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Citation for final published version:

Poole, Ed Gareth 2019. An electoral calculus? Dual incentives and committee assignment in the UK's mixed-member legislatures. *Regional and Federal Studies* 29 (4) , pp. 507-529. 10.1080/13597566.2018.1540980

Publishers page: <http://dx.doi.org/10.1080/13597566.2018.1540980>

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# **An Electoral Calculus? Dual Incentives and Committee Assignment in the UK's mixed-member legislatures**

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## **Abstract:**

Although mixed-member electoral systems offer an apparent opportunity to observe how different rules shape politicians' behaviour, 'contamination' between the SMD and PR-list tiers has frequently confounded academic work. Investigating Scotland and Wales' mixed-member legislatures by exploiting their different chamber sizes and an unusual dual candidacy prohibition in Wales, modelling of committee assignments uncovers a split finding. Controlling for membership of the lead governing party, list members have a higher committee workload than their constituency colleagues, and members with previous employment experience in justice and health are more likely to be assigned to the corresponding subject committee once elected. Elsewhere, expectations that members might seek assignments that best suit theorized re-election interests are not found. The hypothesized influence of electoral rules is strongly conditioned by the small size of the legislature in Wales.

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Whether – and how – institutions and electoral rules shape the activities of politicians is a research question with a long pedigree. If, as Mayhew contends, re-election is an objective shared by all politicians, or ‘the goal that must be achieved over and over if other ends are to be entertained’ (1974: 16), identifying how institutional and electoral rules shaping shape members’ re-election strategies is of primary importance.

Electoral systems have long been considered among the most significant institutional constraints that shape the activities of political actors (for example, Carey and Shugart 1995). It is argued that candidate-centred electoral systems such as single member plurality encourage office-seeking incumbents to cultivate voters’ support in their home district, while party-centred systems such as closed-list proportional representation (PR) focus politicians’ attention on their internal party ‘selectorate’ in pursuit of a winnable list position (Gallagher 2005, Depauw and Martin 2009). Testing these assertions is frequently confounding because we cannot untangle the effects of electoral rules from the many cultural, social and political characteristics of a given country. However, in mixed-member systems some researchers have exploited an apparent opportunity to evaluate the simultaneous operation of two electoral rules while controlling for all other observed and unobserved variables (Moser and Scheiner 2005). In theory, mixed systems encourage members elected from a single member district (SMD) to behave differently from those elected from the PR-list, a bifurcated incentives structure termed a ‘dual incentives’ or ‘dual mandate’ effect (e.g. Lancaster and Patterson 1990, Stratmann and Baur 2002). However, other researchers (e.g. Ferrara et al. 2005, Thames 2005, Manow 2015) caution that any differences in behaviour will be overwhelmed by a lack of independence between the two electoral contests –

‘contamination’ – that frequently derives from dual candidacy rules that incentivize candidates to cultivate a re-election vote from *both* the SMD *and* PR-list ballot routes at the next election (Ferrara et al. 2005).

The UK’s devolved legislatures offer an important case study of this ‘dual mandate’ framework. First, the Scottish Parliament and National Assembly for Wales have both been elected by mixed-member voting systems since their establishment, which should theoretically reduce the potential of ‘hangover effects’ (Crisp 2007) from the operation of prior electoral rules. Second, a ban on dual candidacy was imposed seven years after the National Assembly’s establishment, formally separating SMD and PR candidates in Wales, and offering an unusual set of circumstances for investigating the contamination problem. While Wales’ dual candidacy ban should in theory more clearly divide SMD and list members, the greater size of the legislature in Scotland may allow more flexibility in the assignment of committee roles according to Scottish members’ re-election interests. A larger chamber size, therefore, may be more conducive to distinguishing ‘dual mandate’ effects.

The article is structured as follows. To begin, I consider the connection between electoral systems and behavioural incentives in mixed electoral systems, and explain why Scotland and Wales offer a useful test of ‘contamination’ that has confounded academic work to date. After outlining hypotheses, data and variables, I test committee assignments for differences between constituency and list members elected in the two legislatures, present results, and conclude.

## **1. ELECTORAL INCENTIVES FROM THEORY TO EVIDENCE**

As the discipline has developed and incorporated new institutionalist understandings of the constraints and opportunities that can shape political outcomes, electoral systems have been considered fertile ground for investigating how legislators might adapt to the different accountability mechanisms intrinsic to different voting systems (Gallagher 2005). Under party-centred systems such as closed-list PR, incumbents rely on their party's internal selectors for re-election, so seek approval from this 'selectorate' to boost their re-election prospects. Conversely, under candidate-centred systems such as single-member plurality and single transferable vote, incumbents also rely on the personal support of voters for re-election, which incentivizes constituency-related activities (Gallagher 2005, Depauw and Martin 2009). But since the direct effect of electoral rules cannot be isolated from other cultural, social and country-specific influences in a given political system, researchers cannot directly identify how legislator behaviour would change if different electoral rules were employed (Stratmann and Baur 2002; Ferrara et al. 2005).

The rapid adoption of mixed electoral systems since the 1990s has however provided an opportunity for researchers to test how majoritarian and proportional principles of representation shape actor behaviour in similar settings (e.g. Lancaster and Patterson 1990, Stratmann and Baur 2002, Moser and Scheiner 2004). Voters participating in mixed-member elections cast their vote via two separate ballot papers: one for a candidate in a single-member district (SMD) and one for a party list with seats allocated via a proportional formula. Researchers can seemingly evaluate the effects of different electoral rules by comparing the outcomes of the district- and list-based

components of the election, while simultaneously controlling for all observed and unobserved country-specific variables (Moser and Scheiner 2005).

If the operation of parallel electoral rules bifurcates re-election incentives, two ‘legislator types’ may emerge in mixed-member systems. PR-list candidates, who are selected by party leaderships or regional party organizations and ranked on closed lists that cannot be re-ordered by voters, should have a greater incentive to focus their appeal on this internal ‘selectorate’ and to shirk time-consuming constituency casework demands. Conversely, because SMD members’ re-election success should depend at least partly on their appeal to a geographic constituency, constituency members should face incentives to cultivate a personal vote independent from party loyalty (Lundberg 2006).

