

Political and Constitutional Reform Committee

Committee Office · House of Commons · 7 Millbank · London SW1P 3JA
Tel 020 7219 6287 Fax 020 7219 2681 Email pcrc@parliament.uk Website www.parliament.uk/pcrc

7 September 2010

Written evidence published by the Committee to date for the inquiry into Government's proposals for voting and parliamentary reform

On 14 July 2010, the Committee launched an inquiry into the Government's proposals for voting and parliamentary reform. This document contains those submissions which deal with both the Fixed-Term Parliaments Bill and the Parliamentary Voting System and Constituencies Bill.

VPR 01	Richard Pond
VPR 02	Richard Burden MP
VPR 03	Brendan Donnelly, Director of the Federal Trust for Education and Research
VPR 04	The Electoral Commission
VPR 05	Hansard Society
VPR 06	Association of Electoral Administrators
VPR 07	Scottish Youth Parliament

Written evidence submitted by Richard Pond (VPR 01)

Summary

- Fixed-term Parliaments should be four years in length, not five.
- If the Alternative Vote is introduced, the system should be reviewed within ten years with a view to offering a further referendum on whether a PR top-up list should be added.
- Consideration should be given to introducing a reformed voting system for English local council elections.
- The voting system for mayoral elections should be changed from Supplementary Vote to the Alternative Vote.
- The Government should consider changing the Scottish, Welsh, and London Assembly voting systems to AV+.
- Regardless of the referendum result, the voting system for European Parliament elections should be changed either to an open list system or to Single Transferable Vote (as is already used in Northern Ireland). The same is true of the list elements of the Scottish Parliamentary, Welsh Assembly, and London Assembly elections.
- Reducing the number of MPs is undesirable, as it will mean a larger average number of electors per MP and it will increase the executive's power over the Commons.
- Reform of constituency boundaries should take into account natural and historical boundaries.
- The European Parliamentary boundaries should be reformed so that European Parliamentary constituency electorates are much more equal in size – this means that Northern Ireland should elect two MEPs and not the current three.

Fixed Term Parliaments

1. I strongly believe that the appropriate length of a fixed-term Parliament is four years and not five.
2. Four-year terms are much more in line with recent British tradition. The Scottish Parliament, Welsh Assembly, Northern Ireland Assembly, London Assembly, and Mayor of London are all elected for four-year terms. Local councillors are also normally elected for four-year terms.
3. Of the 26 EU member-states other than the UK, nineteen elect their lower house (or only house, if unicameral) every four years, and only seven elect it every five years. (In some cases these are maximum terms rather than fixed terms.) In other words, almost three-quarters of these 26 states have quadrennial parliamentary elections.

4. Of other English-speaking nations, Canada, South Africa, India, and Pakistan have five-year terms, but Australia elects its lower house for three-year terms, New Zealand also for three years, and the US for two years.
5. Four years has increasingly become the normal interval between UK general elections. Four-fifths of Parliaments since 1945 have been less than five years in duration, and almost two-thirds have lasted four-and-a-half years or less. The average length of a Parliament since 1945 has been about three years and ten months, and even if the three short Parliaments (1950-51, 1964-66, 1974-1974) are excluded, the average is still only four years and four months.
6. Further, the above statistic to some extent understates the degree to which four years is considered the UK norm. Voters know that elections tend to be held at four-year intervals except when the governing party believes that it is about to lose power. Of the three full five-year Parliaments since 1945, all have been followed by a change of Government at the subsequent General Election, and so have all but one of those exceeding four and a half years in duration.
7. It is also perhaps worth noting that although the maximum length of a Parliament was seven years, the average length of a Parliament in the nineteenth century was four years – much as it is today.
8. It is evidently more democratic to hold elections more frequently, and while there may be both practical and principled arguments against excessively frequent elections (such as the annual Parliaments demanded by the Chartists), no democrat can consider four years to be any way excessive. The difference between four years and five should not be regarded as slight. The latter would obviously mean Parliaments some 25% longer than the former.
9. So in keeping with recent British practice and custom and the prevalent custom elsewhere in Europe, and to increase significantly the democratic accountability of MPs above what five-year terms could provide, four-year terms should be the legal limit.

