

Constitutional Change, Electoral Reform, and Electoral Ergonomy

Michael Bruter & Sarah Harrison

International Centre for
Electoral Psychology



Constitution and Democracy



- A crucial part of the social contract;
- A mirror of society, politics, and time, which can lead to a need to reform;
- Some crucial terms: defining basic rights and duties, defining the state and the rule of law, defining the basis of decision-making, regulating institutions, their control by citizens, their functions, and their interaction;
- Key pillars: Democracy – “citizens first”, representativeness, efficiency, and protection of sub-group;

Aspects of constitutional design and reform

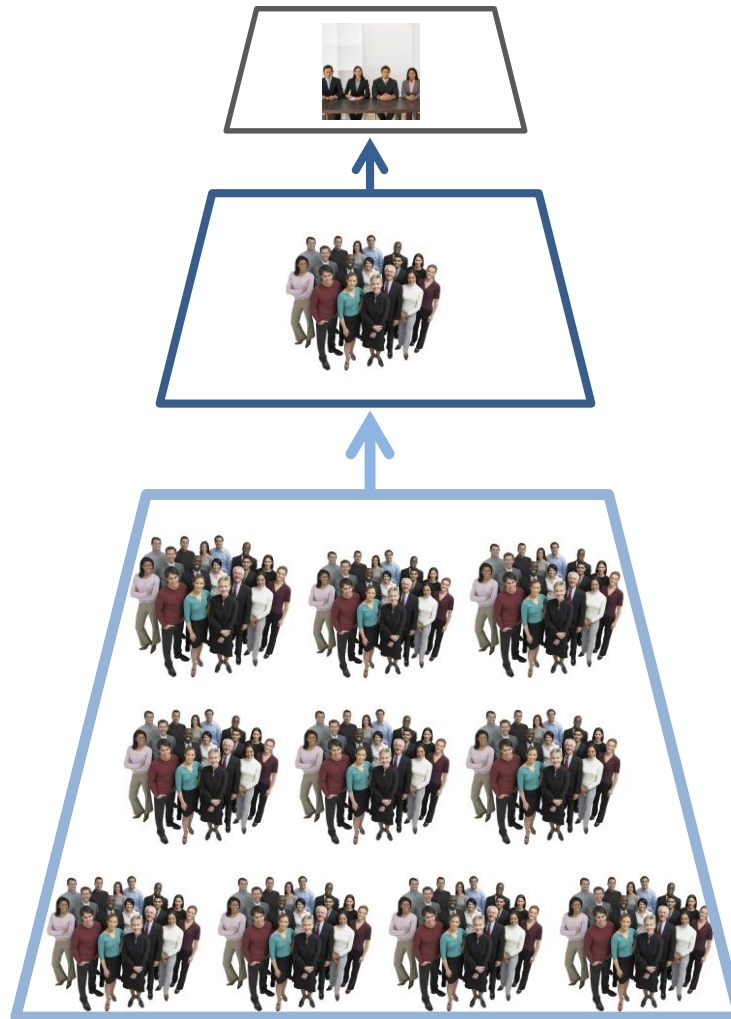


- State organisation
- Structure and accountability of the executive
- Election and organisation of the legislature
- Independence and make up of the judiciary
- (Non) autonomy of bureaucracy
- Power and protection of communities and/or local government
- Status of parties, groups, and religions
- Process of constitutional review
- Process of constitutional reform



Electoral system and Representation

The basic assumption of representation



Foundations of representation



Eulau and Karps model:

- **Policy responsiveness:** An electoral system that fairly enacts the policy preferences of the majority
- **Allocation responsiveness:** An electoral system that enables the effective defence of the interests of the different communities: local areas, minorities, groups, etc.
- **Service responsiveness:** An electoral system that incentivises representational procedures and communication
- **Symbolic responsiveness:** An electoral system that generates political elites who are not too different from the population demographically, socially, and ethnically

Traditional trade-offs

- Representativeness vs efficiency
- Majority rule vs minority rights
- Direct vs representative democracy





Electoral System Reform

The key questions – Before the reform



- ❑ When to reform?
- ❑ What is wrong with the current situation? From whose point of view?
- ❑ What are the risks of a reform?
- ❑ Who stands to lose through electoral reform?
- ❑ What do the people want?
- ❑ What are the scope and objectives of the reform?
- ❑ Who will be involved in the reform process and how to make sure that citizens' interested are represented?
- ❑ Which aspects of the electoral procedures to reform?