But while theoretically straightforward, finding an empirical means to test such assertions has proved challenging. Lancaster and Patterson’s (1990) study of the German Bundestag focused on the interests of SMD members to pursue pork-barrel projects in their districts. But more recent analyses acknowledge that two institutional characteristics in many mixed-member legislatures may limit the possibilities for discerning bifurcated patterns of behaviour between members. First, high levels of intra-party voting discipline in parliamentary systems reduce the significance of roll-call votes as evidence for a ‘mandate divide’. Second, government control of money bills in many parliamentary systems weakens the ability of members to secure geographically-targeted spending projects for their constituencies (Martin 2011).

Recent work has therefore tended to explore members’ legislative committee assignments to investigate the interactions of electoral rules and behavioural incentives.

Translating Mayhew's assumption that legislators are motivated to win re-election, Stratmann and Baur (2002) hypothesize that certain committees in the Bundestag better enable SMD members to serve their specific electoral constituencies and thereby increase their likelihood of re-election. Where SMD members select (or are assigned to) committees that allow them to serve their constituencies (such as agriculture or construction), PR legislators join committees that allow members to promote their party's interests (such as defence or development), thereby increasing their own chances of a high-enough rank on their party list to win re-election.

But despite assertions that committee assignments (or other observable manifestations of legislator behaviour in mixed systems) might offer researchers a controlled comparison, several scholars (Bawn and Thies 2003, Ferrara et al. 2005, Hainmueller and Kern 2008) have cautioned that this supposition is 'only correct to the extent that the two tiers are truly independent from each other; the operation of each tier must be unaffected by the presence of a second tier characterized by a different set of electoral rules' (Hainmueller and Kern 2008: 2). Certain institutional features of mixed electoral systems may 'weaken or altogether break the link between seat type and behaviour' (Ferrara et al. 2005: 203), a 'contamination' that invalidates the assumption of independence between the tiers.

Contamination between the two tiers has overshadowed many recent empirical studies of the controlled comparisons framework. In a comprehensive study of roll-call votes by legislators in Ukraine and Italy, Ferrara et al. find that 'seat type is a poor predictor of legislative voting... Once factional affiliation is accounted for, the effects of seat type and dual candidacy are washed away' (2005: 110). Likewise, Thames (2005) finds that mandate divides in the operation of mixed systems in Russia, Ukraine

and Hungary were evident only in the Russian Duma – a legislature with a very weakly institutionalized party system. Even in Germany, Gschwend and Zittel's (2016) re-evaluation of committee assignments in the Bundestag finds that while members with strong local ties are more likely to be members of committees that can engage in fiscal particularism, a member's mode of election does not appear to be associated with their subsequent committee assignments.

Chief among the reasons for this scepticism is the presence of dual candidacy, which gives candidates a 'fallback' or 'insurance' seat via the party list should they fail to be elected in a constituency. Dual candidacy should blunt incentives for legislators to specialize because 'the prospect [of] being nominated to both a party list and an SMD race allows incumbents to hedge their bets, focusing some of their attention on demonstrating their partisanship to party leaders and some on showing their dedication to local constituents' (Ferrara et al. 2005: 103). That 80 percent of German legislators are dual candidates at their election reinforces incentives to engage in both party and constituency work (Manow 2015).

Given the preponderance of dual candidacy in legislatures elected by mixed-member proportional systems, evidence for a 'dual mandate' effect – and perhaps the question of electoral incentives on politicians more generally – remains inconclusive. But if cases exist in which such institutional configurations differ, re-investigation might shed further light on this frequently confounding question in the field.



## **2. THE UK'S MIXED-MEMBER LEGISLATURES AS A TEST OF THE 'DUAL INCENTIVES' FRAMEWORK**

As we have seen, testing bifurcated incentive structures in mixed electoral systems poses a particular challenge to researchers. Many observable distributive features such as pork-barrel politics are not readily available to legislators in parliamentary systems, and dual candidacy encourages members to 'hedge their bets' by cultivating both party and home district electorates. But with one unique voting rule and two significantly different chamber sizes, the UK's devolved legislatures offer an innovative case test for the framework.

Upon their establishment in 1999, the mixed member proportional (MMP) system selected for the National Assembly for Wales and Scottish Parliament was a deliberate departure from the UK's First-Past-the-Post tradition. The Scottish Parliament is comprised of 73 SMD members and 56 closed party list members allocated on a compensatory basis from 8 electoral regions; the Welsh legislature is significantly smaller and achieves a lower level of proportionality with 40 SMD members and 20 closed party list members elected in 5 electoral regions. While the first two elections to both institutions permitted candidates to stand on both the constituency and regional ballots, UK legislation passed in 2006 prohibited dual candidacy at the third and fourth elections to the National Assembly for Wales in 2007 and 2011, a ban that was unique among MMP systems (Scully 2014).<sup>1</sup> Subsequent legislation reversing this ban became effective for the fifth election in 2016; however, the ban permits the evaluation of two full Welsh legislative terms in which dual candidacy was permitted, and two in which it was prohibited.

Scotland's MMP system has never banned dual candidacy, but its Parliament (with 129 members) is far larger than its Welsh counterpart (with 60 members). This significant size difference offers a test of whether a larger chamber might enable greater flexibility in members' committee assignments that better accord with theorized re-election interests.

Whether Scottish and Welsh list members behave differently from their SMD colleagues has been posed elsewhere in the literature. Lundberg (2006) uses survey evidence to compare legislator attitudes in Scotland and Wales with two German Landtage, finding some evidence that SMD members were more oriented towards constituency service, whereas list members were more concerned about supporting their party's prospects and working with interest groups. Bradbury and Mitchell (2007), also using survey evidence, find that constituency work was broadly prioritized by constituency members, but list members' constituency focus was stronger than expected. Researchers have also focused on perceived or real 'electoral poaching' (list members shadowing SMD members), particularly in Scotland where a ban on dual candidacy was not imposed, finding mixed evidence (Carman 2005, Carman and Shephard 2007). And statistically analysing work-related variables including the number of bills sponsored, parliamentary motions tabled, rebellion votes, and the amount spent on advertising constituency surgeries, Parker and Richter (2018) argue that Scottish SMD members are more likely to hold surgeries and less likely to attend to parliamentary functions, while the reverse is true for regional MSPs whose names are not listed on the ballot.

