

# **Bristol for Democracy submission to Ofcom's consultation on Review of Ofcom list of major political parties for elections taking place on 7 May 2015**

Bristol for Democracy is one of Britain's foremost campaign groups for democratic reform. We have held popular events with Bristol's Mayor, Government Ministers and Shadow Ministers. We have written several deeply considered submissions to the Political and Constitutional Reform Committee (available on request). We are a cross-party group supported by Unlock Democracy.

We present this submission to Ofcom in hope that they will honour the spirit of their consultation and take our findings seriously.

## **Defining "Major Party"**

A "major party" is one which will receive a Public Election Broadcast. We note the definition's influence in determining who should appear in mainstream TV election debates. What then should be the purpose of this definition?

First we must ask: what is the purpose of Public Election Broadcasts? It is hard to argue anything other than that they serve democratic interests of the British people. What else could they serve?

In this document, we will look at the problems in using First Past the Post polling for measuring the popularity of parties in the electorate. Any conclusions that we draw will then be used to answer the above question. These answers will then form the basis of our recommendations.

## **Ofcom's evidence base**

We note that Ofcom has exclusively used First Past the Post (FPTP) polling in their evidence base. FPTP is known to suffer from various flaws, notably that it is not proportional and it suffers from split voting. The latter is such a problem that it was [unanimously found unsuitable for even single seat elections by 22 voting system experts](#).

Split voting means that people who might like to vote for one of the smaller parties often feel compelled to vote for a larger party in order for their vote to make a difference. This is part of the phenomenon known as tactical voting.

Our first finding of fact then is that **FPTP is unsuitable for measuring which parties the electorate prefer**.

[Duverger's Law](#) states that FPTP will tend to produce a two-party system regardless of the electorate's wishes.

In other words, the two biggest parties get a disproportionate degree of power that reinforces their position in an anti-democratic way.

## **Influence of media on coverage on party preference**

It is worth pointing out that the current preferences of the electorate are not necessarily the same as their preferences would be in a more democratic media environment.

1. Media, even the BBC, tend to focus on political parties they perceive can win. This gives parties undue credibility with the public and further exacerbates the distortions produced by FPTP. The electorate also become familiar and thus more likely to be comfortable with featured parties.

2. The media (or should we say their audience) prefer debates between two sides. Thus we tend to get Conservatives vs Labour; the Coalition vs Labour; Nigel Farage vs the establishment etc. This again gives credibility to various parties whilst denying it others.

3. The election debates, which have the potential to partially reduce all these distorting effects, favour 3 or 4 speakers, again providing credibility and familiarity, whilst denying it to those parties not represented. It is our view that at least 5 valid choices are needed for an effective democracy.

4. In flagrant disregard of objective journalism, British newspapers tend to choose either the Conservatives or Labour to support, often announce it publicly and heavily bias their content in that party's favour.

It is difficult to measure these effects. Some argue that significantly increased media coverage for UKIP but not the Greens has contributed significantly to UKIP's greater improvements in polling.

Our second finding of fact then is that **media coverage arbitrarily boosts the popularity of those parties receiving coverage, distorting the electorate's preferences.**

### **What is the purpose of Public Election Broadcasts (PEBs)?**

An [Electoral Commission discussion paper in 2001](#) stated "principles" governing PEBs, including the following:

*"The allocation of broadcasting time to qualifying parties may also, it has been argued, help contribute to the fairness of the election campaign more generally, by to some extent compensating for the parties' differential ability to attract campaign funds."*

Here we have a widely-acknowledged principle stated by the Electoral Commission itself that the purpose of PEBs is to compensate for weaknesses in our democracy.

In absence of further guidelines, Ofcom should follow these principles for PEBs. Our third finding of fact then is that **Ofcom must define "major parties" with due attention to the weaknesses in our democracy.**

The alternative is that Ofcom knowingly prop up and even exacerbate the anti-democratic nature of our democracy with immeasurable damage to Britain.

### **Getting a more accurate view of the electorate's preferences for different parties**

We have already shown that smaller parties get significantly smaller voteshare under FPTP than is an accurate reflection of the electorate's preferences .

How much smaller?

#### **An 'Approval Voting' poll**

The Voting Power in Practice workshop referenced near the start of this document preferred the Approval Vote system. This system echoes the one used by YouGov last November when it [asked](#): *"If candidates from the following parties were standing in your constituency and had a chance of winning, how likely would you be to vote for them?"*

By eliminating tactical voting, this poll shows a much more accurate representation of the electorate's preferences than any FPTP poll. It is notable that the Greens outperformed UKIP in this poll.

When used across 650 seats, the split voting flaw of FPTP is even more distorting of the electorate's preferences. Only certain parties are considered able to win. This is reinforced by media coverage. In the Yougov poll, the Greens 24% exceeds their December FPTP polling of 5.9% by a ratio of 4.9. By comparison, UKIP's 22% exceeds their 2014 FPTP polling of 13.5% by a ratio of 1.6.

