

Parliamentary Voting System and Constituencies Bill

House of Commons Second Reading

Monday 6 September 2010

This briefing sets out the Commission's view on key issues relating to the conduct of the proposed referendum on the Parliamentary voting system ahead of the Bill's second reading.

The Commission takes no view on the proposed changes to the Parliamentary voting system itself and has no role in the review of UK Parliamentary boundaries also proposed by the Bill.

THE ROLE OF THE ELECTORAL COMMISSION

The Electoral Commission is an independent body set up by the UK Parliament. The Chair of the Electoral Commission would be the Chief Counting Officer for the referendum, responsible for its conduct and for ensuring the overall accuracy of the result. In addition the Commission is responsible for:

- commenting on the intelligibility of the referendum question.
- registering those who want to spend significant amounts on campaigning in the referendum as 'permitted participants'.
- where appropriate, appointing lead campaign groups ('designated organisations') for each outcome.
- ensuring that designated organisations have access to certain assistance, including grants that we determine within statutory limits.
- making recommendations to Government on campaign spending limits for sub-UK referendums.
- monitoring and reporting on campaign spending.
- reporting on the administration of the referendum.

Further detail about the Commission's role in running the referendum is provided on our website, www.electoralcommission.org.uk

PART 1 - VOTING SYSTEM FOR PARLIAMENTARY ELECTIONS

Timing of the referendum on the alternative voting system

Clause 1 of the Bill specifies that a referendum on the voting system for elections to the UK Parliament shall be held on 5 May 2011.

The Electoral Commission has set out its position on the proposal to hold the poll for the referendum on the same day as the scheduled elections to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly, as well as local government elections in England and possibly Northern Ireland.

While we believe that it should be possible to deliver the polls scheduled for 5 May 2011, we have highlighted a number of risks which the UK Government will need to address in order that we can say with confidence that it will be possible to do so:

- The Government must support the Commission in putting in place a robust process to ensure that planning for 5 May 2011, across the whole of the UK, takes full account of the implications of the different polls due to take place on that date.
- The rules on how the referendum will be conducted must be clear from at least six months in advance.
- Adequate provision must be made for appropriate public awareness activities to support understanding of the elections and referendum processes by voters.
- Appropriate levels of funding must be made available for the delivery of the referendum and the scheduled elections together.
- The legal framework for the referendum must make provision for formal combination of the referendum poll with the scheduled elections.

We will be monitoring these issues closely throughout the passage of the Bill and will advise Government and Parliament if we believe these risks have not been adequately addressed.

The referendum question

Clause 1 also sets out the proposed wording of the referendum question.

The Commission is required to publish a statement of its views on the intelligibility of the proposed question published in the Bill. We are now assessing the proposed question and have completed the evidence-gathering stage. This has included carrying out research with the public across the UK, seeking advice from plain language and accessibility experts and inviting views from interested parties, including would-be campaigners and political parties. We will analyse this evidence to inform our views on the intelligibility of the question, and we expect to publish our statement at the beginning of October 2010.

Combination of the referendum with the scheduled May 2011 elections

Clause 3 and **Schedules 2, 3 and 4** to the Bill set out the detailed provisions under which the referendum will be conducted. The Bill does not currently, however, contain provisions to allow the referendum poll to be combined with the polls for the elections which are scheduled to be held on 5 May 2011.

Without such combination provisions, electors in areas where scheduled elections are to be held at the same time as the referendum would receive separate poll cards and would be required to vote in separate polling stations, and may also receive separate postal ballot packs. The overall complexity and cost of the referendum would also be greater if combination provisions are not included in the Bill.

We believe that detailed provisions to allow the poll for the referendum to be combined with the poll for the scheduled May 2011 elections will be essential to ensure the polls can be administered effectively and in the interests of electors. We are confident that this issue can be dealt with during the passage of the Bill.

We are concerned, however, that the key voter materials prescribed in **Schedule 2** to the Bill, including the ballot paper, postal vote materials and polling station notices, have not been designed to be fully accessible and usable for voters. With the potentially complex series of polls which are scheduled to take place on 5 May 2011, it will be essential that voters have accessible materials to help them mark their choices accurately and without confusion in all polls. We hope that the Government will find an opportunity to improve the design of these prescribed forms during the passage of the Bill.

Regulation of referendum campaign spending

Campaigners will have to report on their spending and donations after the referendum. They can only accept donations to cover their referendum expenses from certain sources connected to the UK.

Schedule 1 to the Bill provides that the referendum period will begin on the day when the Act is passed. The consequence of this is that campaigning activity that takes place from that date onwards will be covered by spending limits; in the period before Royal Assent, campaigners will therefore be able to spend as much as they wish. We have drawn this to the attention of the Government. We will monitor the effect of the spending limit provisions and report on our findings after the referendum.

We welcome the controls in **Clause 4** and **Schedule 5** of the Bill on loans to campaigners, which are similar to those introduced for political parties in 2006. We also welcome the controls in **Schedule 1** on expenses incurred by campaigners acting together, which respond to a Commission recommendation following the North East referendum in 2004. They will

prevent campaigners evading the spending limits by setting up multiple campaigns for the same outcome.

PART 2 - PARLIAMENTARY CONSTITUENCIES

Responsibility for Parliamentary boundary reviews lies with the Boundary Commissions for England, Scotland, Wales and Northern Ireland and is not the responsibility of the Electoral Commission.

FURTHER INFORMATION

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