Electoral Reform for the Commons

10. The prospect of a referendum on the Alternative Vote is to be welcomed, although it is regrettable that the Government has not seen fit to offer electors a wider choice. Some of the other democracies that have considered electoral reform in recent years have either given voters a wider choice of systems (as in New Zealand, where five systems were offered in a 1992 referendum) or have offered voters a system that was decided beforehand by a citizens' assembly (as in British Columbia) rather than by the political elite.
11. Many electoral reformers in this country would obviously prefer to have the option of a proportional system. The Single Transferable Vote (STV) finds favour with the Liberal Democrats and the Electoral Reform Society, while some smaller parties and individuals favour the Additional Member System (AMS) or its variant, Alternative Vote Plus (AV+).

12. My own view is that AV+ is the best system and should be one of the options put to the electorate. It retains the advantages of single-member constituencies while giving a more proportional outcome than AV or FPTP.

13. In the absence of a commitment to give voters a wider choice of voting systems in the 2011 Referendum, the Government should agree to hold a review of the voting system within ten years of the introduction of AV+ (if the referendum should give an affirmative result). Following the review, a second referendum should be held, between 10 and 12 years after the first, offering the electorate the option of switching to an AV+ system by introducing top-up lists.

14. The top-up lists should use an open list or partially open list system. The top-up lists would probably be regionally based (as in European Parliament elections), although it would be equally satisfactory to have just three or four lists (one each for England, Scotland, Wales, and Northern Ireland). Consideration should be given to whether Northern Ireland should elect its MPs using STV instead, as already happens in British elections to the European Parliament.

Further Electoral Reform

15. If the Alternative Vote is introduced, it will be unsustainable to continue using First Past The Post for local government elections. The Government should immediately begin planning the introduction of either Alternative Vote or Single Transferable Vote for English local elections (Single Transferable Vote is already used for Scottish local elections). A combination could be used: AV for single-member wards, STV for two-member or three-member wards. This should go ahead automatically if AV is agreed for the House of Commons.

16. The reverse, however, does not necessarily hold true. In other words, the introduction of either AV or STV to English local government must be seriously contemplated regardless of the referendum result. It will be noted, after all, that reformed voting systems are already in use for devolved assemblies, mayoral elections, European Parliament elections, Northern Irish local elections, and Scottish local elections

17. If AV is introduced for the Commons, it follows almost automatically that mayoral elections should henceforth be held under AV and not under the current Supplementary Vote system (a modified form of AV under which voters are limited to expressing a first and second preference only).

18. Particularly if the referendum results in the introduction of AV, urgent consideration must be given to changing the voting systems used for the election of the Scottish Parliament, Welsh Assembly, and London Assembly from the Additional Member System to the Alternative Vote Plus system – the difference being that under the latter system, preference-voting would be used in the constituency-based elections.

19. Regardless of whether AV is introduced for the Commons, the Government should change the voting system used for British elections to the European Parliament. The closed list system creates cynicism and is inimical to the British tradition. It should be replaced with open lists (as in Finland) or partially open lists (as in Sweden, for instance) or by a Single Transferable Vote system (already used for European Parliament elections in Northern Ireland as well as in the Irish Republic). Similarly, the list element of the AMS systems used in Scotland, Wales, and London should be replaced with an open or partially open list system, to increase democracy and accountability.

Number of Members of Parliament

20. The Government proposes to reduce the number of MPs to 600. It should think again. The number of MPs was 615 even in 1922 (the first election after the creation of the Irish Free State). The UK population was then much smaller, and not all women were entitled to vote, so the number of voters per MP was substantially smaller than it is now. Many Members of Parliament already have substantial constituency workloads, and the Government now proposes that they should take on significantly larger numbers of constituents each.

21. The figure of 600 seems entirely arbitrary and has no advantage. Even in the midst of economic turmoil, one cannot seriously argue that the number of MPs (and thus the quality of our democracy) should be based on financial considerations, and anyone who seriously believed on principle that 650 was too many would surely think the same of 600.

22. It is also a concern that if there are fewer MPs, the payroll vote will be larger as a proportion of the total, so the power of the executive over Parliament will be increased.

Reform of Constituency Boundaries

23. The Government proposes (with a few exceptions) to make the sizes of constituency electorates much more equal. In doing so it should not neglect the arguments for natural, historical or traditional boundaries. To ensure fairness, constituency size should be based on the number of eligible voters in each constituency, rather than on the number of those currently registered to vote.

Reform of Constituency Boundaries – Further Implications

24. The Government has drawn attention to some of the discrepancies in the apparent worth of electors' votes that the current Commons boundaries cause. It should look now at the comparable situation that exists in terms of European Parliamentary constituencies.

