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New Zealand's Experience with Electoral Reform

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After years of attending these seminars as a guest and observer I have finally been put to work – mainly it seems because of an article I wrote on proportional representation nearly 20 years ago. A lot has changed in 20 years. Specifically my task is to look at recent developments in New Zealand and the United Kingdom. First I want to give an overview of some voting systems.

Overview of Voting Systems

There are basically three kinds. – majority systems, proportional systems and mixed systems. You are all familiar with the First Past the Post method of electing members from single members constituencies.

There are some variations on the majority system intended to make sure that every winning candidate has at least 50% of the popular vote. The best know is the two-ballot or runoff system used in France. Anyone can run on the first ballot but only those candidates receiving 50% plus one are declared elected. In ridings where no one received a majority a second ballot is held between the top two contenders and of course one will receive at least 50%.

The alternative vote system used in the Australian Houser of Representatives since 1918 achieves this same objective in a single ballot by having voters list their first, second, third choices on the ballot. If, when the ballots are tallied, no candidate receives 50% , the candidate with the least votes is eliminated and his or her votes are redistributed according to the second choices. While these systems ensure that the winner has an absolute majority they do not address the issue of overall proportionality in the House.

Virtues of FPTP

- It is familiar to the public, votes are simple to cast and count.
- It usually leads to a one-party majority government.
- It leaves each member of Parliament with a direct relationship with a particular geographical area.
- It encourages parties to broaden their appeal and thus discourages extremism. (IN Canada it can help parties with a strong regional appeal to get elected to the national parliament.
- It offers to unorthodox MPs a degree of independence from excessive party control, provided (as many of them do) that they can retain the support of their local organisation.

The Defects of FPTP

It usually produces a Parliament or legislature where one party has a much higher percentage of seats in the House than it has of the popular vote

The two worse things that can happen (and we have seen both of these recently) is that one party can get all the seats in the legislature (PEI 1935, New Brunswick 1987) or a party with the highest popular vote has to watch while an opposition with fewer votes wins enough seats to form a government. (Quebec last election) Every time either of these events happens there is talk about the need to change the electoral system but so far we have clung steadfastly to the first past the post system.

Other problems less serious (particularly in Canada)

- Leaves third parties under represented. (manage to have successful third parties since 1921)
- Gives the voter no direct say in the choice of the governing party or the Prime Minister.
- Makes it more difficult for ethnic groups and for women to attain office. This is a rather hot debate and I am not going to enter it except to say I believe that, ultimately, under any system, it is the political parties who are responsible for candidate selection.
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Proportional Representation

The arguments for and against Proportional representation are generally the flip side of those I just mentioned for FPTP

For

- Reflect more accurately the preferences of voters in terms of seats in parliament.
- Generally produces higher turnout since every vote counts.
- Because minority views are not marginalized, political discourse and political participation are enlivened in PR systems.

Against

Can encourage the emergence of extreme views, which, though quite often based on short-lived opinions of the day, are given a certain longevity and enhanced legitimacy through access to parliamentary representation.

The complexity of their balloting process and the way in which votes are tallied.

PR systems generally produce coalitions. Thus, when casting their ballots in a PR system, voters are not really electing a government. Governments under PR are typically formed after elections, through a bargaining process, to build governing coalitions. Voters, in effect, have little direct say regarding the complexion of their government.

Compromise can be brokered, but negotiations often produce rifts that cannot be resolved.

These are general comments on PR but in fact there are dozens of varieties although they can be grouped into 3 broad categories.

Party List Systems

Used particularly in Europe whereby voters in an electoral district choose from among slates of candidates put forward by the various parties contesting an election. When the votes are tallied, each party is entitled to seat the number of members from its list that corresponds to its share of the popular vote; for example, if a given party obtains 30% of the vote, then it would send 3 members out of a list of 10 candidates to the legislature.

To discourage the emergence of splinter parties, jurisdictions using this system sometimes set a vote threshold that parties must obtain in order to qualify for seats. Thresholds vary from jurisdiction to jurisdiction; it may be as low as 1% but usually around 5%. Once the threshold is met, various methods are used to calculate how seats will be allocated among the parties.

After a party's share of the available seats has been determined, it must be decided which candidates on its list will be declared elected. In most jurisdictions this depends on the order in which candidates' names appear. Those whose names appear at the top of their party's list of candidates thus have the best chance of being elected, those at the bottom, the least.

