

Equal seats, unequal voters

The gap between numerical and political representation



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Summary

- There are two possible principles when mathematically equalising constituencies: providing equal access to representation, and providing equality during an election.
- The first suggests equalising constituents (which includes non-voting residents), the second involves equalising actual or potential voters.
- Historically there was not much difference between these two groups. Increases over the last few decades in the population ineligible to vote mean that these different principles are now likely to lead to different results:
 - Equalising based on the electoral register in 2019 would be likely to have led to a small increase in MPs for the Conservative party.
 - Equalising based on an estimate of eligible voters would have seen a smaller Conservative increase than using the register.
 - Equalising based on population would be likely to have the opposite effect, with a small gain for Labour.
- Arguments made by political parties are reflective of their position in the system. The principles they see as important tend to be those that justify their current power, or that critique their current lack of it.
- Arguments for equality of access to representation depend on the idea that an MP represents all their constituents. But the presence of non-voters changes the political result without their input. Representation without participation cannot reliably be to an individual or a group's benefit.
- Arguments for equality during an election require going beyond equal boundaries to reforms that deliver proportional results. The same objections to representation without participation applies if participation isn't meaningful.
- In both cases the problem results from a lack of political representation (people having the representative they would choose to represent them) rather a lack of numeric representation.

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Introduction

The 2019 Conservative Manifesto included a promise to equalise parliamentary constituencies. In March 2020, it was confirmed that this meant following the principles of equalisation in the Parliamentary Voting System and Constituencies Act 2011 but without the requirement to reduce the number of constituencies from 650 to 600. The wording in the manifesto is:

We will ensure we have updated and equal Parliamentary boundaries, making sure that every vote counts the same – a cornerstone of democracy.

In the debate of the [1944 bill](#) which set up the modern system of reapportionment, Herbert Morrison described the key principle as being that:

"[S]o far as it is practicable each Member ought to represent an equal number of constituents."

While similar sentiments there is a key difference: one talks of equality of *votes*, and the other of *constituents*.

Historically, the main divide in the apportionment debate has been about how important equality of size is versus [representation of place or nation](#). Is it more important for an MP to represent a coherent 'place' or for all MPs to represent the same number of people?

The principles in the 2011 Act strongly favoured mathematical equality, to the extent that proposed constituencies may end up crossing local government boundaries. But this approach is only one of several ways mathematical equality can be implemented, depending on what the goal is considered to be. Is the point of equalising constituencies to give people an equal share of a representative? Or give voters an equal share of the election?

The conceptual and practical difference between 'population' and 'electorate' closed in the early decades of the twentieth century with the extension of the franchise to almost all of the population, and only re-opened with significant migration from non-Commonwealth countries towards the end of the century. In between those times, there is little sense in discussions about voting rights that the population and electorate were seen as substantially different groups of people.

The growing divide means implementing either one of these principles leads to practical political differences in election results. Stricter division based on electorate favours the Conservative party, while division based on population favours the Labour party. In the debate on apportionment, partisan arguments overlap with discussion of which democratic principles are important.

In the United States the partisan conflict over boundaries is obvious, elected politicians often get the opportunity to redraw electoral boundaries in a way that best suits them. In the UK this is managed by independent bodies. The partisan conflict is instead between parties advancing competing sets of rules that those independent bodies should work by. Parties advocate different sets of rules (and the principles that justify them) on the basis of how these rules might indirectly benefit them.

That the logic of electoral equality is only taken so far is another sign of the partisan nature of the apportionment debate. The principles taken seriously are those that argue relative unfairness between the two largest parties, both of which are typically over-represented compared to the number of voters they receive.

This leads to a theory of electoral equality that is satisfied if all seats have an equal number of voters, but does not think it significant if votes do not have an equal impact on the result. If truly motivated by equality of voters, this position should go further towards ideas of proportional representation (which as well be explored, can be reframed as people not just having equal representation, but having their preferred political representation).

That debates about boundaries are a sideshow to the argument about proportional representation has been noted from the beginning of the modern system in the 1940s. One response to this has been the argument that the concern is misplaced because MPs represent all constituents, including those of other parties and non-voters. This is an argument that the election is of less importance than representation. It implies that equalisation based on population (rather than electorate) is a better approach, as this gives every person an equal share of their MP.

The paradox in these arguments is that two of the principles advocated by members of the governing Conservative party, if taken seriously, are to that party's disadvantage. The unlikelihood of this being significant gets at the more general issue that debates about apportionment are about political power as much as they are about democratic principle.

How to equalise

There are (at least) three different options when 'equalising' constituency boundaries. You can aim for equal numbers of:

- A. Registered voters
- B. Eligible voters (Citizens)
- C. Population (Residents)

Currently the Boundary Commissions in the UK are tasked with equalising the number of electors in each constituency (option A). This is the number of people who are registered to vote on the electoral rolls at the time of the reapportionment rather than the number of people entitled to be on the electoral rolls (option B).

Internationally, some countries operate on another principle and aim for an equal number of *people* (vote eligible or not) in different constituencies (option C). In the US and Canada seats are assigned based on population. In Australia, seats are divided among the states based on population, but then apportioned within states based on electors.

