

## Parliamentary Voting System and Constituencies Bill Committee Stage 12 October 2010

Please note that this briefing note 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, nor does it comment on any amendments tabled during the recent Recess. Should any amendments be published prior to Day 1 of Committee Stage that require comment, we will issue an additional briefing. The absence of comment on an amendment does not imply that we support it.

### Clause 1 – Referendum on the Voting System

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#### The date of the referendum

We issued a statement on 22 July 2010 setting out our views on the proposal to hold the referendum on 5 May 2011, the same day as scheduled elections to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly, as well as 280 local authorities in England and possible local elections in Northern Ireland.<sup>1</sup>

We have made clear that we believe it would be possible to deliver a referendum on the UK Parliamentary voting system in May 2011, but we want to make sure that the key risks are properly addressed by the Government:

- 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.

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<sup>1</sup> Available at [www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0014/100661/Position-statement-Voting-at-different-polls-on-5-May-2011.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0014/100661/Position-statement-Voting-at-different-polls-on-5-May-2011.pdf)

- The legal framework for the referendum must make provision for formal combination of the referendum poll with the scheduled elections.

Planning for the scheduled May 2011 elections and proposed referendum is underway and a steering group of senior Returning Officers from across the UK has been established, chaired by the Commission. The Commission has also begun developing its public information campaign, which will provide voters with what they need to know in order to participate in the referendum.

We will comment on progress against addressing the risks we have identified, particularly those relating to the combination of the referendum with scheduled elections, at the appropriate stages during the passage of the legislation. This will be an important consideration for the Commission in determining whether or not we believe the referendum can be delivered in way that best serves the interests of voters.

**Amendments 1, 2, 4, 6, 124, 126 and 155** all seek to amend the date on which the referendum will be held, either by specifying a new date for the referendum, preventing the referendum taking place for a specified length of time after Royal Assent or giving the Electoral Commission powers to delay the referendum.

We do not foresee that any different issues would arise were the referendum to be held on another date, although we would offer advice on any firm proposal on a case-by-case basis.

## The referendum question

Where a referendum question is set out in a Bill providing for a referendum, as with the PVSC Bill, the Political Parties, Referendums and Elections Act 2000 (PPERA) requires us to consider the wording of the proposed question and publish a statement of our views on its intelligibility *'as soon as is reasonably practical after the Bill is introduced and in such manner as the Commission may determine'*.

The introduction of the PVSC Bill triggered our duty to consider the intelligibility of the proposed referendum question and we published a report of our views on 30 September 2010.<sup>2</sup> We found that while the question was broadly clear, some changes to the drafting were needed to make it easier for voters to understand what they were being asked to vote on.

In particular we found the terms 'first past the post' and 'alternative vote' were unfamiliar to most people and not well-understood. Public information provided by us and by others will need to address this issue in the run-up to the referendum. We intend to provide an information booklet about the referendum to each household in the UK that includes an explanation of the two voting systems.

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<sup>2</sup> Available at [www.electoralcommission.org.uk/elections/upcoming-elections-and-referendums/uk/referendum](http://www.electoralcommission.org.uk/elections/upcoming-elections-and-referendums/uk/referendum)

We have proposed that the question is redrafted as follows:

**In English**

At present, the UK uses the 'first past the post' system to elect MPs to the House of Commons. Should the 'alternative vote' system be used instead?

Yes

No

**In Welsh**

Ar hyn o bryd, mae'r DU yn defnyddio'r system 'y cyntaf i'r felin' i ethol ASau i Dŷ'r Cyffredin. A ddylid defnyddio'r system 'pleidlais amgen' yn lle hynny?

Dylid

Na ddylid

**Amendments 7-34, 78-102, 118-123 and 140-145** all propose amendments to the referendum question - either to include an additional form of voting system or to add a second part to the question on a related issue (e.g. mandatory voting or an elected House of Lords).

In the event that the question currently included in the Bill were to be replaced with a different question (beyond the changes we have recommended are made to the current question), the Commission would consider whether it was appropriate to comment on the intelligibility of the new question.

In considering our approach we would expect to take into account the timetable for further scrutiny or amendment of the Bill by Parliament; views expressed by Members of Parliament during debate on the amendment including any request for the Commission to comment on the wording of a new question; and any relevant evidence available from previous voter research exercises.

## Further information

For further information, please contact Caroline Bolshaw, Public Affairs Manager on 020 7271 0632 or [cbolshaw@electoralcommission.org.uk](mailto:cbolshaw@electoralcommission.org.uk)