As with other examinations of the dual incentives framework, studies of the devolved legislatures have also focused on committee assignment. Battle (2011) finds

that PR members of the Scottish Parliament running exclusively on the list have the most committee assignments and are most active in the legislature. But there is scope to take existing work much further. Battle does not appear to exclude ministers, deputy ministers or other office holders who do not sit on committees; or controls for party affiliation that may influence a member's number and type of committee assignments.

While dual candidacy and chamber size differences make Wales and Scotland instructive cases, there are qualifications to account for context-specific variation in both legislatures. First, in the case of Wales, although the adoption of the dual candidacy ban in 2006 is of particular advantage in investigating contamination effects, list members can (and do) choose to run for re-election in a constituency, weakening independence between the two tiers. Irrespective of the reasons for this - perhaps because the SMD ballot gives candidates somewhat more control over their own electoral fates, or the pejorative language of 'two classes' of elected representatives that has been a common criticism of MMP systems in New Zealand (Vowles 2005, Ward 1998) and Scotland and Wales (Lundberg 2006) - any such propensity would reduce the divide separating Wales' SMD and list members. Second, institutional characteristics identified elsewhere in the literature, including chamber size, strong party systems, bicameralism, term lengths and committee organization (Downs 2014), may at least partially counteract any bifurcation by seat type. With only 60 elected members who can be required to serve on at least three committees, the number of assignments in Wales far exceeds comparable levels in larger MMP legislatures, such as the Bundestag where each member is generally a full member of only one committee. In such capacity-limited cases, pressures to populate the committee system may override individual incentives to cultivate a re-election vote.

### **3. TESTING ELECTORAL INCENTIVES IN WALES AND SCOTLAND**

The previous section argued that the UK's devolved legislatures offer a useful case test of a framework that has long engaged studies of mixed-member systems. But the basic theoretical assumption of this framework - that SMD candidates will promote constituency activities to best support their re-election prospects – is intrinsically related to candidate selection rules. If nomination and re-nomination procedures are tightly controlled by central parties, then the assumption that SMD candidates will promote constituency activities to cultivate a personal re-election vote in their district may not transfer to the UK cases.

Indeed, initial selection rules for SMD candidates would appear to contradict the theoretical connection. In both cases, constituency selections are conducted under a series of rules specified by each party's central organization which vary considerably between the parties.<sup>2</sup> But once elected to an SMD seat, deselection of an incumbent is extremely rare: among the 214 constituency members elected between 1999 and 2016 deselection has occurred only four times, twice in Wales and twice in Scotland.<sup>3</sup> Such a low probability of deselection allows members to focus on retaining their seat against other parties, and members' prospects for returning to the legislature once elected are therefore not limited to the same extent by central party control. Their behaviour might therefore be anticipated to mirror the traditional cultivation of a personal vote as theorized in the literature.

Likewise for list members, party influence over reselection is an important underpinning of the assumption that party-vote cultivation is the best path for re-

election. Cross-nationally, list selection is associated with centralized control as parties attempt to select the preferred candidates of the leadership (Epstein 1980), although Bradbury (2009) argues that there has been a tendency towards decentralization of list selection in both Wales and Scotland. Empirical testing of committee data can perhaps shed new light on whether the theorized connection between PR members and party-focused activities in the legislature is theoretically sound.

The prominent role for committee activity in Scotland and Wales' unicameral legislatures makes committee assignments an appropriate focus for studying the effect of institutional rules on legislator behaviour. Unlike the House of Commons, strong formal powers and conventions have given Scottish committees a major role in shaping legislative output, powers deriving from the early decision to create permanent, specialist committees with a relatively small number of members; committee deliberation at two separate stages in the legislative process; and an ability to introduce legislation and initiate inquiries, call witnesses and demand government documents as part of such inquiries (Cairney 2006).

Wales' committee system has been less stable due to a rapid accumulation of devolved competences since 1999; however, committees do play a major role in legislative output and scrutiny. The number and size of committees has varied in response to new powers and new organisational arrangements. During the first two sessions (1999-2003 and 2003-2007), the Assembly did not consider primary legislation and therefore did not require legislation committees; instead, standing committees and subject committees were created to shadow the newly-created ministerial portfolios. Following a legislative change in 2006 which allowed the third term of the Assembly (2007-2011) to enact primary legislation, separate committees were established to

examine legislation and scrutinize the executive. From the fourth term (2011-2016), the Assembly has full legislative powers in 20 policy areas<sup>4</sup> without the need to obtain prior competence from the UK Parliament, and the committee structure has been reformed to more closely match dual-role Scottish committees.

In both legislatures, committee places are allocated to party groups in proportion to their representation in the main chamber. Each party group informs the cross-party commission that coordinates parliamentary business which of their members will take up their allocation of committee places. The number of members on each committee varies according to remit and by parliamentary session.<sup>5</sup>

Although committee appointments are made in the final round by each party's leadership and chief whip, in practice members indicate their preferences to their party and allocations are an iterative process that can account for members' constituency interests. For the Welsh Conservatives for example, although the Leader and Chief Whip formally decide members' assignments and there is no distinction between constituency and list members in the assignment decision, members can express their committee interests and have the option of rejecting a committee offer if they are firmly opposed (Chair of the Welsh Conservative Group, personal communication). For Plaid Cymru, although committees are generally allocated to the party's spokesperson for each portfolio area, other assignments are decided by the Business Manager and agreed by the Group, a decision in which member interests, availability and work balance are taken into account. Subject committees are generally preferred to committees dealing with the workings on the Assembly, and members who demonstrate a particular constituency interest in a subject area, such as members from rural constituencies being assigned to committees dealing with the environment and farming, may be prioritized

for a corresponding committee assignment (Plaid Cymru Deputy Leader, personal communication). Likewise in Scotland, SNP committee appointments are decided by the Whip; but this decision is again iterative and takes MSPs' personal interests, previous employment and constituencies into account (Scottish Government whip, personal communication). While cognizant of the challenge of populating every committee in the Welsh case, there would therefore appear to be sufficient flexibility in members' committee assignments to test whether an electoral incentive structure features in the number and type of committee assignments.