Population vs electorate

The lack of consistency on this partially revolves around changing ideas of accuracy. In the UK, [most of the early language around apportionment](#) in the late 19th century was based around population rather than electors. The 1885 instructions to the Boundary Commission for England and Wales talked of population:

*In dealing both with County and Borough divisions, the boundaries of the divisions must be adjusted so that the population, excluding in the case of County division that of the Parliamentary Boroughs, may be proximately equalised and in the arrangements of the divisions special regard shall be had to the pursuits of the population.*¹

¹ Rossiter, D.J., R.J. Johnston, and C. J. Pattie, The Boundary Commissions: Redrawing the UK's Map of Parliamentary Constituencies (Manchester: Manchester University Press, 1999), p 40

The 1917 redistribution was similarly based on a mid-year estimate of population.² The switch to electorate based language can first be seen in a 1934 private members bill that suggested a quota:

[B]ased on the number of registered electors of the United Kingdom of Great Britain and Northern Ireland, other than those of the City of London and the universities, divided by six hundred and fifty.³

This bill didn't get far, but the 1944 Speaker's Conference (which led to the modern system of regular reviews) recommended that:

The standard Unit of electorate for each Member of the House of Commons for Great Britain shall be a quota ascertained by divided the total electorate in Great Britain by the total number of seats in Great Britain⁴

The reason for this shift was that the conceptual distance between the two concepts had closed. The franchise had been expanded to all women in 1928 and the only people who were not the 'electorate' were children and non-citizens.

Non-citizens were a smaller group than would be understood today. The right to vote has never been tied to being a citizen of the UK, but at first being a British subject and later a Commonwealth citizen (with equivalent rights maintained for citizens of Ireland after the republic was established).⁵ These groups aside, the population contained very few 'foreign' people until comparatively recently.

Given the conceptual difference was very small, there was also a practical benefit to using the electoral registers as there wasn't a good alternate source of information. The war had meant that there was no census in 1941 and there was no recent data to draw from to estimate the population in each constituency. Switching to electors gave a number to understand the number of electors in each area, as well as an apparent improvement in precision.

In a country with only a small difference between the resident and voting-eligible population, the difference between electorate and population has marginal

² Rossiter, D.J., R.J. Johnston, and C. J. Pattie, *The Boundary Commissions: Redrawing the UK's Map of Parliamentary Constituencies* (Manchester: Manchester University Press, 1999), p 53

³ Rossiter, D.J., R.J. Johnston, and C. J. Pattie, *The Boundary Commissions: Redrawing the UK's Map of Parliamentary Constituencies* (Manchester: Manchester University Press, 1999), p 64

⁴ Rossiter, D.J., R.J. Johnston, and C. J. Pattie, *The Boundary Commissions: Redrawing the UK's Map of Parliamentary Constituencies* (Manchester: Manchester University Press, 1999), p 72

⁵ The British state had maintained that the residents of the Free State were British subjects, which was of course [contested in Ireland](#).

political effects. While there was much more migration to the UK in the second half of the twentieth century, this mostly came from vote-eligible Commonwealth countries and the percentage of the population born in what the census historically understood as 'foreign' places increased slowly.

In 1911, only 0.8% of the population was 'foreign' born as opposed to being a 'British Subject' (born in the UK or elsewhere).⁶ By the 1971 census, while 8% of the population were born abroad, only 2% were born outside the Commonwealth/Ireland.⁷ By 2001, this had only increased to 4%.

These numbers are still too high for determining the population of eligible voters because they count the foreign born as opposed to their nationality.⁸ For 2001 both sets of numbers are available and the number of people who were 'foreign' born and who had not become British citizens was only 2%.

Migration from the EU in the last few decades has shifted this picture. From 2000 to 2018, the proportion of people living in the UK with non-Commonwealth/Irish citizenships rose from 2% to 6% of the population.⁹

While not as large as other historical exemptions to voting rights, this is getting towards significant numbers. While many of this group may be happy remaining a citizen of their home country and not naturalising (or expect to return to their home country later in life) this is a democratic significant anomaly. Over 1 in 20 adults living in the UK are not part of the electorate.

Importantly, many EU immigrants are concentrated in specific areas rather than evenly distributed throughout the country.¹⁰ As of [the 2011 census](#) of England and Wales, 50% of ineligible adults lived in only 81 (14%) of constituencies. The nine seats (1.5%) with the highest numbers contain 11% of all ineligible adults.

Electorate and population have become conceptually decoupled, and this only happened only relatively recently. Something that was a marginal democratic issue in the 1940s has become more significant. There is now enough of a divide

⁶ [1911 Census, Table 105](#)

⁷ Registrar General for England and Wales ; General Register Office Scotland (2002): 1971 Census aggregate data. UK Data Service. DOI: <http://dx.doi.org/10.5257/census/aggregate-1971-1>

⁸ The shift in what census summaries see as important and unimportant information is interesting in terms of changing understandings of how the UK relates to the world. Commonwealth vs elsewhere divisions become less highlighted as immigration rights were limited, while modern ONS summaries of nationality are mostly concerned with the EU.

⁹ Based on this [ONS series](#), assuming all people with nationalities not in the top 60 were citizens of non-commonwealth nations.

¹⁰ [Migrants in the UK: An Overview - Migration Observatory](#)

that equalising on population rather than electorate is likely to have an effect on the result.

Citizens vs registered voters

While the ineligible population is the new democratic problem, it is less significant in impact than the longer running problem of under-registration of the eligible population.

Many people who are eligible to vote are not registered to vote. This would not be a problem if under-registration was uniform across society. The issue is that certain groups of eligible voters are systematically under-registered, and these groups are not distributed equally geographically.