The key questions – During the reform



- What are the alternatives and how can we simulate their impact?
- What are the risks?
- What should not be reformed?
- How can we ensure acceptability of reform?
- How will the reform – and expectations – be managed?
- Who should be consulted and how?
- What are people's fears and how to answer them?
- How to avoid a 'lowest common denominator' solution?

The key questions – After the reform



- How to communicate the reform?
- How to educate citizens to the new system?
- How will the reform be supervised and evaluated?
- How will the reform be followed up in the implementation phase?
- How will staff be trained about the new procedures?
- Is there a 'reverse' gear?

Foundations of electoral reform (Generic)



- The franchise and registration processes
- The electoral system
- The electoral cycle and periods
- The districting
- The electoral procedures
- The campaigning procedures and regulations
- The civic education procedures
- The vote counting and results announcement

Foundations of electoral reform (Details)



- Who can vote? (age, restrictions to franchise, etc)
- Is voting a 'right' or a 'duty' and can it be both?
- How frequent are elections and when do they take place?
- Who decides when they take place?
- What is the electoral system?
- Who is over-represented? (quotas, thresholds, malapportionment)
- Who can run for (re)election and how many times?
- How are constituencies organised?
- How do we ensure accessibility?
- Where do people vote and how?
- How are the polling stations, booth, ballot organised?
- What constitutes an invalid vote and how is it counted?
- Who organises and supervises the election?
- Who controls the fairness of the election or arbitrate appeals?



Conditions and Criteria of Successful Reform

The ten necessary steps of the reform process



- Understanding
- Consulting
- Describing alternatives
- Simulating
- Discussing
- Piloting
- Criticising and Evaluating
- Adopting
- Implementing
- Enforcing

Ergonomic preconditions of electoral reform: Thirteen institutional and psychological criteria of successful reform



- Electoral reform is a crucial component of institutional and constitutional reform as it pertains to the control citizens have of the people they choose to represent and govern them.
- This double function – representation and governance – is crucial, but so is the function of elections that we described and which implies not only an actuality of representation but also a perception of representation and efficacy. In that sense, any electoral reform should be judged against a number of criteria, some of which are institutional and related to system functionality, and some psychological and related to citizens' perceptions of representation.

Institutional criteria

First, a set of seven institutional criteria determine the representative and effective qualities of an electoral system and any reform thereof. We identify seven key institutional criteria for electoral system reform.

- **Fairness:** representative democracy presumes that it is possible to create a Parliament which fairly represents the people. It is therefore crucial that a system is fair. In Eulau and Karps's model (1977), we find four components of representation in the form of (a) policy responsiveness, (b) allocation responsiveness, (c) service responsiveness, and (d) symbolic responsiveness. A fair system will score highly on all four.
- **Stability:** as discussed, elections are not only intended to choose representatives but also – with a few exceptions – those who govern us. In that sense, a key criteria is the stability of the system derived from an electoral system as stability is needed politically, socially, economically, and internationally for any democracy.
- **Effectiveness:** in the same way, the electoral system and any electoral reform should lead to effective governance by a government which is in a position to have bills supported in Parliament.
- **Accountability:** This government will be held accountable by voters. If voters are unhappy with the way the country is governed, they need to know who to blame (or who to reward if they are satisfied).

Institutional criteria (ct'd)

- **Communitarianism and protection of minorities:** Many political systems have a diverse polity. When this is the case, any electoral system reform must ensure that given minorities are not representationally annihilated by electoral rules.
- **Socio-demographic inclusiveness:** The electoral system must have the possibility to ensure social and demographic inclusiveness (part of symbolic responsiveness) by allowing reasonable levels of change among elected representatives and avoid the creation of social oligarchies.
- **Gender balance:** A particularly important aspect of this inclusiveness as to do with women's representation. Again, electoral system reform should not result in greater gender inequalities than exist in many current systems.

