

## Fixed-term Parliaments Bill

House of Lords Second Reading Tuesday 1 March 2011

This briefing sets out the Commission's view on key issues arising from the Fixed Term Parliaments Bill ahead of the Bill's second reading.

The main focus of the Bill concerns an important constitutional question – that of the length of the UK Parliament – which the Electoral Commission believes should be decided by Parliament and on which we do not take a view.

The Electoral Commission has previously stated that the Bill paves the way for some very useful changes to electoral processes, which will help voters and others involved in elections.

### COMBINATION OF ELECTIONS IN 2015

The Commission has considered the implications of the timing of proposed change, including on the combination of elections to the UK Parliament and other bodies in May 2015. Our observations are set out in more detail below.

#### Timing of future elections

If enacted, the Bill would provide that the next UK general election will be scheduled for 7 May 2015, which is the same day as elections to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly, as well as local elections in most parts of England and Northern Ireland. We are aware that concerns and strong opposition have been expressed about the implications of this combination of elections, particularly in relation to the scheduled elections in Scotland, Wales and Northern Ireland.

We are aware that the Bill as currently drafted would enable the Prime Minister to alter - by statutory instrument subject to the affirmative procedure - the polling day for UK Parliamentary general elections to a day not more than two months earlier or later than the scheduled polling day. We also understand that the Government has consulted on proposals which would give the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly the power to bring forward or defer the date of their scheduled elections in order to avoid the anticipated convergence of electoral cycles in 2015.

## Flexibility over the dates of polls

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In general terms, the Commission would welcome some flexibility over the dates of either set of polls, either to accommodate short term crises or to avoid any undesirable combination of polls. In considering whether or not to change the date of any scheduled elections, however, we believe that equal consideration must be given to the possibility of changing the date of the UK Parliamentary general election.

## Need for comprehensive research

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The Commission also has some concerns about the basis on which any decision about the timing of the 2015 elections may be made. In our response to the Gould report on the 2007 Scottish Parliament elections, the Commission identified the need for a comprehensive research study on the implications of combining elections and in particular the effect of combination on electors. We recommended then that the UK Government should undertake this research, but we are not aware that this work has been taken forward to date.

Given the concerns which have been raised in relation to the proposal to hold the next UK Parliamentary general election in May 2015, the Commission believes that there remains a clear need for this research to be carried out, to ensure there is a robust evidence base to inform decisions about the timing of elections currently scheduled for 2015. This research should not be confined to the impact on voters, but should also consider the impact of the timing of electoral events on electoral administrators, political parties, candidates and the media. It should also take into account the possible impact of moving the date of scheduled elections from May to another time during the year or another year altogether. Specifically, the Commission believes that the research should include analysis of the extent to which the timing of elections would:

- Enable voters to differentiate the issues on which particular candidates or parties are campaigning and correctly associate these with the right poll.
- Impact on levels of voter confusion when casting their ballot.
- Allow parties and candidates to campaign effectively.
- Enable those involved in running elections to provide a smooth and well-run election for voters in which they can cast their votes safely and securely. In this respect we would again stress the importance of ensuring appropriate resources and capacity to deliver professional electoral administration.

## Review of electoral cycles

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The Commission has also noted that the Government's proposals for constitutional and political reform may lead to further instances of combined polls – an increased number of local elected Mayors in England, more frequent local referendums in England, new elected Police and Crime Commissioners in England and Wales and, in the longer term, the possibility of a wholly or partly elected second chamber of the UK Parliament. Given the increased likelihood of combined polls in

future years, the Commission suggests that this research should be widened to review the wide range of differing electoral cycles in the UK.

The UK Parliament, Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly will have a very strong interest in this work, and should therefore be involved in the development of any research planning and may even want to be involved in conducting the research itself. The Commission would, of course, be happy to advise and assist in any way it can in relation to this work.

## SUBSEQUENT LEGISLATION

We have asked Government to give a commitment that an appropriate subsequent legislative opportunity will be found to introduce the following changes in plenty of time for the next UK general election. Our views on these issues are set out below.

### Extending the election timetable

The Commission and others, including many Members of Parliament and the Association of Electoral Administrators (AEA), have highlighted examples of problems caused by the current deadlines for electors (particularly service and overseas voters), candidates, political parties and electoral administrators, including those for electoral registration and absent vote applications. A longer timetable would, for example, allow more time for ballot papers to be printed and returned for service voters serving overseas.

A longer timetable for Westminster elections could be created by bringing the key deadlines into line with those used for the majority of elections currently held in the UK. This would mean that the election timetable would begin 25 working days before polling day, rather than the current 17 working days. It would also mean that the deadline for nominations would be 19 working days before polling day, rather than 11 working days under the current timetable. Others have suggested that the timetable could be extended even further - the AEA has recommended a standard timetable across all elections of 30 working days.

It is important that the implications of any changes to the deadlines are considered carefully and we have therefore urged the Government to review this issue thoroughly in order to produce a coherent timetable for UK general elections that addresses these concerns as far as possible. The Commission will of course be ready to support such a review.

### Campaign spending by candidates

We have also urged Government to separately review the rules governing the regulated periods for candidate spending at general elections, to settle on periods which are appropriate in the context of fixed term Parliaments; and to find an opportunity to put in place clear rules in plenty of time for the next general election.

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