

Parliamentary Voting System and Constituencies Bill Committee Stage

25 October 2010

Please note that this briefing paper comments on certain aspects of the Bill, or amendments, which the Commission believes raise significant issues of workability or policy. The note does not comment on every amendment tabled, and the absence of comment on an amendment does not imply that we support it.

New Clause 19 – Control of loans etc to permitted participants

The Government's New Clause 19 provides that media comment will not count as regulated spending during the referendum period. The Commission welcomes the new clause, which removes an ambiguity in PPERA and ensures that the rules on media comment during referendum campaigns will be consistent with the rules applying at elections.

New Clause 20 and new Schedules 2, 3, 4 and 5 – Combination of polls

New Clause 20 seeks to provide for the polls at the scheduled 5 May 2011 elections to be combined and taken together with the poll for the proposed UK-wide referendum on changing the voting system for UK Parliamentary elections. New Schedules 2, 3, 4 and 5 would provide the detailed legal framework describing how the polls are to be combined.

In our 22 July 2010 statement on the proposal to hold a UK-wide referendum on 5 May 2011 we highlighted a number of practical risks to the successful conduct of the scheduled elections and the referendum which would need to be managed. In particular we noted that:

“The legal framework for the referendum must make provision for formal combination of the referendum poll with the scheduled elections, including establishing clearly which rules would apply in relation to any

combined polls, so that the voting process is as straightforward as possible for voters and those who will administer the polls.”

We therefore welcome the tabling of this new clause and Schedules, which is an essential step towards providing clarity about the legal framework for the May 2011 polls.

The new Schedules are lengthy and technically complex. We will need some further time to carry out detailed consideration of the new Schedules, so that we are able to confirm that the rules are sufficiently clear to enable Returning Officers and Counting Officers to begin planning. We will highlight any omissions or outstanding concerns about the workability of these provisions to Government and Parliament by the time the Bill is next debated at Report Stage in the House of Commons.

We also note that the revised conduct Orders for the May 2011 elections to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly and local councils in Northern Ireland have not yet been laid before Parliament. We understand that it may be necessary for these Schedules to be further amended in light of any changes to the election conduct rules made by those Orders.

We expect the Government to take steps to lay these Orders and table any further amendments as soon as is practicable given the Parliamentary timetable.

Further information

For further information, please contact Caroline Bolshaw, Public Affairs Manager on 020 7271 0632 or cbolshaw@electoralcommission.org.uk