

Electoral Reform in Bermuda

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One of the inheritances of British colonialism in many parts of the world is an electoral system based on that used to elect members of the UK House of Commons, albeit with many slight variations on the basic model of single-member constituencies allocated to the candidates with a plurality of the votes cast. One such country with that inheritance was Bermuda, which intends to shift its system even closer to the UK norm. A unanimous vote in its House of Assembly on 11 October 2002 agreed to forward to the UK Foreign Secretary a Boundary Commission report recommending a 36-seat House elected by first-past-the-post, what the Premier termed the achievement of ‘a long cherished dream of many Bermudians ... of establishing a modernised and reformed electoral system predicated on the democratic ideal of “one person, one vote, each of equal value”’.³

Bermuda’s electoral system pre-2002

Until 1968, Bermuda had a property-based franchise in which land ownership carried with it the right to vote: individuals with property in more than one constituency had multiple votes. There were 18 two-member constituencies, two each for each of the island’s nine long-established parishes (several of which were named after major land-owners, such as Devonshire and Somerset: the original Parliament was convened in 1620 and, as in England, involved the landowners in each parish sending two representatives). Until 1963 there were no political parties and all MPs were independents. For the 1963 election, however, the Progressive Labour Party (PLP) contested 9 seats, winning 6; the remaining 30 seats were won by independents, 24 of whom subsequently formed a second party, the United Bermuda Party (UBP). These two parties have dominated Bermuda politics since, winning the great majority of the seats at every subsequent election.

The PLP has traditionally gained virtually all of its support from among the country’s black population (who make up some 60 per cent of the total), but until the 1990s has rarely won as many as two-thirds of the black votes. Substantial numbers of blacks voted for the UBP, which also had the support of the great majority of the country’s white population. By 1998, however, when the PLP won over 50 per cent of the votes cast for the first time, it had won over the great majority of black voters: we estimate that some 80 per cent of blacks voted for the PLP at that election, enabling it to win a majority of the seats, and thus take power, for the first time in Bermuda’s history.⁴

This racial polarisation is illustrated in Table 1, which gives the average percentages of blacks and whites by constituency, according to the 1991 census, at each of the last

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³ Quote from the debate in the House of Assembly, reproduced in *The Royal Gazette*, 12 October 2002. (All quotations from *The Royal Gazette* are taken from its website: www.theroyalgazette.com.)

⁴ This estimate was derived using census data on the racial composition of each constituency in the 1991 census and voting data for the 1998 election, employing Gary King’s (1997) method of ecological inference.

four general elections, for constituencies in which the relevant party won both of the seats. The seats won by the UBP have regularly contained two to three times as many whites as those won by the PLP, whereas those won by the PLP have had a preponderance of blacks.

During the 1960s, there was considerable pressure for constitutional change aimed, among other goals, at achieving universal adult suffrage and a fairer electoral system. The Constitution was revised in June 1967 when the House of Commons passed the *Bermuda Constitution Act 1967* which implemented the disputed proposals from the majority report of the Constitutional Conference held in November 1966 at Marlborough House, London, under the chairmanship of the then Secretary of State for the Colonies, Fred Lee. (The three-member PLP delegation submitted a minority report in which they stated that they were “in almost complete disagreement with the summary of the proposed new constitution set out in the majority report”.) The main changes introduced were: universal suffrage (electors had to be British subjects aged over 21 with either Bermudian status or over three years residence in Bermuda) and a 40-member Parliament elected from twenty two-member constituencies – the Parish of Pembroke (by far the largest, including the capital – Hamilton) was allocated an additional two constituencies, with the other parishes retaining two constituencies each. The first elections using the new system were held in 1968.

After 1968, despite continual pressure, there were only small modifications to the electoral system: in 1979 the residency vote was abolished for all non-Bermudians who were not registered for the general election in May 1976; and the voting age was lowered to 18 before the 1989 election, for example. Boundary Commissions regularly adjusted constituency boundaries within the parishes but did not alter the number of seats allocated to each parish (the Commissions had to meet at minimum of three year intervals, and a maximum of seven.) The PLP continued to be concerned about inequalities in the electorates of the various constituencies, however, believing that it was disadvantaged because its areas of greatest strength were those with the largest electorates.⁵ The basis for this claim is shown in the first two columns of Table 2, which give the average electorates in those constituencies where each of the parties won both of the seats (by far the majority of the 20). The gap was greatest in the early 1980s (when the PLP-won seats had on average some 300 more electors than those won by the UBP).