Testing the 'dual incentives' framework using two self-constructed datasets of members' committee assignments in Scotland and Wales, I propose a series of hypotheses.<sup>6</sup> First, if SMD members have a re-election interest in cultivating a personal vote by engaging in constituency service, and if list members have a party-vote incentive to promote their party's interests in the legislature, the total number of committee assignments should be lower for SMD members than for list members. Following Martin (2011), this hypothesis should hold in candidate-centred systems where members cannot engage in pork barrel earmarking through committee work. In such systems (as in Wales and Scotland), and if SMD members have a re-election interest, these interests are better served by engaging in constituency work rather than participating in the legislative committees.

**H1: SMD members will have fewer committee assignments than list members**

Although H1 surmises that a high committee workload can potentially reveal something about SMD and list members' responsiveness to different re-election

constituencies, not all committees are created equal. If members seek to cultivate a geographically-based personal vote, they might be best assisted in this goal by participating in committees that can help them engage with issues affecting their constituency, such as committees whose remit includes major industries in their area.

With re-election motivations as the theoretical underpinning, Stratmann and Baur (2002) classify certain Bundestag committees as either ‘district’ committees that allow members to direct support to projects in their constituencies, or ‘party’ committees that would help PR members serve party interests. But transplanting this bifurcation to the UK’s devolved legislatures is problematic: not only do certain German (federal) ministerial portfolios not correspond with those in (substate) Wales and Scotland, but legislators in Westminster systems cannot normally secure geographically-targeted spending for their constituencies.

To operationalize the ‘usefulness’ of a committee assignment in cultivating a constituency vote, I therefore construct another measure of a committee’s possible value in serving a member’s constituency service goals. Constituency service interests should be best assisted by committee work that has a relatively high profile and allows a member to give attention to a pertinent local issue in their district, or to promote the interests of major local businesses or industries, such as agriculture for SMD members representing rural areas.

Tables 1 and 2 group together by function or portfolio area Scottish and Welsh committees since 1999, ranked by the number of mentions for each committee in a major national newspaper (the *Scotsman/Scotland on Sunday* and the *Western Mail* in



Wales).<sup>7</sup> Higher profile committees would be expected to receive a larger number of media citations, and are ranked higher in each table.

[TABLE 1 ABOUT HERE]

[TABLE 2 ABOUT HERE]

As one of the most prominent devolved policy areas, health has been a major issue in Scottish and Welsh election campaigns since devolution. Welsh parties have registered to appear on the ballot paper alongside the name of local hospitals,<sup>8</sup> and a General Practitioner opposed to health cuts was elected as an independent in 2003 in a Scottish constituency.<sup>9</sup> With the health committee having a high profile in both legislatures, assignments might therefore offer a platform for SMD members to engage with constituency campaigns that assist their re-election goals.<sup>10</sup> Likewise, an Enterprise or Economy committee appointment might give members an opportunity to support major industries or employers in their constituency, as may the Rural Affairs/Environment committee for rural SMD members. Other high profile committees, such as Justice or Education, are of generalized national importance rather than necessarily ‘useful’ for SMD members appealing to an issue of important local campaigning concern to maximize their chances of re-election.<sup>11</sup>

Moreover, in contrast to SMD members, and if members are motivated to win re-election, then their list colleagues should prioritize party ‘selectorate’ interests to

ensure placement in a winnable position on the party list. List members might therefore have an incentive to engage with committees that support their party's interests in the legislature and exist to keep the parliament or assembly running, rather than those that are high profile among the general public. Three groupings of committees in both legislatures that meet these criteria are standards, petitions, and subordinate legislation/legislation/legislative affairs.

That the 'usefulness' of an assignment differs for SMD and list members can be stated in two hypotheses as follows:

**H2: SMD members will be overrepresented (and list members underrepresented) on committees that can best assist in cultivating a personal constituency vote**

**H3: List legislators will be overrepresented (and SMD legislators underrepresented) on committees that focus on parliamentary functions**

Separately, the 2007-2016 prohibition of dual candidacy in Wales offers a useful test of whether the option of running in both a constituency and for an 'insurance' regional seat prompts incumbent legislators to hedge their bets. If dual candidacy blunts the incentives for legislators to specialize, we would expect members to focus *both* on re-nomination to a winnable position on the party list and on local constituency campaigns to cultivate a personal re-election vote. If this is the case, we would expect any evidence of a mandate divide to be stronger in Wales between 2007 and 2016:

**H4: Evidence of a 'mandate divide' will be more pronounced where dual candidacy is prohibited**

Conversely, section 2 hypothesized that a small chamber would be expected to at least partially counteract any theorized ‘dual mandate’ effects, because even if such incentives are present, the attraction of a particular assignment could be overridden by the sheer challenge of populating a committee system from a limited pool of elected members. Independent from any dual candidacy ban, a bifurcated pattern of committee assignments should be tougher to discern in small legislatures. A fifth hypothesis can therefore be specified as follows:

**H5: Evidence of a ‘mandate divide’ will be more pronounced in larger legislatures**

The rest of this article examines these propositions, first outlining the variables and data, then presenting the results of statistical modelling.

#### **4. VARIABLES AND DATA**

To identify the presence or absence of a mandate divide in the operation of the UK’s mixed-member systems, I analyse a series of variables focusing on different aspects of members’ committee service. Following cues in the literature with respect to the possible incentive effects of mixed systems on legislator behaviour, the main explanatory variable of interest for all hypotheses is the seat type of members elected to both legislatures since their establishment in 1999; assigned the value of (1) for SMD (or ‘First-Past-The-Post’) seats, and (0) for list (or ‘PR’) seats.