While in principle any eligible person can register in the run-up to an election, if a group is less present on the register when it is used to create electoral boundaries, their parliamentary representation is reduced regardless of the outcome.

The [Electoral Commission's report](#) on the 2018 register found that one of the largest drivers of under-registration was frequency of moving home. 36% of people who have lived at that address for less than a year, climbing to 71% after one to two years. This increases with length of residence, with 90% of those who have lived at the same address for between five and ten years being registered.

While people become more likely to be registered the longer they live at an address, groups like private renters are moving much more and so are having the clock constantly reset. This means that as a group, private renters are 58% complete compared to 86% for those owning a house with a mortgage.

Different ethnic groups are differently registered. Those with a white ethnic background 84%, while those with an Asian or Black ethnic background were registered at a rate of around 75%. This likely intersects with the renting issue, with a Runnymede Trust finding that *"black and minority ethnic households and recent migrants are more likely to be living in the private rented sector"*.¹¹ This may also reflect differences in citizenship. UK and Irish nationals were registered at 86%, while Commonwealth nationals were registered at 62%.

A 1998 survey found a number of reasons given by ethnic minority respondents for not being registered:

¹¹ Megan McFarlane (2014), [Ethnicity, health and the private rented sector](#)

As far as the reasons for non-registration are concerned, some respondents mentioned the doubt about their residence status. Other reasons included the language difficulty and the fear of racial harassment and racial attacks from extreme right-wing groups who could identify Chinese, South Asians and others from their names on the electoral register.¹²

A lack of awareness that non-British Commonwealth citizens are eligible to vote is likely to be a driver, but perceived risks of registration are worth noting. Regardless of the exact factors in each case, some citizens face higher barriers to registration than others.

Geographic areas where these factors are especially prominent or cross-cutting will then be assigned less seats, the most obvious effect of this is less seats end up assigned to London than might otherwise be the case.

Equalising the number of registered voters means that some MPs end up representing not just more people, but more *citizens* than others. Groups of citizens who need greater effort to be consistently registered than others are squeezed into fewer constituencies than those who the system registers easily.

While one approach to this is to fix the under-registration issue, another would be to disconnect from the registration data altogether. The Electoral Reform Society [recommend the use of census data](#) to create boundaries based on eligible voters:

The next boundary review should be based on a more accurate and complete data source than the electoral register, to ensure all citizens are counted. We recommend using census population statistics, complemented by citizenship information provided by passport data.

In a report for the Constitution Society, Lewis Baston similarly argues [the census should be used](#) and more explicitly tasked to find accurate numbers of potential electors in an area:

An alternative, and much more stable and reliable, basis for drawing the basis for parliamentary constituencies is fortunately available in the decennial Census, by far the best and most complete record of the UK population available. Internationally it is more common to use population, rather than registered electorate, as the base number for allocating seats. While this would

¹² Anwar, M. (2010). The participation of ethnic minorities in British politics. *Journal of Ethnic and Migration Studies*, 27(3), 533–549. <https://doi.org/10.1080/136918301200266220>, pp. 535-536

mean a break from the past pattern of allocating seats in the UK, a middle option is available in the form of using the data from the Census to arrive at a number for each nation, region, local authority and ward of people entitled through age and nationality to appear on the electoral register.

While the census happens only once a decade, this would be twice as frequent as the current status quo, and only marginally slower than the new plans to hold a [review every eight years](#).

Different citizenships

While few would contest that renters have the same right to vote as homeowners, there is a more substantial question surrounding Irish and non-British Commonwealth citizens voting rights. While reciprocal voting rights would probably be the framework used if starting today (as exists now, but has not always, with Ireland), or [a broader conception of resident voting rights](#), the UK's idea of citizenship rights of voting derives from the fragmentation of an imperial understanding of citizenship in the 1940s.

The boundary problem of who gets to be included is one of the hard questions of democratic theory, and the complicated history of Commonwealth citizenship makes it not just an abstract question, but one tied up in the lives and rights of people who have already moved to the UK over the last century. It is not as simple as a distinction between citizens and residents, there are also groups who have some rights of citizenship, but not all of them.

There was a [short parliamentary debate](#) on the subject in 1985, where it was argued the current inclusion would probably be rejected by a majority of 'the British people' if it was more widely known about. It is probably true that it is poorly known that this right exists, but it does exist, and has been granted to many people. The clearest grounds to reject limiting voting rights is the sum of the individual injustices to people who are currently able to vote being unable to do so.

In that same debate, the MP Gerry Bermingham spoke in defence of Irish people in the UK:

If we reach a time when those of us who have lived all our lives effectively in this country are called upon to pay a sum of money for the right to vote in a land to which we have always been loyal, it says nothing for this land.

Bermingham himself paid £70 to become a citizen, the costs today are considerably higher. In 2019 the cost of an adult citizens application reached £1,333 (not including additional costs of legal advice).¹³

Taking away rights from people is a regression, and people may have made different decisions if a right had never been present. If it had been a requirement for Commonwealth citizens who successfully passed the immigration hurdles to naturalise in order to take part in elections, others may have chosen to do so (at times when it was much easier and cheaper).

More broadly, excluding large groups of current voters would only increase the democratic issue of a substantial group of resident non-voters discussed in the last section. That we can distinguish between those resident in Britain, citizenships with voting rights, and British citizens there are more complicated questions about what it means to be represented by an MP, and who MPs see themselves as working on behalf of.

