Solving the transnational lists design conundrum

Q&A on the Ranked apportionment method

For more: eudemocracy.eu/ranked-apportionment-method-council-report

Why limit the number of citizens that can be elected from each Member State?

As most proportionally-elected bodies, the European Parliament ensures the representation of all its constitutive entities — using fixed sizes for Member States' delegations. Likewise, a transnational constituency should avoid being overly or entirely made up of candidates from a small number of Member States, but instead provide a diversity of representation, leading to the introduction of limitations on each Member State's number of eligible citizens from transnational lists.

The EP's proposal simply sets a limit at six elected candidates per Member State; the Ranked apportionment method provide more fine-tuning by introducing limits based on Member States' demography — in the same way as the European Parliament's current national delegations are based on Member States' demography.

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What if more parties/lists want to elect candidates from smaller Member States?

Parties and lists are strongly encouraged to diversify their pool of candidates and to place candidates from smaller Member States in eligible positions. This is why both the EP's proposal and the Ranked apportionment method request that the first seats be occupied by citizens of different Member States.

However, this should not lead to blatant cases of over-representation which are detrimental to the fair representation of EU citizens.

Owing to the principle of "degressive representation", EU citizens from Malta are already ten times more represented in the European Parliament than EU citizens from Germany; the transnational constituency should not worsen this imbalance. The EP's proposal leads to over-representations by factors of 20, 30, even 80. By contrast, the Ranked apportionment method puts a clear cap on these ratios.

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Why not ensure at least one elected candidate from each Member State?

The European Parliament has decided on a 28-seat transnational constituency, which means that ensuring one elected candidate from each Member State would use all but one of the constituency's seats.

Doing so would lead to a clear over-representation of citizens from medium and smaller Member States, but drastically fail to respect parties/lists' choices in the election of their candidates.

More importantly, it would re-introduce a nation-centric approach, where the transnational constituency, by design, aims at bringing a party-led European approach: seats are not attributed to Member States for, first and foremost, to European political parties or movements.

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What is fair representation?

The question of fairness for representation is an eminently political question: it is what those who are represented consider as fair among themselves.

However, since the European Parliament aims at representing European citizens, a natural basis for a fair representation should generally be in line with all Member States' population sizes: larger Member States should be more likely to see more of their citizens elected, since this would lead to closer numbers of representatives-per-citizens across Member States.

This is why the Ranked apportionment method uses a population-based apportionment to assess a maximum number of eligible citizens for each Member State. It also relies on the Webster method of apportionment, which is proven to be more neutral, while the D'Hondt method would favour larger Member States.

The Ranked apportionment method also allows for more regressive apportionment factors, increasing the potential representation of smaller Member States should decision-makers desire it.

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Why can some Member States only have a single representative or not at all?

In order to ensure a fair representation for the citizens of all Member States, the Ranked apportionment method applies population-based caps on the number of eligible candidates per Member State.

For the smallest Member States, a maximum *entirely* based on their population would not warrant any eligible citizens. This is of course not politically desirable, and the Ranked apportionment method exceptionally raises this lowest cap to 1: these Member States are therefore able to see one of their citizens elected – although this may not happen if these candidates do not feature high enough on electoral lists.

Decision-makers can decide that a cap of 1 is too low and set it to 2, either for all smaller Member States or for those already allowed one eligible citizen before the aforementioned exception.

However, this decision has consequences: by allowing more Member States to see 2 of their citizens elected, and given the small size of the transnational constituency, this will mechanically decrease the number of Member States represented, and more of the smallest Member States are likely to remain without citizens elected.

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Why not use groups of Member States to ensure diversity?

The EP's proposal relies on a group system to promote diversity, and diversity does increase compared to a system devoid of diversity-promoting measures.

However, this group system does not improve diversity more than the Ranked apportionment method and comes at a heavy cost: it is highly volatile, it cannot alone prevent over-representation, it fails to respect parties/lists' preferences, and, most importantly, it creates an unavoidable structural discrimination against the Member States located near the bottom of their group.

Therefore, while promoting diversity is important and the use of a group system seems like an easy remedy, this system fails to give equal chances for representation and is therefore not acceptable for democratic representation.

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Why is it important to have a stable system?

Following the decision to choose one system or another, a number of settings can impact the use and outcome of the chosen system.

For instance, choosing a group system leaves the door open to changes in the number or structure of the groups. Likewise, choosing the Ranked apportionment methods leaves open the choice of the apportionment method for the population-based apportionment, and of the overall cut-off and floor values to be used.

All these factors impact the eventual representation of Member States. However, changing the parameters of the group system leads to drastic and unpredictable changes in outcome, making any precise decision impossible and any change a jump into the unknown.

By contrast, changing the parameters of the Ranked apportionment method only leads to incremental and foreseeable changes, leading to choices made knowingly and purposefully.

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Why do parties/lists' preferences matter?

The transnational constituency aims at providing European-wide political representation: European parties and movements present their lists of candidates to all voting EU citizens regardless of national borders.

Upon establishing their lists, European parties and movements make a conscious decision of who they would like to see elected in priority; this is reflected in the order of the lists.

The strict ordering of these lists may be at odds with the concurrent goal of ensuring a fair representation to citizens of all Member States. However, as far as this ordering is compatible with fair levels of representation, parties/lists' preferences should be respected.

The EP's proposal is shown to drastically impact this ordering, and to skip large numbers of candidates as it seeks to improve diversity.

By contrast, the Ranked apportionment method ensures fair representation with only a limited impact on parties/lists' ordering, and is therefore far more respectful of European parties and movements' political preferences.

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Is the Ranked apportionment method the perfect system for transnational lists?

Given the limited size of the transnational constituency, there can be no perfect system that ensures a fair representation for citizens of Member States *and* guarantees the presence of citizens of all Members States on the transnational constituency *and* respects the preferences of parties/lists. This would require a much larger constituency or, preferably, an entirely new electoral system based on mixed-member representation.

However, where the EP's proposal embeds winners and losers in the design of the group system, the Ranked apportionment method gives a fair chance to all: smaller Member States can all be awarded representation if their citizens are high enough on electoral lists. It is for parties/lists to decide of this, and should not be the result of a group system which would, at the same time, discriminate against specific Member States.

The Ranked apportionment method, whilst not perfect, provides the best balance between fair representation and equal opportunity, with a sound respect for parties/lists' preferences.

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