Hypothesis H1 (Total Committee Assignments) is examined by totalling each member’s number of committee assignments per annual legislative session.<sup>12</sup> Where exact dates of committee memberships were available, and if a member served on a

committee for only part of an annual legislative session, they were credited with membership if their appointment lasted at least six months.<sup>13</sup>

Hypothesis H2 (constituency-service committees) is tested by a dummy variable with the value of (1) for membership of the Health committee, Enterprise/Economic Development/Economy committee, or the Environment/Rural Affairs committee, and (0) otherwise. Likewise, H3 (parliamentary function committees) is a dummy variable taking a value of (1) for members on the standards, petitions, or subordinate legislation/legislation/legislative affairs committees, and (0) otherwise.

H4 (dual candidacy prohibition) is tested in the Wales model by an interaction of the main explanatory variable (SMD seat) and a dummy variable for the two legislative terms during which dual candidacy was banned (2007-16). I estimate one set of models for each of hypotheses H1-H3 that include the interaction term around the dual candidacy ban, and a second set of models that report effects for the entire period analysed, without the interaction variables. This interaction term is not included in the Scotland model because dual candidacy has never been prohibited at Scottish Parliament elections.

H5 (Evidence of a ‘mandate divide’ is more pronounced in larger legislatures) is analysed by comparisons of model results for Scotland and Wales for each of Hypotheses H1-H3.

The data comprise the electoral, biographical and committee assignment history of every member of the Scottish and Welsh legislatures in the first four legislative periods since their establishment (1999-2003, 2003-07, 2007-11, and 2011-2016).

Scottish committee memberships were obtained from the Scottish Parliament website. Committee memberships in the first and fourth terms of the National Assembly for Wales were available at that institution's website; assignment data for the second and third terms were unavailable from that source but were instead obtained from *The Wales Yearbook*, an annual reference book for government and public affairs in Wales.

116 individuals served in Wales and 252 in Scotland between 1999 and 2014, representing 900 and 1,942 annual observations for each serving member in the two datasets respectively. Given the length of this time series and number of members, two units of observation are possible: members' initial assignments in the first year of each legislative term; or annual observations, one per member per year. Annual observations are useful in identifying within-term changes such as committee reassignments, ministerial promotions, or changes to party affiliations. However, they also overcount members who remain on the same committee for more than one year (as is usual), thereby exaggerating the significance of any behavioural differences by reducing the standard errors. As a result, this analysis settles on observing patterns of committee assignment and member behaviour in the first year of each legislative term.

I make a further adjustment for members that have served for more than one term. Multiple observations of the same member – even if their assignments are recorded only at the start of each term – could artificially shrink the standard errors by treating each assignment as independent from all other observations. I therefore estimate standard errors that are clustered on the individual member.

I also include a set of controls to consider other factors that may account for differences in SMD and PR legislator types in mixed systems. The safety of a member's

seat might influence their behaviour in the legislature, including their total number of committee assignments or the types of committees on which they serve. But while there are many potential ways to operationalize a safe seat variable, all of these are imprecise.<sup>14</sup> Here, for SMD members, *Safe Seat* is an above-median vote margin in their constituency ballot at the last election.<sup>15</sup> List members are considered to hold a safe seat if their list seat allocation was among the top two from the four seats available in each Welsh electoral region, or within the top 3 (of 7) in Scotland.

Because ministerial appointments reduce the total number of available legislators from the same party to serve on committees, a dummy variable for *Backbench Member of the Lead Governing Party* is a necessary control for non-governmental members of the governing party (or lead coalition partner) that are required to take up a disproportionately large number of committee posts. Because committee seats are awarded according to the number of seats held by **each party** in the chamber and not by the government as whole, the **lead** governing party is awarded the preponderance of government posts and will face a tougher task in filling their large number of committee spots from a proportionately much-reduced backbench. This is particularly important in Wales, where a full-size committee system and government are drawn from a disproportionately small legislature.<sup>16</sup>

Given the specialist subject matter for certain committees, I also test whether a member's career background is associated with their subsequent assignments to certain committees. Because there are too few observations to include directly in the main model, I analyse in a separate table whether (1) members with a previous legal background are more likely than others to be assigned to the justice committee; (2) whether members with a previous medical career are assigned to the health committee;

and (3) whether members with a previous career in education are assigned to the education committee.

Two potentially important determinants of committee assignment are not directly included in the model. First, ministers and deputy ministers are generally not assigned to committees (except, and somewhat unusually, during the first two terms of the Welsh Assembly),<sup>17</sup> and the Presiding Officer or Deputy Presiding Officers are generally assigned to specific legislative business committees. These members are therefore removed from the sample. Second, although previous studies have directly analysed a candidate's dual candidacy at the time of their initial election (e.g. Ferrara et al. 2005, Battle 2011), the direction of causality means that dual candidacy is challenging to include as a variable in the model. In considering re-election incentives, it is not a member's dual candidacy at the last election but their interest in securing a high party list ranking and a winnable constituency *at the next election* that is relevant to legislator motivations. This temporal discrepancy creates the possibility of reverse causality in modelling the determinants of committee assignments: only those explanatory variables that precede in time the dependent variable can be included on the right hand side of a regression equation. Although not directly included, the prohibition of dual candidacy in Wales still informs the overall model because the 'firewall' preventing candidates from running on both ballots would be expected to sharpen any evidence of a dual mandate via the coefficient on SMD seat (H4).<sup>18</sup>

## 5. RESULTS

Tables 3 and 4 present results from multiple regression models estimating the effect of a member's seat type on three dependent variables for Scotland and Wales respectively. The first set of models for each table analyses the determinants of a member's total committee assignments (H1), a count variable analysed by Poisson regression. The second set (H2) estimates the determinants of assignment to committees that are theoretically of greater interest to SMD legislators ('Constituency Service Committees'); and the third (H3) examines those committees that should be of greater interest to PR legislators ('Parliamentary Function Committees'). Because a member's appointment to a particular committee type is a binary rather than a count variable, a Probit model is used to analyse hypotheses H2 and H3. To interpret these regressions I employ Hanmer and Kalkan's Observed Values method (2013).<sup>19</sup> Poisson regression coefficients and marginal effects calculated by this method are shown in Tables 3 and 4.