Effect on results

The previous sections have shown that different measures of counting might lead to different outcomes, but how different would these be? This section simulates the effect of drawing boundaries using the three options explored.

Attempts to model the effects of boundary reviews typically take the new boundaries and use patterns of local election results to [try and estimate how the composition of voters has changed](#). In this case, there is no alternate set of boundaries to test, just different principles that might lead to a number of different sets of boundaries being drawn.

If just trying to understand the theoretical effect of different principles, a less involved method can be used to examine different metrics. The weighted seats method involves revaluing seats compared to the fraction of the electorate (or the population) they contain. The relative value of seats (and MPs) changes depending if they are currently under- or over-represented, but their composition does not.

This means the same party wins in each seat while the weight given to those seats changes, and with that the overall control of a party in Parliament. We can

¹³ Migration Observatory (202), [Citizenship and naturalisation for migrants in the UK](#)

examine the rough direction of different schemes without developing different maps for each approach.

While this is exploring a theoretical question, weighting seats is a perfectly valid practical approach to the underlying problem. Equalisation by moving boundaries around the population is complicated and has to be done more frequently the tighter the requirements. By contrast, equalising voters by giving MPs different voting weights is a simpler operation and can be done very close to the election with up to date numbers.

[Jurij Topleck](#) and [Ashira Ostrow](#) have argued that this might provide a better way of reaching legal 'one person one vote' requirements in the US, and it is especially relevant when some boundaries cannot be moved because of geographic or political constraints. In the US context this allows better equalisation within the context of immovable state lines, but in the UK would solve the issue of various island constituencies being hard to integrate with mainland constituencies, or allow geographically smaller constituencies in areas like the sparsely populated Highlands.

The results below are not predictions of what would actually have happened if the boundaries for recent elections had been drawn differently. Moving boundaries rather than weights changes the composition of seats (which might change winners) and the numbers used to create boundaries would not be as up to date in the election year as in the below simulations. What it does allow is an understanding of the likely direction and scale of change when comparing different principles.

2019 electorate vs 2019 population

Taking the 2019 election results, Table 1 shows what the results would have been if voting weight had been equalising by 2019 electorate or 2019 population.¹⁴

Party	Actual	Register weighted	Population weighted
Conservative	365	372.2	359.2
Labour	202	199.3	213.4

¹⁴Extending from the previous ONS mid-year estimates to 2019, but the result is effectively the same if you use 2018 numbers.

Scottish National Party	48	45.7	43.9
Liberal Democrat	11	10.3	10.3
Democratic Unionist Party	8	7.9	8.2
Sinn Fein	7	6.9	7.3
Plaid Cymru	4	2.7	2.6
Social Democratic and Labour Party	2	2	2.1
Alliance	1	0.9	0.9
Speaker	1	1.1	1
Green	1	1.1	1.1

Table 1. Shares in the 2019 election by different weighting

This shows that equalising on registered electors does exactly what the Conservative party expects and gives a small increase (seven units) in the weight of their seats, while the Labour party has an 11 unit increase if the seats are weighted by population.

Importantly, even if seats stay roughly the same between parties, there will be a geographical redistribution of seats (broadly speaking in all scenarios, flowing south and east). This can be seen in chart A. As a similar exercise found, the effect of reallocating seats by population increases the relative weight of urban constituencies (especially in London and Birmingham).¹⁵ While that study argues that enfranchising immigrants would likely lead to political parties in aggregate (if not necessarily individually) to adopt more pro-immigrant positions, the point here is that redrawing the map may affect the internal composition of parties in a way that changes policies, even without any new voters.

¹⁵ Fox, S., Johnston, R. and Manley, D. (2016), If Immigrants Could Vote in the UK: A Thought Experiment with Data from the 2015 General Election. *The Political Quarterly*, 87: 500-508. doi:10.1111/1467-923X.12309