A further Constitutional Conference was held in 1979, but the parties were unable to reach agreement on any changes: the PLP wanted a shift to single-member constituencies using the plurality system, whereas the UBP favoured a form of PR. All that was agreed was that the parties should include their choice of electoral system in their election manifestos. The UBP which won the subsequent election in 1980, and again at each of the four following elections did not take the opportunity to introduce its favoured system. The PLP retained its commitment to single-member constituencies, however, and its 1998 manifesto stated this, along with an indication that it wished to reduce the number of MPs.

⁵ In the debate on 11 October, the Transport Minister claimed that the UBP ‘manufactured the “unjust” system which kept down blacks’ (quote from *The Royal Gazette*, 12 October 2002).

Electoral bias in Bermuda 1968-1998

The core of the PLP's concerns with Bermuda's electoral system over its 30-year operation (1968-1998) was that it was disadvantaged by the variations in electorate size across the 20 two-member constituencies. Although this was indeed the case, as shown by the data in the first two columns of Table 2, there was in effect very little bias against the PLP (and thus favouring the UBP) because of the operation of other factors. This conclusion is illustrated by Figures 1 and 2.

Figure 1 shows the percentage of the votes and the number of seats won by each of the parties at each of the nine elections held over the 30-year period, together with the best-fit regression line relating the two variables. This indicates a virtually similar experience for both parties: an increase in the percentage of votes produced a commensurate increase in the number of seats for both. In every case, the party with the largest percentage of the votes won a majority of the seats, and on the single occasion when the PLP won most votes (1998) it got as many seats as the UBP had in similar circumstances.

Figure 2 extends the analysis by looking at the seats:votes ratios – each party's percentage of the seats won divided by its percentage of the votes cast. Again, the two best-fit regression lines show no significant difference between the two parties: the higher their percentage of the votes, the higher their seats:votes ratio. Electoral systems such as Bermuda's commonly produce disproportional results that favour the winning party – i.e. the seats:votes ratio increases above 1.0 (i.e. greater disproportionality) the greater their proportion of the votes. In Bermuda's case, this disproportionality was no greater for the UBP than for the PLP – the latter typically won a disproportionately small percentage of the seats because of its relatively small share of the votes, but when its vote share increased, it secured an advantage every bit as large as that enjoyed by the UBP in comparable circumstances.

Why was this: why was the PLP not disadvantaged, given the differences in electorate size that clearly appeared to operate against it? The reasons are given in Table 2. A further way in which a system can be biased against one party (i.e. so that it gets a smaller percentage of the seats with a given percentage of the votes than its opponent does with that same votes percentage) reflects the efficiency of its voter distribution. A party that tends to win seats by large majorities is disadvantaged, because more of its votes are surplus to requirements where it wins, than is a party which tends to win by smaller majorities: similarly, one that loses badly in the seats that it does not win (i.e. does not waste votes where they do not count) has a more efficient distribution than one which tends to win by small margins. The central four columns of Table 2 show that, from 1968 until the 1989 election, the PLP benefited from both of these factors. Where its candidate won the first of the two seats in any constituency, the UBP on average won 6 percentage points more of the votes than did the PLP where it provided the first-named winner. Similarly, in the seats where it did not provide the first-named winner, the PLP got as much as 10 per cent less of the votes than did the UBP where it was the loser. Thus the UBP's votes were less efficiently distributed than the PLP's: the UBP had more surplus votes where it won than the PLP had where it won, and the UBP also had more wasted votes where it lost.

These differences between the two parties in the efficiency of their vote distributions countered the impact of the electorate size differences that favoured the UBP. So too did another factor – differences in turnout. The lower the turnout in a constituency, the smaller the number of votes needed to win there, so a party that is stronger in the areas of low turnout tends to accumulate fewer surplus votes than one which is stronger in areas of higher turnout. The last two columns of Table 2 show that in general the percentage of the electorate who abstained was higher in seats won by the PLP, although the gap was rarely large.