25. Currently each European electoral region is required (under UK legislation, not EU rules) to have at least three members. So Northern Ireland is guaranteed three MEPs in apparent perpetuity. This needs to be changed as a priority, as it means that there are only 356,000 Northern Irish voters per MP, compared with 638,000 voters per MP in the London region, 662,000 voters per MP in Scotland, 560,000 in Wales, 648,000 in the North West, 658,000 in the South West, 648,000 in the North East, and so forth. It would be reasonable to give Northern Ireland two MEPs (which would still mean 535,000 voters per MEP, a more generous ratio than any other part of the UK).

20 July 2010

Written evidence submitted by Richard Burden MP (VPR 02)

1. Introduction

1.1. I welcome the Committee's decision to scrutinise the government's proposals:

- to hold a national referendum on using the Alternative Vote (AV) system at general elections, to reduce the size of the House of Commons, and to equalise the size of parliamentary constituencies, and
- to establish fixed-term Parliaments of five years.

1.2. This is a brief response to the Select Committee's call for evidence. I am the Chair of the All Party Parliamentary Group on Electoral Reform. However, I should emphasise that I am submitting this response in a personal capacity.

2. Summary

2.1. In this response I argue that:

- the proposal for a referendum on the Alternative Vote should be supported
- the proposals to reduce the number of MPs and the new method suggested to ensure compatibility of constituency sizes are not acceptable and need to be re-thought
- the proposal for a referendum on AV should be in a separate Bill from the one dealing with the number of MPs and constituency sizes
- the introduction of fixed-term Parliaments is to be welcomed but that scrutiny of the government's plans is required.

3. Referendum on the Alternative Vote

3.1. I believe that fundamental reform of the voting system for the House of Commons is long overdue. My own preference would be for a broadly proportional system which maintains the constituency link. I set out my views in a submission to the Jenkins Commission in the 1990s and they remain the same today.

3.2. It should not be for politicians to decide the ways in which should be elected, but the public we are elected to serve. That is why I fully support the principle of a referendum.

3.3. To facilitate voter choice, ideally I would have liked to see a referendum which first gave a straight "yes" or "no" on the principle of change. If this produced a "yes" vote, there could then be a further question or referendum on what kind of replacement system the electorate would like to see. This could allow voters to express preferences between different proportional systems and systems such as AV.

3.4. However, the government has decided to go down a different route and my preference for a two stage referendum would not prevent me from supporting a single referendum if that is what is put before the House.

3.5. Similarly, although my preference would be for a more proportional system than AV, I believe it is still very worthwhile to give voters the chance to choose between AV and the current

system. Whether or not one supports greater proportionality in the relationship between votes cast and seats won in Parliament as a whole, it is still reasonable to give voters the chance to opt for a system which ensures that every candidate in a single member constituency should get fifty per cent of the vote to be elected. Such a principle at constituency level is valid both in proportionally based systems and majoritarian ones.

3.6. I therefore support the proposal for a referendum on AV.

4. Reducing the number of MPs and equalising parliamentary constituencies

4.1. I do not support the government's plans to reduce the number of MPs or the way it is proposing to equalise parliamentary constituencies in a manner far more restrictive than the Boundary Commission tries to do in its regular reviews.

4.2. Even after devolution to Scotland, Wales and Northern Ireland, Britain remains a highly centralised state with a great deal of power resting with the government in Whitehall. This – and the absence of a specifically regional tier of representation in England – means that MPs not only have to play a significant scrutiny role at national level, they also have to take on a role of champions for their localities or regions more prominently than is necessarily the case in other comparable countries. A growing body of evidence also suggests that the day-to-day casework role of MPs has grown significantly in recent years and continues to do so. These and other factors suggest that MPs are, if anything, trying to spread themselves too thinly to fulfil all their roles as effectively as they would like. The result is that very long working hours are regularly undertaken by MPs – in recesses as well as during times Parliament is sitting.

4.3. Together, all this suggests that cutting the numbers of MPs in the way suggested by the government is unlikely to be in the interests of either democracy or the effectiveness of Parliament.

4.4. The proposal to equalise constituency sizes in the way suggested by the government presents even more problems. Few would argue in principle that constituencies should be of broadly comparable sizes and the Boundary Commission tries to reflect this in its periodic reviews. However, effective democracy is not simply about counting electors. It also means recognising how MPs can actually effectively keep in touch with and represent their constituents. In this, the characteristics of different areas – including geographical size, community identities and a range of other factors – need to be taken into account alongside voter numbers. Although the government's revised proposals now recognise this to an extent, more scrutiny should be given to how far they have got it right.