List systems have been criticized because they place considerable power in the hands of political parties, since they determine the order in which candidates' names appear on the ballot --- and thus which candidates are most likely to assume office. As a consequence, voters are deprived of a significant degree of choice and the ballot itself is rendered less meaningful. In order to redress this imbalance, some jurisdictions that use a list system allow electors a greater degree of choice among the candidates. This variation on the party list system can take two forms. In some cases voters may choose among the candidates from one party alone in other cases they are permitted to make their choices regardless of party. The basic principles of the party list system are still operative, however: parties are allocated seats on the basis of the popular vote they receive.

Single Transferable Vote

Under the single transferable vote voters are asked to rank-order their choices among the candidates whose names appear on the ballot. When the ballots are counted, the first step is sorting them according to the first choices. In order to be declared elected, a candidate must obtain a certain threshold of the votes cast. Those candidates who obtain the threshold during the first stage of counting are declared elected and any votes they have received in excess of the threshold are redistributed according to the second choices as marked. The second stage of counting involves the redistribution of these "surplus" ballots; once more, those candidates achieving the threshold are declared elected and any surplus votes redistributed. This process continues until all vacant seats have been filled.

For example in a 3 member electoral district with ten candidates where 1,000 votes were cast the quota to win would be 1,000 divided by 3 = 334 votes. (Hare quota) Anyone getting 334 votes would be declared elected and his or her votes would be redistributed according to the preference of the voter. If no one received 334 votes then the person receiving the lowest number is dropped and those votes are redistributed. This goes on as many times as necessary until three candidates are elected. (There are several other formulas that can be used to establish a quota and divide the votes.)

Hare Quota = votes/seats (largest remainder system)

Hagenbach-Bischoff quota = votes/seats + 1 (largest remainder system)

Imperiali quota = votes /seats + 2 (Largest remainder system)

Droop quota = votes + 1/seats + 1 (largest remainder system)

D'Hondt divisors 1,2,3,4,5 etc (highest average system)

Sainte-Lague divisors 1,3,5,7 etc (highest average system)

Saint Lague modified divisor 1.4, 3,5,7,9 etc (highest average system)

STV, emphasizes candidate rather than party. Critics claim that it leads to weaker parties and hinders the emergence of a responsible party system because candidates work to attract personal support, sometimes at the expense of other candidates from their own party.

Australia experience has shown that the process of counting the vote may be lengthy and a high levels of ballot-spoilage.

Mixed Systems

Some jurisdictions have chosen to use a mixture of majority and proportional representation systems in order to achieve the benefits of both. The Germany approach provides for one half of the seats in the Bundestag (the lower house of parliament) to be filled by plurality, using single-member constituencies, while the other half are filled using party lists. This is the one most often emulated and it has been introduced in New Zealand, in the new devolved legislatures of the United Kingdom, and in many other new democracies in Eastern and central Europe.

New Zealand

From 1951 to the mid 1980s the government in power has had the support of less than half of the electorate and new political parties gained few or no seats in Parliament.

This led to a growing perception that the results were unfair. Governments were being formed that did not represent the majority opinion of the voters. In some districts with several parties vying for office, a candidate was winning with less than a third of the vote.

In 1985 a Royal Commission on the Electoral System was created. The following year its report recommended the Mixed Member Proportional system **MMP** (based on the German model).

The Labor Prime Minister in 1987 promised a national referendum on adopting MMP if elected to govern. They were but he reneged on his promise. This led Leader of the Opposition, to promise that National would hold a referendum if elected in 1990.

National decided on two referendums. In September 1992 voters were asked whether they supported their single-member plurality system and, if not, which of four different PR models they would prefer. Approximately 85% of those who cast ballots voted for a change of system and of these an overwhelming 70% favoured the mixed system used in Germany.

The second referendum in 1993 pitted MMP (the winner of the first) against the incumbent FPP. MMP won with 54% support to FPP's 46%.

MMP a Sketch

The system adopted was as follows:

Voters have two votes. One for a candidate to represent their local constituency (elected by FPP) and one for a list of published pre-selected and ranked candidates on party lists.

Tallies of the list vote are used to determine each party's proportion in the 120 member unicameral parliament of which 65 are constituency legislators and 55 elected from the party lists.

Separate Maori lists are preserved.

If a party's list vote gets more than 5% of the vote but less than 5% of the constituencies then list candidates are declared elected starting from the top to bring the total number of MPs as close as possible to its proportion of the list vote.

If a party fails to receive 5% but wins one constituency seat outright it will also be assigned its proportion of seats from the list

If a party wins more constituency seats than the total number of seats to which it is entitled overall (overhang) the party retains all its constituency seats but does not share in the distribution of list seats.

Vacancies in constituent seats filled by by-election, vacancies on party list filled from the list.