The balance of factors therefore meant that neither party was either advantaged or disadvantaged by biases within the electoral system: one factor favoured the UBP whereas the others favoured the PLP.⁶ Nevertheless, the PLP clearly believed that the system worked against it, hence its commitment to equal-sized electorates. The party clearly also believed that it would benefit more from single-member than two-member constituencies, though it wished to reduce the number of seats (for reasons that were never explicitly set out). In addition, it saw no reason to continue using the parishes as containers within which constituencies had to be fitted – in part because in some places communities crossed parish boundaries and it was desirable to keep these together for representational purposes, and in part because it wished to downgrade the role of the parishes in Bermudian life, especially their names which they associated with the inequalities of colonial rule. Hence the instructions to the Boundary Commission.

The 2001-2002 Boundary Commission

After the PLP's election success in 1998, when it won over half of the votes cast for the first time (it obtained 53.8%) and 26 of the 40 seats (its previous best performance had been 18 seats with 46.4% of the votes), it determined to make its proposed changes. The UK Foreign Office asked the Bermuda government to produce proposals, and the Foreign Office responded by setting up the Bermuda Constituency Boundaries Commission, a six-person bi-partisan commission, whose brief was

To prepare and submit to the Governor a report recommending the number, being no fewer than twenty nor greater than forty, and boundaries of constituencies into which Bermuda should be divided with a view to each such constituency returning one member to the House of Assembly.

The Commission was further mandated to

... ensure that the constituencies shall contain, so far as is reasonably practicable, equal numbers of persons qualified to be registered as electors ... and in doing so -
to take no account of the racial distribution of electors within Bermuda;
to take account of geographical features and natural boundaries within Bermuda;
it may ignore the boundaries of parishes; and
it must ensure, so far as is reasonably practicable, that each constituency is a contiguous unit.

⁶ We have confirmed this interpretation using the method of measuring bias deployed by Johnston et al (2001) in their analyses of the UK electoral system. In fact, there was only one election – 1968 – in which there was bias (equivalent to 4 seats, assuming that the parties shared the votes equally) that favoured the UBP, compared to six when there was a pro-PLP bias (there was none in either 1980 or 1993).

It was precluded from discussing alternative electoral systems, was required to invite views from the public, and was authorised to seek external advice if required.

The Commission comprised two members appointed by the Premier (both of them senior members of the PLP government), two appointed on the advice of the Opposition Leader (both UBP MPs, including a former Premier), a “judicial member” (Sir Brian Smedley, a retired High Court Judge from the UK who had performed this role on previous Boundary Commissions in Bermuda) and a Chairman (Sir Frank Blackman, a former Secretary to the Cabinet in Barbados, who had chaired a previous Boundary Commission). The Commission was established on 21 August 2001, began work in the following December, and reported in early September 2002.

Announcement of the Commission and its terms of reference created considerable interest within Bermuda, with a lobby group – the Association for Due Process and the Constitution – taking the then UK Foreign Secretary (Jack Straw) to the High Court in July 2001 claiming that he should fulfil his 1966 predecessor’s promise of a further Constitutional Convention before any electoral reform was introduced⁸. The court found for the defendant, agreeing with the Crown’s case that no legitimate expectation could be founded on the wording of the 1966 report and that subsequent constitutional conferences, constitutional amendments, public debate and consultation about electoral reform had “afforded considerably more opportunity for public debate than would have been possible in any constitutional conference based on the 1966 and 1979 models”. It also felt that the second stage of the reform process – approval by the UK government – provided a safeguard. The UBP indicated that it was willing to accept the shift to single-member constituencies, so much of the debate focused on the number of seats and their boundaries – along with other issues that were outside the Commission’s remit, such as whether there should be a separately-elected independent Speaker of the House of Assembly. The Commission held several public meetings early in 2001 at which these were aired, and written submissions were also made.

On the Commission, the main issues related to the number of seats and their boundaries. On the former, there was a clear difference between the parties, with the UBP favouring retention of the *status quo* and the PLP arguing for a substantial reduction (presumably believing that it would benefit from the votes-into-seats translation process with a smaller number of seats). But the PLP did not have a preferred number of seats, preferring to link that decision with that on the boundaries: it wished to see maps of proposed constituencies for various numbers of seats before coming to a decision on the size of the House of Assembly.⁹ Eventually the PLP members settled on 32 and the UBP pair on 39. The two independent members of the Commission could have broken this deadlock, but did not do so – presumably on the argument that if they did any decision that they imposed (especially if it was close to the UBP’s position) would then be rejected in the House of Assembly.) Instead, they

⁸ *R (On the application of Sir John Plowman and others) v Secretary of State for Foreign and Commonwealth Affairs*, Administrative Court, July 13 2001.