[TABLES 3 and 4 ABOUT HERE]

Taking first the results for Scotland in Table 3, and analysing hypothesis H1 which predicts a smaller committee workload for SMD members than PR members, the effect on SMD seat is in the predicted (negative) direction and is statistically significant. Consistent with expectations, Scottish list members have a higher committee workload. Membership of the lead governing party is also strongly significant, implying that backbench members of the governing party (or lead governing party in a coalition government) have a higher total number of committee assignments than members of other parties.



In contrast, and analysing hypotheses H2 and H3, there is no evidence of a dual incentive structure that would encourage SMD members to participate in committees serving a theorized constituency re-election interest (hypothesis H2) or to serve on ‘parliamentary function committees’ that might serve a party re-selection interest (hypothesis H3). Indeed, the sign on SMD seat for hypothesis H2 is in the opposite direction to that hypothesized – although this effect is likely related to the magnitude of the negative sign on constituency members’ total committee assignments for H1. For H3, although the negative sign is of the anticipated direction it lies just outside significance, and the effect is again likely related to the strength of the workload measure for constituency members in H1. There is therefore no evidence that PR members are significantly more likely to participate in committees that have a low external profile but keep the legislative process operating.

Table 4 reports results for Wales and includes the interaction terms that are associated with the ban on dual candidacy in Welsh elections between 2007 and 2016. For each of H1, H2 and H3, I include one set of models that includes the interaction terms to facilitate evaluation of H4. Because dual candidacy was banned at the halfway point of the National Assembly for Wales’ institutional life, these terms analyse whether the marginal effects of seat type on committee assignments was substantively different either side of the ban. But because patterns of assignment may be related to other factors than the dual candidacy ban, particularly the small size of the National Assembly (H5), I also include a set of models that does not include the interaction terms.

All results for Wales show weaker effects for seat type than in Scotland. Taking first those models that include interaction variables, there are no significant effects on

SMD seat at all if interaction terms for the dual candidacy ban are included; indeed, the only significant term in the results is found for members of the lead governing party – which was Welsh Labour for all four Assembly terms analysed here. Backbench members of the Labour party therefore had a higher total number of committee assignments than members of other parties, reflecting the challenge of simply populating the committee system in Wales.

Because constituent terms in interaction models cannot be interpreted directly, I calculate predicted values and marginal effects for all four interactions of interest (1 [*SMD Seat*] and 0 [*List seat*]; against 1 [*Ban period*] and 0 [*No ban period*]) and illustrate these using interaction plots contained in the online appendix. For each of hypotheses H1, H2 and H3, all three interaction plots exhibit overlapping confidence intervals which further help us to interpret the insignificant coefficients between the ban and no ban scenarios. The effect of representing an SMD seat is therefore not significantly different for either H1, H2 or H3 either side of the ban on dual candidacy.

Where interaction terms around the dual candidacy ban are excluded, there is some evidence that SMD seat matters for committee assignments. As in Scotland, the effect on SMD seat for hypothesis H1 (in the *no interaction* model) is in the predicted (negative) direction, although the magnitude of this effect is lower and significant at only the 10 percent level.

Irrespective of whether the interaction terms are included, there is no evidence for the theorized incentives to seek assignment to committees that might serve a party- or constituency-based re-election interest (hypotheses H2 and H3). As in Scotland, there

is therefore no evidence that Welsh constituency members are overrepresented on certain types of committees relative to their list counterparts.

As a result, and contrary to hypothesis H4 that any evidence of ‘mandate divide’ should be stronger in Wales (H4), not only are the interaction terms around the dual candidacy ban not significant, but the coefficient and significance of the SMD variable is stronger in Scotland than for Wales (although both are of the expected direction). This lends support for hypothesis H5 which suggested any mandate divide would be more pronounced in larger legislatures, where the challenge of populating the committee system is far less acute.

[TABLE 5 ABOUT HERE]

Table 5 considers alternative reasons for assignment to particular specialist subject committees; namely whether a member’s career background is associated with assignment to the subject committee in which they have prior expertise. Because there are so few observations of assignments compared with non-assignment across the 102 Scottish committees and 63 Welsh committees in the sample, and because these specialist subject committees are not grouped with others as they are for hypotheses H2 and H3, these are analysed separately with no controls except for (the essential) control membership of the lead governing party.

Analysing Table 5, there is good evidence that members with a previous legal background are subsequently assigned to the justice committee in Scotland (justice is not a devolved field in Wales); and good evidence that members with a previous medical career are assigned to the health committee in both Wales and Scotland. The magnitude of the marginal effects are particularly strong in relation to the health

committee in both legislatures. Conversely, there is no association between a member's previous career in education and assignment to the education committee in either Wales or Scotland.

There is therefore some evidence that assignments to more specialist subject committees attract members with an employment background in the policy field (although not for educators). In relation to presumed re-election incentives these results do not replicate the clear-cut effects claimed elsewhere for the German MMP system. Corresponding to hypothesis H5, this can perhaps partly be explained by the difficulty of populating a committee system from a small pool of legislators. Previous studies have generally observed large legislative settings such as Germany, Italy, Hungary, Russia, Ukraine and Japan. The results analyse here suggest that chamber size is a crucially important contextual variable in limiting members' freedom to respond to behavioural cues from the electoral system.

But that small legislative size dilutes (or overwhelms) any theoretical incentives for members to choose specific committee assignments cannot be the end of the story. In relation to H1, a workload split between PR and SMD members was found in Wales and particularly Scotland. In both legislatures, PR members were associated with a higher number of committee assignments: they are, to coin a term from Battle (2011), the 'workhorses' of the committee system. There are therefore observable differences between list and constituency members in both institutions, implying that 'two member types' has some explanatory purchase in understanding the operation of legislatures elected by Mixed Member Proportional.

## 6. CONCLUSIONS

Research into the devolved legislatures of the UK can provide a valuable contribution to the large but contested scholarship considering the influence of electoral rules on legislator behaviour. The vastly-different chamber sizes of the Scottish Parliament and National Assembly for Wales, and Wales' unique ban on dual candidacy between 2006 and 2016, offered an unusual set of conditions for testing a 'dual mandate' framework that is distinct from previous empirical tests in this field.

