

Parliamentary Voting System and Constituencies Bill Lords Consideration of Commons Amendments 16 February 2011

This note sets out the Electoral Commission's views only on amendments returned to the House of Lords which the Commission believes raise significant issues of workability or policy. The note does not comment on every amendment tabled and the absence of comment on an amendment should not imply that we support it.

Clause 7 - Interpretation

At the Commons Consideration stage the Government disagreed to **Lords Amendment 1 and 8** which introduced a turnout threshold in order for the referendum to be binding. The amended clause stated that "If less than 40% of the electorate vote in the referendum, the result shall not be binding."

The question of whether the proposed referendum should be subject to any minimum turnout threshold is for Parliament to decide, and neither the Chief Counting Officer nor the Electoral Commission have expressed any view on the merits of the amended clause.

Lords Amendment 8 was made at Third Reading to provide further details on the terms used in the new provision however, while the amendment used the definition of the franchise in the Bill for the 'electorate' it did not clarify whether it would include amendments made to the electoral register up to and including polling day to correct clerical errors. Secondly, the amendment did not specify whether the turnout figure should be based on all ballot papers included in the count for the referendum (including spoiled ballots) or only valid votes.

Should the House of Lords decide that they wish to reinstate this provision, it will be vital that there is further clarity on these points before the Bill becomes law, so that the Chief Counting Officer can provide Parliament with the information it would need in order to consider whether the threshold has been reached.

We would also, in such a situation, welcome clarification that Counting Officers and Electoral Registration Officers would be under an explicit duty to provide official electorate data to the Chief Counting Officer for the purpose of determining whether the threshold had been reached.

Further information

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