Psychological criteria

Next to the seven institutional criteria, six psychological criteria determine the ‘acceptability’ of electoral system reform and, therefore the confidence that we can avoid the risk of a well-intended reform turning into a political catastrophe, which is always a risk considering the high level of cynicism and political defiance of citizens around the world.

- **Readability:** One of the first psychological conditions of electoral system success is readability. The more exceptions or undue complications in a reform project, the higher the level of likely suspicion. It is important to note that readability is not the same as simplicity: citizens will typically accept the need for nuance in reform, but the basis of that reform must be readable and understandable.
- **Psychological inclusiveness:** Psychological inclusiveness relates to the perceived adequation of a new system to stated objectives and to perceived needs by the population. It will be affected by the inclusion of measures ensuring that nobody is ‘victimized’ by reform (even if some gain more than others as reforms are never entirely benefit-neutral) and by the effort of reform designers to systematically listen to and study what the population has to say about what is ‘wrong’ about the current situation.
- **Ownership:** Ownership of electoral reform by citizens is critical to its success. It starts with the same ‘listening’ exercise described above but also related to levels of public debate, the organisation of who calls, discusses, proposes, and criticises reform plans.

Psychological criteria (ct'd)

- **Engagement:** Engagement is achieved by ensuring large participation of the different actors in the political system. The more a reform appears to be partisan or imposed by a minority, the lower its psychological robustness and chance of being acceptable to citizens.
- **Identity:** Constitutional and electoral systems are parts of a national patrimony and related in people's minds to their identity as citizens. The acceptability of reform largely depends on the extent to which they believe that the system chosen 'reflects' the identity of the country, its specificity, cleavages, and political equilibria.
- **Continuity:** Finally, acceptability is partly related to continuity. It does not mean that it is impossible for a radical reform to be successful, but it means that reform is to be built against a background of 'known' precedence and that any new and unknown aspect will have to prove its superior worth against the continuation of past principles. It may at times mean that reforming some aspect of the system will be easier if some other aspects are kept constant.

Optimising Electoral Ergonomics: The Function of Elections



- Ergonomics is about ensuring that elections fulfil their function. But what is this function?
- The obvious: to elect Representatives and Governments
- The less obvious, apparently more hardly quantifiable, but not any less important: to enact democracy and participation, for example:
 - to make citizens feel that they have ultimate sovereignty in the democratic system,
 - to bolster efficacy, trust, and perceptions of democracy,
 - to foster social cohesion and civic responsibility.

What is Electoral Ergonomy?



- Electoral ergonomomy is the optimisation of all relevant electoral procedures and mechanisms to provide the best possible electoral experience for voters
- Electoral ergonomomy = (psychology x function) / system design
- Procedures and mechanisms may include ‘big’ decisions – such as whether to vote from home or in polling stations, stations locations, paper or electronic vote, etc. as well as ‘small’ decisions – such as opening times, ballots design, whether to tick boxes or circle names

Does Electoral Ergonomy matter?



The electoral procedures and mechanisms affect every aspect of this democratic function of elections, such as:

- **WHO** people vote for,
- **WHY** they decide who to vote for
- How they **FEEL** when they vote
- How **EFFICACIOUS** and **IMPORTANT** in their democracy they feel
- How much **TRUST** they have in the system and how they perceive **DEMOCRACY**
- And ultimately how they will **BEHAVE IN SOCIETY**

Here is how...

Studying Electoral Ergonomics and its Effects



Studying electoral ergonomics and its effects is one of the most scientifically complex tasks in the field of elections. It implies an interaction between psychological, technical, and socio-cultural variables. We have designed highly advanced models to independently research it and optimise it relying on:

- Panel study surveys from real life elections
- Experiments
- Spotlight on specific population types (e.g. first time voters)
- Taking into account cultural, national and linguistic contexts
- Modelling / simulation

What can ICEP do?



- Evaluate

(scientifically, rigourously, independently)

- Simulate

(look at all the options, simulate all variations)

- Advise

(based on existing contexts, constraints, goals)

- Optimise

(help find the most effective solution, minimise risks and side effects)

Thank you!

For enquiries, please contact:

Michael Bruter - michael.bruter@electoralpsychology.com

Sarah Harrison – sarah.harrison@electoralpsychology.com