⁹ This is recorded in the Commission’s final report, which notes (#52) that ‘the Commission experienced difficulty in determining the number of constituencies’.

pressed the two parties to reach agreement. The Commission's report¹⁰ records that (#55):

In the interest of reaching unanimity within the Commission, the political members were urged by their colleagues on the Commission to see their way to discharge their duty in the best interests of the country as a whole and to agree among the four of them to one number. The political members were unable, in the initial stages, to reach agreement among themselves. So intense was the desire to reach unanimity on this crucial question, that it was left unresolved until the final session of sittings. This was to afford all members of the Commission the fullest opportunity to reflect on the views, which had been expressed over the past several months both within and outside the Commission. The Commission is happy to report that after repeated efforts a unanimous decision was reached on the number of constituencies and members of the House of Assembly.

That number was 36. But the Commission offered no rationale for its selection of the particular set of 36 constituencies that it recommended, nor even an indication of how many other configurations of that size it evaluated and rejected. It may have been that they saw only one option – generated automatically by the computer software, which cannot evaluate the solutions on the criterion of 'taking account of geographical features and natural boundaries': the report does not say.

While the debate was continuing over the number of constituencies, so was discussion on their boundaries, and of the role of the parishes in their delimitation. It was clear that, in order to achieve the desired equality of representation, some pairing of parishes would be necessary, with some constituencies crossing parish boundaries.¹¹ The Commission was pressed by outside lobby groups to retain the parishes, and was advised that using them (albeit with some pairings) would substantially reduce the complexity of their task and the size of the choice set of possible configurations. However, the Commission determined to operate without deploying the parish boundaries. It used American commercial redistricting software (autoBound[®]) to structure its task. The island was divided into 1218 polygons with a Geographical Information System, using roads as the boundaries: where these did not reach the coast they were extended to it, so that each had a set of boundaries comprising roads and, in many cases, parts of the island's coastline.¹² Because all of the addresses on the island's land register are geocoded, every eligible elector could be placed within one of these polygons.¹³ Some of these polygons were then arbitrarily divided because they were too large, in terms of their electorate, to enable the Commission to meet its target that every constituency should be within 5 per cent of the island average (#61 of the Commission's report): those arbitrary splits were defined by lines that started and ended at road intersections so that they could be identified on the ground (#64) – in some cases, presumably, as potential constituency boundaries. The expanded set of polygons (the report does not give a number) were then used as the building-blocks to create possible constituency configurations, including the finally-chosen set of 36.

¹⁰ Report of the Constituency Boundaries Commission for Bermuda 2001/2002, August 2002. The report was made available on *The Royal Gazette* website.

¹¹ As was the case with the Fourth Periodic Review of constituencies in England with regard to Borough boundaries within Greater London (Rossiter et al, 1999).

¹² An alternative data set available to the Commission comprised the 242 districts used for administering the 2000 census.

¹³ There was a difficulty for some time because 985 registered electors had no recorded addresses, and these had to be allocated addresses – which according to some MPs meant that there should be a full re-registration before the next election. (See the contributions by Eugene Cox and Pamela Gordon to the debate on 11 October, 200, as reported in *The Royal Gazette*.)

The proposed set of constituencies fully met the Commission's mandate that they 'contain, so far as is reasonably practicable, equal numbers of persons qualified to be registered as electors'. The Commission based its calculations on a potential electorate of 39168 (as of 20 May, 2002). The average electorate for the proposed 36 constituencies was 1088, with a range of just 115 (the smallest had 1031 electors and the largest had 1148: the standard deviation was just 38). No constituency electorate deviated from the average by more than 59 (or 5.5 per cent): only five deviated from the Commission's own target of +/- 5%, with a further seven deviating by +/-4-5%. Interestingly, the Commission determined that it 'had no option but to decide that the new constituencies should be related as closely as possible to the parishes in which, for the greater part, they physically fall, and be known and described by ... the name' (#55). In the event, all but one of the 36 carried the name of a parish, together with a geographical descriptor (North, South etc.). Fourteen constituencies spanned parish boundaries.

