

## One Person, One Vote: A Basic Principle of Democracy

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The National Diet of Japan consists of the House of Representatives and the House of Councilors. The Constitution of Japan provides that Both Houses shall consist of elected members, representative of all the people (Article 43 (1)). The Supreme Court ruled that “at elections which is the most basic means for the people to participate in government each of the people should be treated absolutely equally” and “Equality of the right to vote … does not mean only the expansion of the right to vote by removing restrictions on the requisites for the elector, but also means equality of the weight of each vote, namely equality of the influence of each vote on the outcome of the election.” (30 MINSHU 223 (1976)) Every voter has one vote, no matter what area he or she lives in, and the value of one vote (its influence on the outcome of the election) must also be equal across the districts. In reality, however, the population per elected member of Diet varies greatly from district to district. The value of one vote is unequal because the population required to send one member is different. In other words, there is discrimination based on address.

Can deliberation and voting by legislators be legitimate when they are elected by the same electoral system, yet the number of voters behind each legislator is markedly different? The majority vote in the National Diet should be consistent with the majority will of the voters. Otherwise, the government is not being run by the majority will of the people.

It is difficult to correct such inequalities that hinder the functioning of majority rule through the political branch of government. The correction through judicial review is necessary. Since 2009, every time a national election has been held, we have filed a lawsuit claiming that the election violated the equal rights of the Constitution and was invalid. In the 2021 House of Representatives election, more than 13.6 million people had only 0.5 votes worth of votes, but the Supreme Court ruled that it was constitutional, albeit with an obligation to correct the situation. (Not yet reported by MINSHU.) Although the Supreme Court has never invalidated an election (it has only declared it unconstitutional), we will not give up and will continue our efforts to realize "One Person, One Vote.

(Translated by Hotaka Mochizuki)