

## Parliamentary Voting System and Constituencies Bill

House of Lords Second Reading  
Monday 15 November 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](http://www.electoralcommission.org.uk)

## PART 1 - VOTING SYSTEM FOR PARLIAMENTARY ELECTIONS

### Timing of the referendum on the alternative voting system

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**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.

When the Parliamentary Voting System and Constituencies (PVSC) Bill was published in July 2010, the Commission made clear its view that it should be possible to deliver the different polls proposed if the key practical risks to the successful conduct of the scheduled elections and a UK-wide referendum are properly managed.

In particular, we said that:

- **The rules on how the referendum will be conducted must be clear from at least six months in advance**, so that campaigners, Returning Officers, Counting Officers and the Commission are not left with uncertainty about their respective roles and responsibilities and can undertake the necessary planning and preparation for the May 2011 polls.
- **The legal framework for the proposed 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.

The Bill as introduced to the House of Lords sets out the overarching legal framework and the detailed rules for the proposed May 2011 referendum. The provisions set out in the Bill are based on existing rules used for elections in the UK, including UK Parliamentary general elections.

The Bill was amended during its passage through the House of Commons and now includes detailed provisions for combination of the referendum poll with the poll for the scheduled May 2011 elections. We are currently reviewing the technical and operational implications of these provisions, and we will ensure Parliament is informed of any specific issues that we believe need to be addressed during the remaining stages of consideration of the Bill.

The Commission is broadly satisfied that sufficient progress has presently been made to enable the local Returning and Counting Officers to run the polls well and that voters will be able to participate in them.

We are of course mindful that there may be changes made to the Bill during the remainder of its passage through Parliament. We will continue to monitor the progress of the Bill and identify if any changes to it present a risk to the successful conduct of all the polls planned for 5 May. Ultimately it is for the UK Parliament to decide whether the proposed referendum goes ahead on 5 May 2011.

## Close of polls

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Following problems experienced by voters queuing at polling stations at close of poll at the May 2010 UK Parliamentary general election, we recommended that the Government should urgently change the law so that people who are entitled to vote at a polling station and who are in the queue to enter the polling station at the close of poll are allowed to vote.

Since the Bill was introduced we have highlighted our concern that, without such a change, there remains a risk that voters will be affected by similar problems at the 2011 polls. We are disappointed that the Government has so far not taken the opportunity of this Bill to implement the recommendation we made.

We have said from the outset that we wanted the rules for the referendum to be clear six months in advance, so although it would be a positive change, we would need to consider the detail of any specific amendment carefully to make sure it did not introduce a significant risk to the conduct of the polls on 5 May.

## Regulation of referendum campaign spending

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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 6** and **Schedule 9** 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.

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