Although the Commission had sought views from the public on the general issues that it faced, it did not do so on its recommendations – which differs from the situation in the UK, where it is mandatory to seek public representations on provisional recommendations and, if necessary, then hold a public inquiry to hear them in more detail. This was the basis of a dissenting report from one of the UBP Commission members who stated (#12 of his report) that it would be consistent with the mandate to seek the public's views that:

Members of the public should have had the opportunity to review and comment on the map of 36 constituencies and recommend any changes which they think would improve the positioning of constituencies and placement of boundary lines.

Three meetings were held before the Assembly debate at which civil servants (including the Boundary Commission Secretary, the Postmaster General) presented the Commission's recommendations and outlined its procedures. A further three meetings were convened by the UBP. According to *The Royal Gazette's* report (11 October, 2002) 'Audiences at the three Government sponsored meetings ... left generally satisfied with the electoral reform process...In stark contrast to ... UBP-sponsored meetings, expressions of anxiety or opposition to the process were non-existent'.

The Boundary Commission's report was debated on the House of Assembly on 11 October, 2002 and its recommendations were unanimously approved. The UBP supported the proposals, but – according to *The Royal Gazette* report of the debate – 'accused the PLP of polarising the community and causing unnecessary anxiety by railroading the process without proper consultation'. A separate UBP motion to have a referendum on the changes, compulsory re-registration of voters and an independently elected speaker was voted down. The UK Government – which was sent a transcript of the debate – must now decide whether to approve the changes through an Order of Council, although it has not ruled out a constitutional conference to ratify the new electoral system.

The initial response to the recommendations, as recorded in the island's newspaper – *The Royal Gazette* (whose general stance appears to be pro-PR) – not surprisingly focused on the likely political outcome. An article on 6 September, 2002, for

example, reported that Devonshire parish, which was to retain four seats, currently returns two MPs from a UBP stronghold (Devonshire North) and two from a PLP stronghold (Devonshire South): where the boundaries were drawn could upset that balance. The paper posed the question ‘... whether Bermuda wants an electoral system where every single seat is up for grabs, or one in which each party retains some strongholds’ and noted that ‘While the former system may seem attractive, it can also lead to dramatic swings from one election to the next, which may reflect majorities on a constituency basis, but fails to represent how the Country voted as a whole. That is the failure of the Westminster system in small countries’. In other words, is the new system more likely to result in a biased outcome than its predecessor? Only time will tell, but meanwhile the PLP believes that this electoral reform has removed an electoral system that was unfair to Bermuda’s black population.

References

King, G. (1997) *A Solution to the Ecological Inference Problem*, Princeton: Princeton University Press.

Johnston, R., Pattie, C., Dorling, D. and Rossiter, D. (2001) *From Votes to Seats: the Operation of the UK Electoral System since 1945*. Manchester: Manchester University Press.

Rossiter, D., Johnston, R. and Pattie, C. (1999) *The Boundary Commissions: Redrawing the UK’s Map of Parliamentary Constituencies*. Manchester; Manchester University Press.

Table 1. The 1991 racial composition of constituencies won by the two parties at recent elections

Election	Racial Composition			
	Black		White	
	PLP	UBP	PLP	UBP
1998	77.3	47.3	18.0	49.0
1993	82.1	52.9	14.2	42.2
1989	81.6	54.6	15.0	40.8
1985	84.5	60.7	12.6	34.4

Racial composition – average percentage in the named racial group in seats won by the party

Table 2. Aspects of the geography of Bermuda's elections, 1968-1998

Election	Electorate		Percentage of Votes for 1 st Candidate				Abstentions	
			Winner		Loser			
			PLP	UBP	PLP	UBP		
1998	1913	1599	65.3	64.4	36.3	33.8	18.2	19.1
1993	1738	1557	64.6	61.3	35.9	32.6	24.5	20.7
1989	1641	1560	59.1	60.8	26.2	33.8	26.5	25.0
1985	1588	1467	60.6	67.1	25.3	33.8	35.4	33.3
1983	1691	1394	59.2	68.8	31.3	41.0	21.5	17.0
1980	1736	1412	60.8	68.0	32.0	39.5	22.7	18.1
1976	1381	1315	63.1	68.5	31.9	36.7	27.2	26.5
1972	1327	1097	63.5	69.5	30.9	36.3	26.2	20.9
1968	1136	1017	62.4	68.1	25.6	31.5	11.3	7.0

