their special task. We note that members increasingly shun the great responsibility incumbent upon membership of the Second Chamber. This is, for example, manifested in the form of the many members who separated from their party in between elections during the past few years. We are of the opinion that members who leave their party during their term of office but remain members of the Second Chamber deceive the electorate, since they were originally elected as members of Second Chamber on the basis of their political party's election programme. For this reason we call on the political parties and members of the Second Chamber to prevent these situations, since the retention of politics' prestige is in everyone's interest.

In addition, the Civic Forum is of the opinion that 'list-pushers' - personalities added to the bottom of the list merely to attract votes - do not do justice to the prestige of membership of the Second Chamber. Consequently we call on the political parties to take the electorate seriously, and to restrict the candidates on the list to those who are willing and able to take up membership of the Second Chamber if they are elected.

### **Involved citizens**

The restoration of confidence between politicians and the public also requires an investment by the citizens. Citizenship encompasses more than merely voting at elections. Democracy can perform in the appropriate manner only when citizens also exhibit political involvement. However, many people do not know how Dutch democracy works. For this reason we advocate that primary education onwards should devote more attention to politics and political science. This attention should not focus solely on learning facts, but should also – and, in particular – focus on how democracy works in practice, and how members of the public can make a contribution.

The establishment of civic forums is an excellent means of ensuring for the public's involvement in political decision-making. We recommend that more use should be made of political forums, which are highly compatible with the Netherlands' consultative democracy. The added value provided by civic forums lies in the opportunity they offer for informed citizens to conduct discussions and dialogue in arriving at a politically-independent assessment of a specific subject.

In our opinion civic forums are ideally suited to national themes on which politicians are sharply divided. A group of citizens, representing a cross-section of society, can

then arrive at refreshing new insights. In our experience a civic forum is an innovative and contemporary tool that can contribute to the restoration of confidence between the public and politicians.

The Civic Forum is of the opinion that voters should be able to vote at the location of their choice; this would increase public involvement in elections. We are aware that some municipalities are already experimenting with this approach. The Civic Forum would welcome a reform enabling all voters to vote at the polling station of their choice, since this would avoid situations in which voters are unable to vote for practical reasons.