

Fixed-term Parliaments Bill

House of Lords Committee Stage – Day 3

Tuesday 29 March 2011

This briefing sets out the Commission's view on key amendments to the Fixed-term Parliaments Bill ahead of the Committee Stage Day 3 in the House of Lords.

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.

Please note that this briefing paper comments only on certain amendments which the Commission believes raise significant issues of workability or policy. We also welcome amendments that give effect to recommendations we have previously made. The note does not comment on every amendment tabled, and the absence of comment on an amendment does not imply that we support it.

Clause 3 - Dissolution of Parliament

Amendment 53 seeks to extend the overall timetable for UK Parliamentary elections from 17 to 21 days between the date of dissolution to polling day.

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

While we support the principle of extending the timetable for Parliamentary elections, it will be important to ensure that the implications of any changes to the deadlines are considered carefully and we have urged the UK Government to undertake a comprehensive review in order to develop a coherent and consistent timetable and associated deadlines for future elections. The Commission would be ready to support such a review, but we would not support further changes to the election timetable without consideration of other key deadlines.

For these reasons we welcome the intention of this amendment, however rather than including such a provision in this Bill, we would welcome a clear commitment by the UK Government to conduct such a review, and to legislate for changes in good time before the next general election.

New Clauses after Clause 3

Amendment 55B – Seeks to ensure that the general election for Scottish Parliament does not fall on same date as a UK Parliamentary general election under section 1(2).

Amendment 55C - Seeks to ensure that the general election for National Assembly for Wales does not fall on same date as a UK Parliamentary general election under section 1(2).

These new clauses would defer the 2015 elections to the Scottish Parliament and National Assembly for Wales until 5 May 2016. On 17 March 2011 the Government indicated in a Written Ministerial Statement (WMS) that these amendments had been tabled in order to avoid these elections coinciding with the expected UK Parliamentary general election on 7 May 2015. We note that both the Scottish Parliament and National Assembly for Wales have passed motions calling for the UK Government to bring forward these amendments, and that a decision on the timing of the Northern Ireland Assembly elections will be taken following the combined polls scheduled for May 2011.

We welcome the political consensus that has formed on the need to consider the implications of combining polls in 2015. We would stress now, however, that careful consideration must be given to the effect on voters, electoral administrators, political parties, candidates and the media of moving the Scottish Parliament and Welsh Assembly elections to 2016. For example, 2016 would see elections to the National Assembly for Wales, as well as local elections and the expected election of Police and Crime Commissioners in Wales.

We therefore welcome the Government's commitment, outlined in the above-mentioned WMS, to carry out a detailed assessment of the implications of the Scottish Parliament and National Assembly for Wales elections coinciding at a later date (i.e. post 2016). We also note that it will consider conducting a public consultation in Scotland and Wales on whether the Parliament and Assembly terms should permanently be extended to five years.

As explained in our Second Reading briefing, we believe there continues to be a need for comprehensive research to be carried out in order to ensure there is a robust evidence base to inform all future decisions about the timing of elections.

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.

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, more frequent local referendums, 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 encompass the wide range of differing electoral cycles in the UK.

The UK Parliament, the 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 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.

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