Electorate – average electorate in parishes where the named party won both seats

Percentage of votes for 1st candidate – average percentage of the votes cast for the named party in parishes where (a) it won the first seat and (b) it lost the first seat

Abstentions – average percentage of the electorate who did not cast at least one vote where the named party won both seats

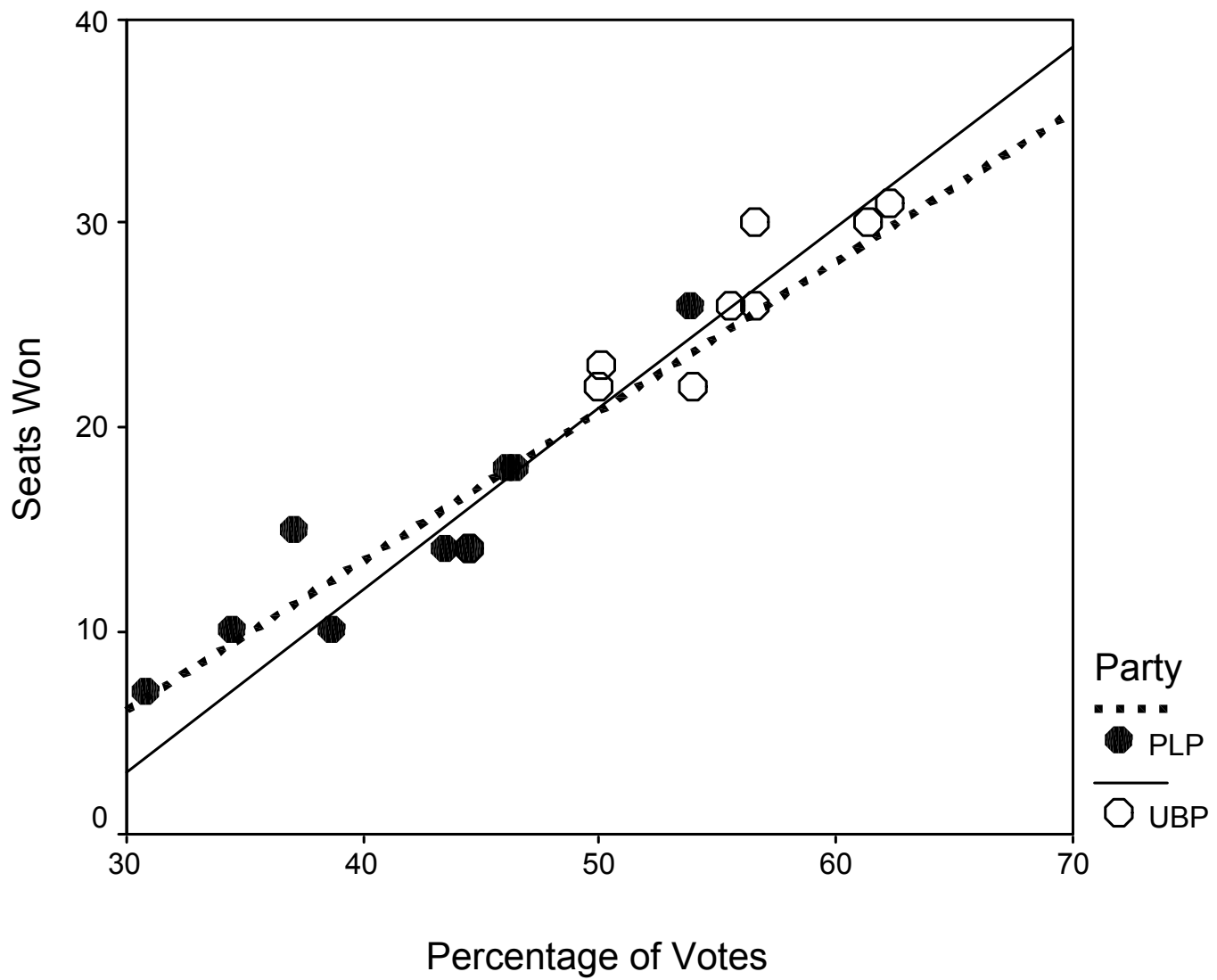


Figure 1. The relationship between each party's percentage of the votes cast at each election 1968-1998 and the number of seats won.