On October 12, 1996 New Zealand held its first election using the MMP system. Since no party won a majority of the seats, a coalition government was formed after 8 weeks of secret negotiations. The New Zealand First Party was the substantial beneficiary of the New system. It secured 17 seats (or 14.2% of the total), eleven of them by list rather than by direct election. This gave it a key position, since Labour had 37 seats, the National party 44, the Alliance party 13 and others with 9.

New Zealand First then proceeded to form a coalition, not as had been expected with the Labour party, but with the National party, which they had so freely denounced during the campaign. The Leader of New Zealand first became Deputy Prime Minister and Minister of Finance. The delay, the secrecy and the apparent reversal of alliance created a negative impression. Ultimately the New Zealand First secured 5 (out of 20) Cabinet posts, but its poll rating fell quickly from 14% to 1% and after 18 months it withdrew from the coalition. This led to three different National Party governments with support from a variety of other parties.

In 1999 the electorate gave the Labour and Alliance 59/120 seats and enabled them to form a government.

Initial analysis of the New regime revealed several problems. The eight week negotiation to form a coalition left the electorate extremely sceptical of the process.

The new system was also criticized because it led to an increase in the size of the Parliament from 99 to 120 members.

The other factor which seems to have disappointed the New Zealand electorate has been the failure of the new system to produce any reduction in the bitterness of party politics. In Germany with its elaborate system of power-sharing between Länder and not very centralized central government, and within the federal legislature between Bundestag and Bundesrat (the latter made up of state representatives, often with different parties in power in the different institutions), a consensual habit has become the dominant political culture.

On the plus side the new Parliament was the most representative ever elected. The proportion of women members close to 30%, the Maoris have for the first time achieved a representation approximately equal to their numerical strength, and there is also an unprecedented number of Asian and minority MPs.

The electorate seemed to appreciate the greater degree of voter choice. In 1996 there was an 87% turnout and 37% of those voting - a much higher proportion than in Germany - chose to split the party affiliation of their two votes, thereby liberating their choice of local members from their view of what party or combination should form the government of the country.

Is New Zealand Likely to go Back to FPTP?

The country is still divided and we see this in the Report of a Committee of the House of Representatives to Review the Electoral System which reported in August 2001.

This report outlines some of the issues that have to be considered if Canada or one of our provinces was going to adopt a similar system of proportional representation.

Process used to reach conclusions

Committees as a general rule make decisions by a simple majority vote. The electoral review committee, however, was established under different rules. Because of the constitutional and political significance of the issue the House directed members to reach conclusions on the basis of unanimity, or if this was not possible, near-unanimity, having regard to the numbers in the House represented by each of the members of the committee. The Chairperson was directed by the House to be the judge of whether unanimity was possible and, if not, whether a sufficient degree of near-unanimity had been reached for the committee to reach a conclusion.

In practice this meant that near-unanimity was reached if the only dissenting party was the United party. This process, however, did not allow the committee to make recommendations based on a majority, even when there was a clear majority in favour.

The committee was able to reach unanimous agreement on five issues. All these decisions were for the status quo so, in effect, agreement was reached that there be no change. The committee also reached near-unanimity on one issue. On all other issues including whether or not to keep the MMP system the committee was divided.

The following are the unanimous recommendations all supported the status quo.

- The criteria used by the Representation Commission when drawing electoral boundaries should not be listed in a particular order of priority, and the Commission should consider each criterion as it sees fit (the status quo should remain).
- There should not be any change to the number of seats currently allocated for the South Island (the status quo to remain).
- Consideration should be given to the proposals raised in submissions in relation to the issue of maintaining proportionality in a fixed-member House while also maintaining a guaranteed number of seats for the South Island.
- That there be no waiver of the threshold for representation for parties that represent primarily Maori interests (the status quo to remain)
- There should not be any legislative measures to support or enhance parliamentary representation of women or ethnic minorities, this responsibility should rest with individual political parties through their candidate selection procedures (the status quo to remain).

- That candidates be able to stand for both the list and for a constituency (the status quo to remain)

The committee could not reach unanimous agreement on a number of significant issues.

- the number of members in the House of Representatives
- whether there should be another referendum to decide to keep MMP
- whether the Maori seats should be abolished or retained
- whether the provisions in the Electoral Act 1993 that deal with Maori representation should be entrenched
- a reduction in the party vote threshold for parliamentary representation
- whether the one-seat threshold should continue
- voting method for electorate seats
- political party representation on both the Representation Commission and the Electoral Commission
- changes to the way in which the electoral broadcasting regime is administered
- the provision of further State funding to political parties.