The difference in multipliers will be due to several factors including a perception that UKIP can win and UKIP's targeting of protest votes including people who don't care so much their vote might not count. Because of the latter and because UKIP has the third biggest vote-share currently, we can logically assume that their ratio of 1.6 is the lowest amongst the smaller parties.

## **How significantly do FPTP vote projections for smaller parties differ from actual support**

Based on current FPTP polls, Labour and the Conservatives will get approximately two-thirds of the vote, which leaves one-third for the smaller parties.

Whilst UKIP has the lowest ratio of 1.6, their popular vote share is significantly higher. Thus the average ratio for the smaller parties will be closer to 1.6 than 4.9.

We will conservatively use the 1.6 ratio to estimate (at the lowest end of the range) support for smaller parties by multiplying it with the 33% of projected voteshare. This gives a result of 52.8%.

Thus we have shown that the majority of the electorate probably would vote for a smaller party if they didn't have to worry about their vote being wasted.

Our fourth finding of fact then is that **FPTP grossly misrepresents the preferences of the electorate.**

Another kind of polling which almost completely eliminates tactical voting are those systems which use preferential voting eg Alternative Vote and Single Transferable vote. Whilst not offering simple percentages, by indicating preferences, these systems may provide more valuable information than the kind of poll used by YouGov.

We believe it is a democratic necessity that these kinds of systems are used to determine popularity of parties for the sake of determining major parties. As such, Ofcom may be required to commission such polls themselves. There is no valid reason for using FPTP polls at all whilst Ofcom can commission polls, and that includes seats won in Parliament.

Our fifth finding of fact is that **Ofcom must either commission less distorting polls or use those which have been independently commissioned.**

## **Ofcom's own distorting effect on General Election results**

It would be remiss of Ofcom to fail to publicly acknowledge their own role in making general elections more or less democratic. Not only does Ofcom's definition affect who receives a Public Election Broadcast, it influences broadcasters in determining who should appear in debates. Both of these effects in turn influence upcoming elections.

Ofcom may be uncomfortable with this fact, but it is a fact nonetheless -- and one which should be declared publicly for the sake of democratic transparency.

## **Relevance of historical performance in polls**

We have already shown that polls and results based on FPTP should be largely irrelevant to Ofcom's decision. How relevant would older results be if polling systems designed to mitigate tactical voting were used?

This Parliament has shown what a difference 5 years can make. Some have commented on the difficulty of governing in a debt crisis, particularly for the smaller party in a coalition. Likewise, and some say this applies to the Coalition, it is entirely possible for parties to deserve their unpopularity.

However, we cannot foresee Ofcom wanting to make very political decisions on whether unpopularity is deserved or not. We would therefore argue that all government parties should qualify for Public Election Broadcasts and thus be considered a "major party".

Recent polling is naturally more reflective of current preferences of the electorate than historic polling. In using historic polling, Ofcom are assuming that the electorate are subject to short-term influences that are not democratic. We agree this is a valid assumption but that there is no need to go back as far as 4 or 5 years. 18 months is sufficient, with perhaps slightly more weighting given to more recent polls.

## **Comparing polls and different election results**

Local and European elections are often unfortunately used as protest votes. Since informal polls have no protest power, they are often more accurate. People sometimes vote differently in general elections than they say they will in polls, an effect seen in both the Scottish Referendum and John Major's win in 1992. Common sense dictates that their actual votes are the better indication of their preferences.

However, we iterate once more that until the country uses an electoral system that mitigates tactical voting, election polling is an extremely weak measure of party popularity.

## **Findings of fact summarised**

1. FPTP is unsuitable for measuring which parties the electorate prefer.
2. Media coverage arbitrarily boosts the popularity of those parties receiving coverage, distorting the electorate's preferences.
3. Ofcom must define "major parties" with due attention to the weaknesses in our democracy.
4. FPTP grossly misrepresents the preferences of the electorate.
5. Ofcom must either commission less distorting polls or use those which have been independently commissioned.

## **Recommendations**

If Ofcom lack funding to commission their polls representative of the electorate's wishes, we empathise and hereby offer to help lobby Government for more funding on that basis.

Lacking more than one representative poll leaves Ofcom with very little to go on. The YouGov poll mentioned is probably a lot more valid than all other polls & results considered by Ofcom in their review.

A single poll is prone to pollster errors and temporary shifts in popularity. Pollster errors should be reduced by averaging across different, credible pollsters over 18 months, with more weight given to more recent polls. We offer to help Ofcom lobby for extra funding for these polls, although that responsibility should perhaps be given to the Electoral Commission. If no more polls can be commissioned, we recommend researching the methodology of the YouGov poll and, if valid, giving it a weighting of 60-80% when considering all polls and results.

## **Signatories**

David Gould (Chair)

Alan Clarke (Secretary)

Andy Burkitt

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