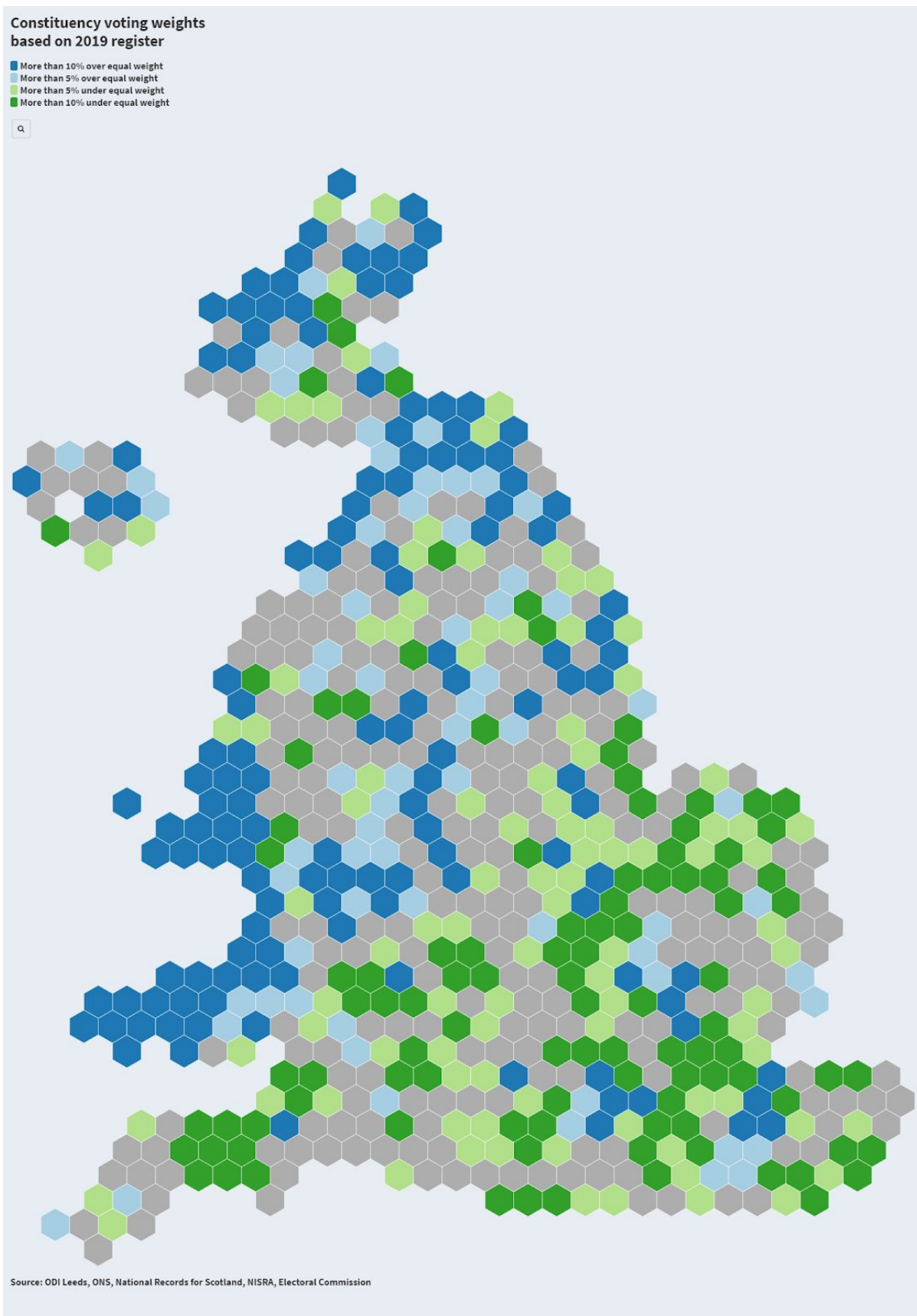


Chart A - Constituency voting weights based on 2019 register. [Explore on Flourish.](#)

Electoral register and population over time

The same general pattern holds in the 2015 and 2017 elections. The following table shows the difference between the status quo and weighting on the electoral register in the last few elections for the four largest parties:

Party	2015	2017	2019
Conservative	9.3	10.5	7.2
Labour	-5.8	-5.6	-2.7
Scottish National Party	-0.9	-2.3	-2.3
Liberal Democrat	-1.1	-0.7	-0.7

Table 2. Difference between the actual result and the weighted register result in recent election years.

This shows that this weighting on the electoral register is consistently to the Conservative party's advantage. Running the same analysis with population data shows the reverse:

Party	2015	2017	2019
Conservative	0.7	-2.1	-5.8
Labour	5.8	7	11.4
Scottish National Party	-4.6	-3.2	-4.1
Liberal Democrat	-1.4	-0.9	-0.7

Table 3. Difference between the actual result and the weighted population result in recent election years.

Here the pattern is reversed and Labour benefits from the redistribution. In both cases part of the benefit comes from reducing the slight over-representation of Scotland in the current boundaries (and in the 2015 and 2019 election, this is mostly a problem for the SNP).

Estimating the electorate

Turning to estimates of eligible voters not based on the register, there are no easily available estimates for recent election years. The different annual mid-year predictions for constituencies in individual nations make it easy to count adults, but there is not a complete or recent estimate of how many of those adults are eligible to vote. Using [the proportion of vote-eligible adults by constituency](#) in the 2011 census for England and Wales the adult population figures were adjusted downwards by each constituency, with constituencies in Scotland and Northern Ireland adjusted downwards by the average percentage for that nation.

Party	2015	2017	2019
Conservative	5.8	4.1	1.2
Labour	-0.8	-0.2	3.1
Scottish National Party	-3.1	-2	-2.6
Liberal Democrat	-1.1	-0.9	-0.8

Table 4. Difference between the actual result and the weighted estimated electorate result in recent election years.

Table 4 explores the change if you shift from the status quo to weighting on the number of eligible voters. This shows that while based on the same principle (equalising electors) as equalising on the electoral register, the difference between the weighted result and the current results is much smaller. In 2019, it only increases the Conservative Party weighting by 1 unit as opposed to 7. This suggests that equalising on registered voters rather than estimates of eligible voters inflates Conservative seats at the expense of Labour. Exactly the same principle implemented in different ways can have a different impact.

Forms of representation

Given different ways of equalising the electorate have predictable political effects, is there any reason to prefer one over another that are unrelated to their effect on outcomes?

A potential way to examine this is to see electorate versus population as a debate not about how constituencies should be measured, but about rival ideas of representation. Is it important that voters are 'equal' when they go to the ballot box, or that constituents across the country have an equal share in their MP?

Equal shares of a representative

One reason to equalise the population would be that it is already the case that MPs represent the entire population of their constituency, they are just not given equal resources to do so.