Recent Development in the United Kingdom

There have been two major developments in the United Kingdom in the last five years. One was the report of the Independent Committee on the Voting System chaired by Lord Jenkins and the other was the creation of new Assemblies in Scotland, Northern Ireland, and Wales all of which have introduced proportional representation.

Jenkins Commission

Mandate was to recommend the best alternative system or combination of systems to the existing FPP system.

No question of recommending a system to be imposed by the government. Rather to come up with an alternative to be put to a referendum with the other choice being the status quo.

Some of the more important recommendations

best alternative is a two-vote mixed system with the majority of MPs (80 to 85%) would continue to be elected on an individual constituency basis, with the remainder elected on a corrective

Within this mixed system the constituency members should be elected by the Alternative Vote.

The Commission recommends that the second vote determining the allocation of additional members should allow the voter the choice of either a vote for a party or for an individual candidate from the lists put forward by parties. The Commission recommends that additional members should be elected using existing county or constituency boundaries.

The Commission proposed that the additional members should be allocated after taking into account the number of constituency seats gained by each party in each respective area.
(explain later)

The Commission stressed that all members of the House of Commons whether elected from constituencies or as additional members should have equal status in Westminster.

Vacancies should be filled by the candidate next on the list of the party holding the seat. If there is no available person the seat should remain vacant until the next general election.

Constituency vacancies would of course be filled by the normal by-election procedure.

As yet nothing has changed in Westminster as a result of the Jenkins Committee report but if we want to see the practical impact of these recommendations we can look at the elections in Scotland and Wales because they have essentially adopted the Jenkins plan.

Scottish Parliament

The voting system used by the Scottish Parliament is known as the Additional Member System (AMS). (not MMP mixed member proportion system) Each voter has 2 votes on separate ballot papers. One for a candidate in their constituency (mauve ballot paper) and one for a party list in their region (peach ballot paper). There are a total of 73 constituency members. These will be the same as the 72 Scottish constituencies at Westminster with the exception that Orkney and Shetland will be divided into two, each electing its own member.

The second vote is for a political party, or for a candidate standing as an individual, within a larger electoral area called a Scottish Parliament Region. There are 8 such regions and the boundaries correspond to the European parliamentary boundaries. Each region has 7 additional seats in the Parliament. The members chosen to fill these 56 additional seats are known as 'regional members'.

Each voter will have one constituency member and 7 regional members. All members have equal status in the Parliament.

Independent research has found two main ways that people are confused by the new system: Some people mistakenly believe that they must vote for the constituency candidate belonging to the same party they supported at regional level. Others mistakenly believe the opposite, that the regional vote is a 'second choice' and that they must therefore vote for a different party to the one they voted for in their constituency. Both these views are wrong. It is up to individual voters to decide whether or not they 'split' their votes.

The lists are submitted by registered parties with their candidates in order of preference. If the party succeeds in winning one of these 'additional member seats', the person named as first on its list will be elected. If it wins two additional member seats, then the first two will be elected, and so on. It is important, therefore, for candidates to be near the top of their party's list for them to stand a realistic chance of being elected.

There are two complications to the lists.

First, a 'party list' can be an individual person who is standing at the regional level rather than in a constituency.

Secondly, several candidates run both in a constituency and on a regional list. If they succeed in a constituency this takes priority and their name will be removed from the regional list so they cannot be elected twice.

The formula for deciding which parties win regional top-up seats is known as the d'Hondt system and is used widely across Europe.

First, party list votes are totalled in each region. These totals are then divided by the number of seats each party has won - plus one. The party with the highest resulting total elects one Additional Member.

That party's divisor is then increased by one (because of its victory) and new figures calculated. Again, the party with the highest total wins a seat. The process is then repeated until all seven Additional Members are elected.

The aim of the system is to compensate parties which pile up votes in constituencies but fail to win many MSPs. Under the d'Hondt system, they are much more likely to gain Additional Members. Conversely, parties which do well in constituency elections win fewer additional seats.

To illustrate the point that there are many possible ways of calculating the seats and each method produces slightly different results I also show the system used in New Zealand and how the same number of votes as in Scotland would have translated into slightly different number of seats. (Briefly New Zealand system produces more small parties with seats.)

The mechanism for election of members of the Wales Assembly is basically the same as in Scotland. Each person will have two votes, one for a constituency MP and one for a party list.

Forty members are elected by the first past the post system in constituencies which have the same boundaries as the Welsh constituencies for election to Westminster.

There are also 20 members elected from party lists, four from each of five electoral regions. The elector casts a vote for a named party, the ballot paper will also display the names of the party

nominees and any independents. The list members are awarded in such a way as to make the result from that region (list members and constituency members) as proportional as possible.