Statistical modelling of two datasets of members' biographical and electoral history and committee assignments offers some evidence of 'two legislator types' that withstand a series of controls. PR and SMD members have different committee workloads: List members serve on more committees when membership of the lead governing party is controlled for. There is also evidence that justice and health professionals are assigned to the respective subject committee once elected. But the clear-cut effects claimed for the Bundestag are not evident: there is no evidence that Welsh and Scottish members are generally able to choose assignments that might assist in cultivating a party re-election vote, and in Wales there was no difference in patterns of committee assignment either side of a dual candidacy ban imposed after 2006.

Given the small size of the Welsh legislature in particular, and the strong party discipline characteristic of traditional Westminster systems in general, the pattern of heterogeneity in the findings indicates that any dual mandate effects are strongly conditioned by contextual factors. While strong parties are able to provide an element of committee workload relief for SMD members facing greater casework demands from their constituencies, this does not extend to personal re-election interests that might be

advanced through a particular committee assignment choice. Such a split finding would appear to substantiate the importance of candidate selection and re-selection procedures underpinning members' incentives to cultivate a personal vote. Depauw and Martin (2009) find that incentives to cultivate a personal vote are weaker where parties operate selection rules that give greater control to party leaderships; in such circumstances, incumbents instead prioritize advancement in the government ranks to raise their profile. This strategy generally reinforces party unity by discouraging any personal vote cultivation that leads to members acting against their own party's position. But if the process of re-selecting SMD candidates and ranking PR lists has become less centralized over the period (see section 2), we might anticipate that responding to party leadership cues would be a weaker strategy for both SMD and PR members. In that case, PR members might find direct appeals to party members a more effective re-election strategy than internal legislative work that might appeal to party leaderships. Such a result would comport with recent evidence for Scotland that constituency MSPs focus more on constituency surgeries and list MSPs more on visibility-enhancing activities such as tabling motions and sponsoring bills (Parker and Richter 2018).

Above all, this analysis finds small chamber size to be a critical limiting factor for a quantitative analysis. Future research ought to complement quantitative work with qualitative research, such as surveys or semi-structured interviews with Assembly members, and existing surveys-based work undertaken elsewhere in the field (e.g. Lundberg 2006; Mickler 2013, 2018).

Existing research on electoral incentives in mixed systems has perhaps obscured important institutional constraints such as strong parties and the assumption that the legislature is big enough to allow specialisation. As shown by evidence of

differentiated workload management between SMD and PR members in Wales and Scotland presented above, parties and institutions have made innovative adaptations to these constraints, some of which align with divisions between legislator types. Given the importance of institutional effects such as legislature size and party management in the operation of such systems, a more systematic understanding of context conditionality and institutional adaptations to constraints is central to a more unified approach in this research field.

## NOTES

<sup>1</sup> Note dual candidacy has been banned in several legislatures elected by Mixed Member Majoritarian voting rules, including Korea, Taiwan, Thailand and Ukraine.

<sup>2</sup> Examples include Welsh Labour's 'constituency twinning' to select one female and one male candidate from seats that are geographically-proximate and of approximately equal 'winnability' (see Mitchell and Bradbury 2004).

<sup>3</sup> See online annex for these four cases.

<sup>4</sup> A 21<sup>st</sup> policy area (devolved taxes) was added by the Wales Act 2014

<sup>5</sup> During the first two Scottish parliamentary terms (1999-2007), most committees had seven, nine or eleven members; in the Third Session most had eight members.

<sup>6</sup> See online annex for office-seeking motivations posited elsewhere in the literature.

<sup>7</sup> See online annex for explanation for choice of newspapers.

<sup>8</sup> See online annex for examples.

<sup>9</sup> Strathkelvin and Bearsden constituency, won in 2003 by Dr Jean Turner.

<sup>10</sup> E.g. 'Withybush hospital 'downgrade': More than 700 protest at Welsh Government plans', *Wales Online*, 18 June 2014.

<sup>11</sup> See online annex.

<sup>12</sup> Excludes the regional committees of the National Assembly (1999-2007) to which all Assembly Members were assigned.

<sup>13</sup> Where exact dates of membership were not available (Wales 2003-2011), members were credited if their membership was recorded in *The Wales Yearbook*. See online annex for additional explanation.

<sup>14</sup> See online annex for further analysis.

<sup>15</sup> Previous election performance is not a perfect indicator of seat safety in subsequent elections, but it is a reasonable proxy and has been adapted as an explanatory variable in the literature (e.g. Heitshusen, Young and Wood 2005; Ferrara et al 2005). See online annex for discussion of alternative operationalisations of the *Safe Seat* variable.

<sup>16</sup> See online annex for results from an alternative operationalisation of this variable.

<sup>17</sup> See online annex for historical explanation.

<sup>18</sup> See online annex for additional explanations for excluding dual candidacy as a standalone variable in the model.

<sup>19</sup> Instead of setting all other explanatory variables to particular values (such as their sample means or modes) to calculate marginal effects for the variable of interest, this method holds each of the other explanatory variables at their observed values for each observation in the data, calculates the marginal effect for each of these observations, then takes the mean average over all of these cases.