In the [1944 debate](#) on the bill that set up the modern system of reapportionment, Herbert Morrison described the key principle as being that:

"[S]o far as it is practicable each Member ought to represent an equal number of constituents."

This does not suggest equality at an election, but an equal number of constituents. While we look at our current system that equalises the number of electors and assume that was intentional, the concern and language at the time seems to have been with creating equality of constituents.

This is in-line with the idea that the distinction between the electorate-based approach and population-based was less clear in the past. By 1969, a speech by Michael Winstanley (Liberal) shows that both understandings are present but not the idea that there [might be a conflict between them](#):

I drew attention to three reasons why I thought it was desirable for the House to aim at broadly equal Parliamentary constituencies: first, to share the load amongst members of the House as equitably as possible; secondly, to provide, so far as possible, roughly equal access to a Member of Parliament by constituents; and, thirdly, the more important matter of the fundamental principle of, not only one man, one vote, but one vote, one value.

This raises the question of if everyone is talking about the same thing when they say 'constituent'. While the origins of the word relate to someone appointing someone else as an agent or representative, currently the official parliament website [defines a constituent](#) as *"the name given to every person who lives within or is eligible to vote in a constituency"*. Similarly, the Oxford English Dictionary allows *"a voting member or an inhabitant of a constituency"*, and an edition

[from the 1930s](#) also shows this understanding would have been present in the 1940s debate referenced above:

One of those who elect another to a public office, esp. as their representative in a legislative assembly ; an elector; more widely, any inhabitant of the district or place so represented.

One reason for caution is the ambiguity in this area makes it unclear if *all* MPs would understand their job as representing non-citizens. As Sarah Childs points out, [MPs dislike defining their role too much](#). The glossary on the website is not binding on MPs. While the MP [code of conduct](#) has a few mentions of constituents, it does not define exactly what a constituent is.

That many MPs deal with [immigration related queries](#) (and that there [is advice provided](#) for them to do so), suggests that in general MPs do constituency service for non-citizens and understand them as ‘constituents’ when they do so. However, this remains a fuzzy point, with slips that suggest words are not being used with entirely clear and universal meanings. For instance, Mark Harper (Conservative) in a 2011 debate talked of the importance of equalising [a ‘constituent’s vote’](#):

That is because we want the weight of a constituent's vote to be equal across the United Kingdom, and that is an important principle.

This suggests that some MPs may understand constituents when used in this kind of debate as meaning those who are eligible to vote. That said, Harper has [separately said that](#):

The job of Ian Blackford is to represent the people who live in his constituency, as I represent those who live in mine, not to represent the spaces in his constituency. It is the people who matter.

Generally, ‘constituents’ seems not to be a term with a fixed meaning and is used by MPs to refer to several slightly different groups of people they may represent. A [debate in 2010](#) shows how the easily several different groups of non-voters are confused:

Thornberry (Labour): *Is not the most important point, and the one to which coalition Members are not listening, that constituencies may well be much more equal than local registration figures show? In constituencies such as my right hon. Friend's and mine where there is very high churn, there are a large number of Europeans, and people who want to be on the register but cannot.*

A large number of people simply do not count, but they do exist and are a valuable part of our constituencies.

Ruddock (Labour): *I agree absolutely. I repeat that those are real people contributing to our communities and living among us, and we ought to value them. They may not be on the electoral register, but they certainly exist. The hon. Member for Epping Forest agreed that as Members of Parliament, we have to treat unregistered people equally with those who are registered if they come through our doors. That is a most important principle. We need to recognise their existence, value them and be willing to count them in as people who could be registered, even if they are not.*

Williams (Liberal Democrat): *Nobody would disagree with the right hon. Lady that we must make every effort to register everybody who is eligible, but does she not agree that there are two different issues to consider? One is that every Member of Parliament should be elected by an equal number of electors, and the other is that if one Member has to represent more people than others do, perhaps more resources should be made available to them. She is confusing two issues.*

Ruddock (Labour): *I am not at all. I am talking about the equal worth of people who are eligible to be registered but are not, and those who are registered. That is the difference between our position and the Government's.*

The confusion here is that there are several different arguments happening at once. Ruddock is talking about the unfairness of shrinking constituencies because of eligible but not registered voters. Thornberry is mostly making this point, but also in referencing the Europeans in her seat is making a broader point about the existence of non-voting residents.

Some MPs (like Thornberry) have constituencies with a large proportion of non-eligible voters (17% in 2011), but will have the same resources as those that do not. If boundaries have been drawn to equalise the electorate, this represents an unfairness to all in that constituency because they have a lesser share in a representative than is the case elsewhere.

But does this require equality of representation or, as Roger Williams suggests, additional budget for caseworkers? If MPs are just providing a service, do constituents need equal representation, or equal resources?

Seeing the problem as one that can be resolved by additional case workers raises a key issue with this interpretation of an MP's role: why should we bother

with elections if hiring more staff solves issues of representation? The idea of an MP as a service provider hides the fact it is foremost a political role.

Changing the criteria to balance on population would not only have an impact on service provision, but on political balance. This is a concern because while an MP may be able to intercede on behalf of a constituent, there is no guarantee their political actions are in that constituent's interest if they had no say in selecting them.

Representation without participation

Including and counting those who cannot vote may seem more inclusive but is not always to the benefit of those non-voters. For instance, the US has very clear historical reasons for apportioning based on population. Political representation in the early republic was defined by an argument about if the southern states could count enslaved people as part of the population for the purpose of having more seats in the House of Representatives, or if only free people should be counted.