Ten Implications of all this for Canada

1. The old idea that PR is somehow inappropriate for Westminster type Parliamentary governments (except the Aussies) had been completely overturned. If we look at electoral systems adopted by new democracies and at recent developments in some older democracies there is a wide consensus that a mixed system based more or less on the German model, is the fairest electoral system and Canada is out of step in not giving serious consideration to this fact.
2. Unlike New Zealand and UK I would argue that the way to move to PR is not by referendum. People are by and large indifferent to the nuts and bolts of the electoral system. What they want is good government and if the political leaders are satisfied that PR would contribute to this then they should proceed by way of an electoral platform without an elaborate referendum process.
3. Initially PR is more likely to be acceptable provincially rather than nationally. In practical terms it requires a situation where both major parties believe they have something to gain (or at least little to lose) by changing the system. (Leave it to you to decide which provinces that could be).
4. A mixed PR system should not result in any increase in the total number of members.
5. If possible a mixed PR system should use build on existing electoral boundaries either federal or provincial) rather than engage in a wholesale redrawing of boundaries.
6. There should be considerably more constituency seats than list seats (not 50/50 as in Germany)
7. The formula for determining the Regional seats should be the d'Hondt formula used in Scotland and Wales rather than the one used in New Zealand.
8. Should not allow people who are running for constituency seats to also appear on the party lists.
9. It would be naïve to think that PR could be introduced without some rethinking of certain other longstanding conventions. Most radical example the formation of government after an election. Suggested in New Zealand that the elected Speaker of the House should be the honest broker rather than the Governor General or Lieutenant Governor. Also confidence convention, election financing be examined.
10. The idea of more consensual or co-operative approach to politics will take more than just a new electoral system. This involves how the central institutions - Senate, House of Commons, are chosen, how they relate to each other, how they relate to the provincial and territorial institutions.

You will be happy to hear that I do not intend to take more time to address that issue but perhaps we can talk about it during discussion.

How 7 Seats Would Be divided for the Scottish Parliament Using D'Hondt System					
	Party A	Party B	Party C	Party D	Elected
Total Votes on Party list in the Region	73, 363	175,354	56,957	70,353	
Constituency Seats won in	0	8	1	0	

the Region					
1 st Division	0+1=1	8+1=9	1+1=2	0+1=1	
1 st total	73,363	19,484	28,479	70,353	Party A
2 nd Division	1+1=2	8+1=9	1+1=2	0+1=1	
2 nd total	36,820	19,484	28,479	70,353	Party D
3 rd division	1+1=2	8+1=9	1+1=2	1+1=2	
3 rd total	36,820	19,484	28,479	35,177	Party A
4 th division	2+1=3	8+1=9	1+1=2	1+1=2	
4 th total	24,454	19,484	28,479	35,177	Party D
5 th division	2+1=3	8+1=9	1+1=2	2+1=3	
5 th total	24,454	19,484	28,479	23,451	Party C
6 th division	2+1=3	8+1=9	2+1=3	2+1=3	
6 th total	24,454	19,484	18,986	23,451	Party A
7 th division	3+1=4	8+1=9	2+1=3	2+1=3	
7 th total	18,341	19,484	18,986	23,451	Party D

How 7 Seats Would Be divided for New Zealand Using the Sainte-Lague Formula					
	Party A	Party B	Party C	Party D	Elected
Total Votes on Party list in the Region	73,363	175,354	56,957	70,353	
Divide by 1	73,363	175,354	56,957	70,353	A,B,C,D
Divide by 3	24,454	58,451	18,985	23,451	A,B,D
Divide by 5	4,890	11,690	3,797	4,690	None

Comparison of Seven Additional Seats for parties A,B,C and D using same number of votes but different methods of determining the additional seats.

	A	B	C	D
New Zealand (Saint Lague formula)	2	2	1	2
Scotland (d'Hondt formula)	3	0	1	3

FORMAT OF TWO-VOTE BALLOT PAPER

CONSTITUENCY VOTE	SECOND VOTE																												
<p>This vote will help to decide who is the constituency MP for Westbury. Rank the candidates in order of preference (1 for your preferred candidate, then 2, 3 etc.). Rank as many candidates as you wish.</p>	<p>This vote will help to decide the total number of seats for each party in the county of Purfordshire. You may vote either for one party or, if you wish, for one of the listed candidates. A vote for a listed candidate will also be counted as a vote for that candidate's party.</p>																												
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Report of the Independent Commission on the Voting System (Jenkins Committee, 1998, Appendix B)