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**Table 1: Scottish Committees, Grouped by Functional Area, Ranked by Number of Citations in the *Scotsman* and *Scotland on Sunday***

Committee (Grouped across terms by Function or Portfolio Area)	No. of Citations per Term					Total	Average
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup> (to 05/2014)			
1. Justice	323	133	119	155	<b>730</b>	<b>183</b>	
2. Enterprise/Economy	177	132	122	142	<b>573</b>	<b>143</b>	
3. Education	351	31	54	97	<b>533</b>	<b>133</b>	
4. Finance	102	213	123	62	<b>500</b>	<b>125</b>	
5. Health	226	85	65	46	<b>422</b>	<b>106</b>	
6. Rural Affairs	259	60	24	8	<b>351</b>	<b>88</b>	
7. Standards	230	52	37	14	<b>333</b>	<b>83</b>	
8. Audit/Public Accounts	81	73	79	33	<b>266</b>	<b>67</b>	
9. Public Petitions	92	57	63	27	<b>239</b>	<b>60</b>	
10. Local Government	115	37	56	17	<b>225</b>	<b>56</b>	
11. Equal Opportunities	77	14	16	25	<b>132</b>	<b>33</b>	
12. European/External Relations	62	27	6	13	<b>108</b>	<b>27</b>	
13. Subordinate Legislation	38	6	4	3	<b>51</b>	<b>13</b>	
<b>Total</b>	<b>2,133</b>	<b>920</b>	<b>768</b>	<b>642</b>	<b>4,463</b>	<b>1,116</b>	

**Table 2: Welsh Committees, Grouped by Functional Area, Ranked by Number of Citations in the *Western Mail***

Committee (Grouped across terms by Function or Portfolio Area)	No. of Citations per Term *					Total	Average
	1 <sup>st</sup> *	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup> (to 05/2014)			
1. Education	145	98	92	81	<b>416</b>	<b>104</b>	
2. Health	104	70	83	147	<b>404</b>	<b>101</b>	
3. Enterprise/Economic Dev't	152	68	92	86	<b>398</b>	<b>100</b>	
4. Environment/Rural Affairs	124	98	58	84	<b>364</b>	<b>91</b>	
5. Audit/Public Accounts	93	75	98	85	<b>351</b>	<b>88</b>	
6. Culture / Communities	184	58	26	45	<b>313</b>	<b>78</b>	
7. Finance	-	-	112	47	<b>159</b>	<b>80</b>	
8. Petitions	-	-	38	50	<b>88</b>	<b>44</b>	
9. Local Government	28	11	**	45	<b>84</b>	<b>28</b>	
10. Standards	27	24	5	14	<b>70</b>	<b>18</b>	
11. Legislation/Subordinate Legislation/Legislative Affairs***	12	3	2	18	<b>35</b>	<b>9</b>	
12. Equal Opportunities	7	16	11	-	<b>34</b>	<b>11</b>	
13. European / External Relations	9	4	11	-	<b>24</b>	<b>8</b>	
<b>Total</b>	<b>885</b>	<b>525</b>	<b>628</b>	<b>702</b>	<b>2,740</b>	<b>685</b>	

*Citations obtained by LexisNexis search of committee names and variations thereof, grouped by functional areas across parliamentary terms.*

*\* Data commences 1/1/2001*

*\*\* Not included because of cross-counting with the Health committee grouping*

*\*\*\* Not including the five Legislation committees from the Third Assembly*

**Table 3: Electoral System Effects on Committee Assignments - Scotland**

	<b>H1: Total Committee Assignments (Scotland)</b>	<b>H2: Constituency Service Committees (Scotland)</b>	<b>H3: Parliamentary Function Committees (Scotland)</b>
SMD Seat	-0.200*** (0.060)	-0.024 (0.048)	-0.047 (0.040)
Safe Seat	0.053 (0.049)	0.022 (0.040)	-0.041 (0.037)
Backbench Member of Lead Governing Party	0.468*** (0.057)	0.100** (0.040)	0.095** (0.040)
Constant	0.119** (0.050)	-	-
Pseudo R-squared	-	0.01	0.02
Model	Poisson	Probit	Probit

Note: H2, H3 show Average Marginal Effects calculated by Hanmer and Kalkan's 'Observed Values' method (2013); these figures are not coefficients. Standard Errors clustered on Individual legislators shown in Parentheses. \*p ≤ 0.1, \*\*p ≤ 0.05, \*\*\*p ≤ 0.01. N (Scotland)=431, (Wales)=183. Pseudo R-squared increases significantly if office holders are included in the regression rather than removed from the sample.

**Table 4: Electoral System Effects on Committee Assignments - Wales**

	<b>H1: Total Committee Assignments</b>		<b>H2: Constituency Service Committees</b>		<b>H3: Parliamentary Function Committees</b>	
	<b>Interaction</b>	<b>No Interaction</b>	<b>Interaction</b>	<b>No Interaction</b>	<b>Interaction</b>	<b>No Interaction</b>
SMD Seat	-0.098 (0.100)	-0.129* (0.077)	0.092 (0.114)	0.128 (0.086)	-0.068 (0.128)	-0.123 (0.110)
<i>Ban Period</i>	0.100 (0.088)	-	-0.015 (0.105)	-	0.019 (0.095)	-
<i>SMD Seat x Ban Period</i>	-0.052 (0.114)	-	0.068 (0.142)	-	-0.109 (0.130)	-
Safe Seat	0.005 (0.061)	0.003 (0.061)	0.137* (0.076)	0.135* (0.076)	0.051 (0.073)	0.054 (0.073)
Backbench Member of Lead Governing Party	0.271*** (0.076)	0.276*** (0.076)	0.023 (0.085)	0.017 (0.085)	0.158 (0.108)	0.165 (0.108)
Constant	0.716 (0.067)	0.768*** (0.054)	- -	- -	- -	- -
Pseudo R-squared	-	-	0.029	0.027	0.022	0.018
Model	Poisson	Poisson	Probit	Probit	Probit	Probit

Notes: As Table 3. Predicted values and marginal effects for values of interest in the Online Appendix.

**Table 5: Biographical Connections and Committee Assignments, Wales and Scotland**

Variable	H5A: Justice Committee Assignment		H5B: Health Committee Assignment		H5C: Education Committee Assignment	
	Scotland	Wales	Scotland	Wales	Scotland	Wales
Backbench Member of Lead Governing Party	0.047 (0.030)	n.a.	0.034 (0.024)	0.049 (0.065)	0.030 (0.027)	0.070 (0.054)
Previous Professional Experience	0.094*** (0.035)	n.a.	0.166*** (0.059)	0.279*** (0.105)	0.004 (0.035)	0.067 (0.058)
Pseudo R-squared	0.03	n.a.	0.06	0.04	0.01	0.02
Model	Probit	n.a.	Probit	Probit	Probit	Probit

Notes: As Table 3.