The resulting compromise of counting a slave as three-fifths of a person is often read as an injustice to those enslaved, but slave owners would have preferred it if they were recognised as full (but unfree) persons. The slave states gained political power as a result of the presence of slaves who would have no say in the exercise of that power.

Long after the abolishment of slavery, Jim Crow laws that restricted voting continued to allow white supremacist politicians to benefit from the additional representation the presence of African-Americans provided, while denying substantial representation to that group. As current systems of mass incarceration in the US can be seen as [a transformation of older systems of racial oppression](#), this same mechanism continues to function through the location of prisons.

US prison populations represent a highly concentrated group of people, unable to vote, yet counted as living in the physical location of the prison. This results in a system of prison gerrymandering, where the location of prisons is a political prize. The location of a prison inflates the relative influence of an area without increasing the number of voters. This has a political effect because it is often a transformation of [urban voters into rural non-voters](#), reducing the size of seats more likely to elect Democrats and growing those more likely to elect Republicans:

Because prisons are disproportionately built in rural areas but most incarcerated people call urban areas home, counting prisoners in the wrong place results in a systematic transfer of population and political clout from urban to rural areas. 60% of Illinois' prisoners are from Cook County (Chicago), yet 99% of them are counted outside the county.

A reason to be suspicious of equalisation based on population is that it is changing representation based on the presence of a person without the input of that person. Without enfranchising people, it cannot be said whether counting them for the purposes of apportionment is to their benefit or not.¹⁶

Political representation

Several quotes in previous sections have shown the belief of MPs that they have a duty to represent more than the people who voted for them. As Joan Ruddock (Labour) [put it in 2010](#):

[A]s Members of Parliament we serve all our constituents and all our constituencies.

But should we accept this? Leaving aside intention, is it practically possible for MPs to provide the same service to all constituents? While there may be any number of interventions an MP can perform impartially for any constituent, in other cases their political projects may be to the advantage of some constituents and the disadvantage of others.

In the 1944 debate on the redistribution of parliamentary seats, Godfrey Nicholson (Conservative) and Robert Young (Labour) [had an exchange](#) that gets into the difference being represented and being politically represented:

Nicholson: *The hon. Lady the Member for Anglesey (Miss Lloyd George) kept on saying how monstrous it was that the Conservatives in Durham or the Labour people in the Home Counties should not be represented, and that the Members for those places do not regard themselves as representing these people. If the hon. Lady's father wrote asking for my help in any matter, I should help him as conscientiously as I should help a Conservative. Let us not forget that we are not delegates, but representatives. I represent my whole constituency, men, women and children.*

¹⁶ While denying the franchise to felons similarly has an effect on boundaries if counting only the electorate, under population counts they in effect lose two votes - both their own they cannot exercise and that the location of their body is used to increase the total in other areas.

Young: *I do not think the hon. Gentleman has met the position. I represent my constituency in the sense that if anybody sends a grievance to me I attend to it, but I do not represent my political opponents. This is a political House and I am sent here on a political basis. I do not presume to represent the Conservatives in my constituency in relation to their political opinions, and I do not suppose that any member sitting on that side can represent my views.*

Nicholson: *That would be very difficult.*

Young: *Very difficult, I agree. It may be impossible for some of them. It is all nonsense to talk about our being representative of the whole constituency in a political sense.*

The context of this debate is a complaint that the bill did not create a system of proportional representation and regardless of if votes were equally distributed, outcomes were not.

Nicholson argues against the need for proportional representation as he can represent everyone regardless of their views, but Young argues that MPs cannot claim to represent the politics of constituents they oppose. Your MP may be willing to be your representative and advocate for apolitical problems, but fundamentally cannot represent your politics if they do not share them. As an MP [put it in 1834](#):

A certain correspondence ought to exist between the opinions of Members and their constituents. A man could not be a real representative of any body of electors if he differed materially from them on important points; in such an event he ought to withdraw, and find another constituency.

In practice, there are many MPs with a weak correspondence between their opinions and their constituents. After the 2019 election, the average MP had 46% of voters opposing them, with 229 MPs (35%) not reaching 50% support. Those MPs in particular cannot claim in any substantial terms to be politically representative of their community. While this is an improvement on the results in 2015, where the average voter did not vote for their MP, this improvement may just be a result of voters adapting to the system. As a YouGov poll found [32% voted tactically](#) in 2019, and assuming a fraction of these ended up voting for the winner, the number of people without their preferred representation is still likely to be higher than 50%.

Equality of outcomes

If a problem with equalising on population counts is that people have numerical representation but not political representation, it is also an issue if this is already common under electorate equalisation.

The reason that this can happen is not any particular feature of equalising the electorate, but that the argument only goes so far. As Lord Lippey [commented during the debates](#) on the 2011 Act, the implications of wanting equal votes logically go beyond equalising constituencies:

[I]t is believed-we have heard this from other Ministers as well-that this Bill creates votes of equal weight. It is possible to have a system in which all votes have equal weight. It is called PR [proportional representation] and most of us are against it.

While the motivation for having equal numbers of electors in each seat is “making sure that every vote counts the same”, taking this seriously goes into areas the Conservative Party is generally opposed to: electoral systems that deliver results proportional to the votes cast.