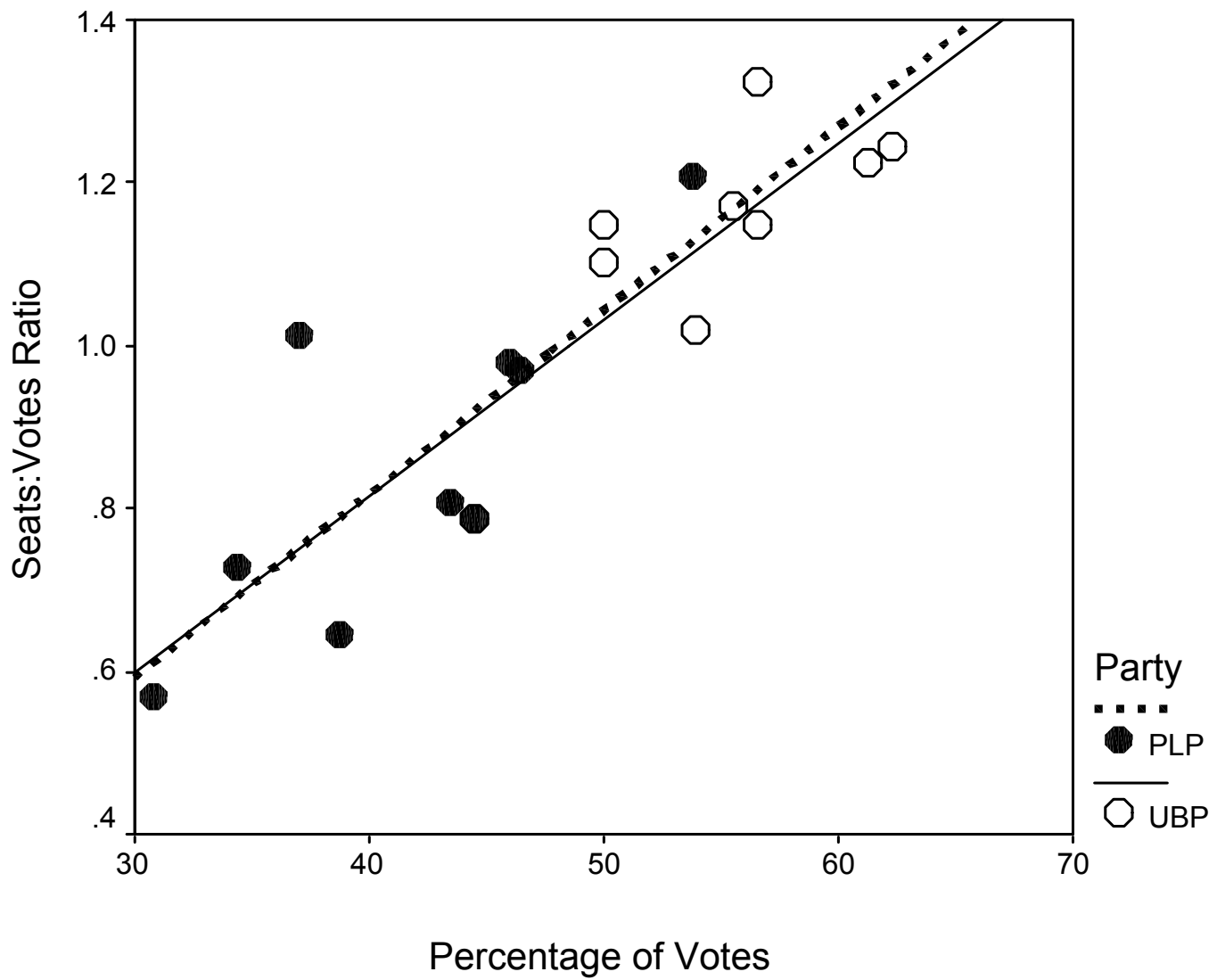


Figure 2. The relationship between each party's percentage of the votes cast at each election 1968-1998 and its seats:votes ratio