One problem in this area is we lack clear ways to talk about the different kinds of problems that can mean people’s votes don’t count equally. [Jonathan Still](#) suggested a set of criteria for political equality, which I have reformatted [in clearer language](#):

1. It doesn't matter *who* you are, your vote should count the same (Suffrage)
2. It doesn't matter *where* you are, your vote should count the same (Equal shares)
3. It doesn't matter *which* party/candidate you vote for, your vote should count the same (Independence)
4. Everyone should have the representation they want (Proportional representation)

In the debate in the UK, most complaints revolve around the idea of equal shares of the election and that the number of voters has too much variation between constituencies. However, the largest influence on the outcome of UK elections is violations of the independence principle. The impact of your vote changes depending how other people in your constituency have voted.

While the Conservative Party complains that its constituencies are larger than others, in general their vote is distributed in such a way that gives them more seats than their 'fair share'. Voters who are more tightly clustered are more able to secure representation, unless they are too-tightly clustered, in which case they are wasted. This can be expressed as distorting the value of individual votes as well as unfairness to parties.

Still uses the concept of anonymity to explain this problem, arguing that in a system where there is equality voters should be able to swap their preferences without affecting the result. If swapping votes between equal-sized constituencies can change the result, the value of a vote is changing depending on where it is cast. This is the same type of problem as that posed by unequal constituencies: all votes are counted the same, but they don't have the same impact.

The distinction between numerical representation and political representation also becomes clearer through this lens. While it is listed as a separate criteria, results that look like proportional representation tend to emerge naturally from fulfilling equal shares and independence: voters get not only representation, but the representation they voted for.

In this way, arguments that it is important to fulfill equal shares are concerned with providing an equality of numerical representation, whereas arguments for a more complete political equality are arguing for an equality of political representation.

When [arguing against PR](#) for local elections, Ranil Jayawardena (Conservative) stressed the importance of clear constituency representation and quotes Edmund Burke on the importance of a representative exercising their own judgement as should be representatives rather than delegates. This is an example of how conceptions of an MP's role form in reaction to demands that politics should be different. If an MP's job is to use their own judgement, it is no longer a problem that they have political disagreements with a majority of their constituents.

As it happens, the general public is much keener than MPs on the idea that MPs should be delegates rather than 'representatives' ([63% of the public versus 20% of MPs](#)), but the distinction between the two forms becomes a lot less important if people simply have the representation they prefer. The argument that political representatives can represent people they campaigned against as effectively as people who support them is a justification of current outcomes, and is not credible in its own right.

Conclusion

As part of the announced 2020 changes, the need for boundary plans to be confirmed by a parliamentary vote is set to be removed. Chloe Smith (Minister for the Constitution and Devolution) [argued that](#) this helps reject the *“accusation that, despite the fact that the organisations that conduct the reviews are rightly independent, boundary reform could be politicised”*.

As shown in 1969, 2013 and 2018, being able to delay or not implement the boundary changes is a way political power is exerted in the process. But the more significant way the boundary reviews are politicised is that parliamentary majorities write the rules that the boundary commissions then independently execute. Letting elected politicians draw their own boundaries is obviously open to abuse, but moving this to an independent body while leaving the rules a matter of political debate just moves the problem upstream.

While there are alternate structures that might introduce more of a disconnect (for instance, referring decisions on the underlying rules of politics to citizens assemblies and referendums), if politicians are directly involved, depoliticising electoral and boundary reform just isn't possible.

When trying to map out arguments about electoral and political structures, the key question is how seriously should you take what people are saying. Many arguments about electoral processes are in reality about electoral outcomes. There are [ways of resolving the problems](#) people claim to have, but this is in reality unimportant. This is not a debate where the motivations claimed are the true motivations of political actors.

Within the idea of equalising constituencies, there are several different possible methods, and different principles can be used to justify each one. If the goal is equality of access to representation, there is a good case that constituencies should be equalised on population, but also that this should be viewed suspiciously as including non-eligible voters can change political outcomes without their input.

If alternatively the goal is equality of voters in an election, there is a case to equalise based on the electorate. But this should also be seen as suspicious if it is not accompanied by measures to address the more substantive issues that cause inequality between voters.

Taking the arguments presented for boundary reform in earnest, the importance of making every vote count the same leads you towards ideas of proportional representation. If you reject that, the arguments and conceptions of an MP's role made in opposition to proportional representation support the idea of equality based on population.

Both these positions have been made by members of the governing party, and both logically support a reform to that party's disadvantage. This is unlikely to happen. The history of boundary and electoral reform in the UK shows that political parties believe in political equality of voters only to the extent that is compatible with their primary belief that they should hold power.

There may be reasonable arguments for prioritising other aspects of a political system over political equality, but it is a problem when language of equality is used to disguise what is fundamentally a debate over political power.

The next reappportionment will use electorate equalisation based on the electoral register and is justified on the grounds of fairness and '*making votes count the same*'. But given the known issues of under-registration of specific groups and places, there is no good reason to accept any reappportionment based on the electoral register as representing fairness. An alternate approach based on the eligible voters identified by the 2021 census would achieve the same goal with less of the systematic skew that relying on the register leads to.

Increasing the fairness to voters even in a small way changes the likely outcomes. If it follows the trend identified above, a change based on the register is likely to increase the governing party's majority by more than one based on the census. At the same time, the potential scale of the change is small. Either not implementing or implementing a change is a small injustice to either of the large parties. The injustices to voters for smaller parties, who are far more likely to be denied their representation of choice, is much greater.