4.5. Even on the question of numbers, basing the new boundaries on numbers of electors registered is likely to discriminate against effective representation in areas with traditionally low registration rates. Deprived areas and areas with a large proportion of young residents are likely to be hit particularly hard. Taken together with the proposal to reduce the number of MPs overall, this could be a serious problem.

4.6. These kinds of issues require serious debate and resolution before, not after, the Bill completes its parliamentary proceedings and changes should be made where necessary. However, even after the Bill becomes law it is important that sufficient time is given to draw up the proposed new boundaries, to consult widely on them and to make changes where necessary. The existing Boundary Commission procedures may be time consuming and a little cumbersome, but they at least allow the above to take place. The tight timescales in the new Bill will make this very difficult to

achieve and the implication in the Bill that ministers, not the Commission, will be able to shape the final proposals to be put before Parliament is dangerous.

4.7. Others may take a different view on the above observations. Indeed, it is even more likely that MPs may support parts of the Bill's provisions but reject others. For example, it is entirely possible that MPs may wish to vote for a referendum on AV and against the reduce and equalise proposal or vice versa. However, by the time the Bill reaches Third Reading there will be no opportunity to reflect this in their votes.

4.8. Of course, many Bills involve more than one proposal on more than one subject and MPs have to make a judgement on the package as a whole at Third Reading. But different and distinct issues should only be included in the same Bill for a good reason. Where constitutional issues are concerned it is particularly important that Bills are not cobbled together for political convenience. When it comes to how people are able to choose the government, not simply which government to choose, elected representatives should be allowed to make informed and, if necessary, different decisions about different aspects of the electoral process that are distinct from one another.

4.9. In this case there is no reason why an MP's view on an AV referendum should be forced to take second place to their views on the numbers of MPs and the new approach to equalising the size of constituencies, any more than the reverse should be the case. Put another way, there is no reason why these two proposals should be incorporated into one Bill. The government should present them in two separate Bills.

5. Fixed-term Parliaments

5.1. In principle, I am in favour of fixed-term Parliaments. The government's original proposals requiring a 55% majority to call a General Election were ill thought out and seemed to be motivated more by political expediency than either principle or effective democracy. The revised proposals look like they make more sense. However, I cannot claim to have looked at the new proposals in depth and I would certainly commend the Select committee on its decision to scrutinise the government's plans.

26 August 2010

Written evidence submitted by Brendan Donnelly, Director of the Federal Trust for Education and Research (VPR 03)

Summary

- The Alternative Vote would be on balance an improvement on the present First Past the Post (FPTP) system for elections to the House of Commons, but a modest rather than radical shift.

- The equalisation of seat sizes, within a narrow band such as proposed, is in principle correct.

- While there may be a case for a reduction in the number of MPs at Westminster, the current presentation of the reasons for this change is unsatisfactory.

- The principle of fixed-term parliaments is to be supported, although the present intended length of five years is excessive, with four years seemingly a more appropriate term.

- The changes considered in this paper cannot fully be separated from each other and their broader political and constitutional context. They are to a significant extent the product of political imperatives driven by the respective interests of the two parties of government and the dynamics of coalition government.

- While the Coalition claim that their constitutional programme will cumulatively amount to a major dispersal of presently over-centralised power within the UK and a recasting of the political and constitutional settlement, more modest assessments might be appropriate.

- The present intended changes are merely the latest in a long – and accelerating – production-line of piecemeal constitutional modifications, which serves increasingly to highlight and aggravate some of the democratic and definitional difficulties which arise from the UK lacking a codified constitution.

Introduction

1. The Federal Trust is a politically unattached think tank registered as a charity for the purposes of education and research. It is concerned with studying the interaction between different tiers of

governance – local, regional, national, European and global – and how these different tiers can be held democratically accountable.

2. It is this latter concern with democratic issues that is the primary focus for the present submission. The proposals considered here have substantial implications for the functioning of UK democracy, the quality of which these reforms are presented as intended to improve.

3. The reforms under consideration in this submission are:

- a shift – subject to a referendum – to the Alternative Vote (AV) system for elections to the House of Commons;
- the equalisation of the number of voters in seats and a reduction in the number of MPs; and
- fixed-term parliaments.

4. The following paper assesses each proposal in its own right and – since their advocates see them as part of an overall structure of substantial constitutional and democratic reform – collectively, as components of a broader programme.

The Alternative Vote

5. The Alternative Vote would be on balance an improvement on the present First Past the Post (FPTP) system for elections to the House of Commons, but a modest rather than radical shift.

Advantages of AV over FPTP

6. At the 2010 General Election, only a third of candidates returned to Parliament received more than half the votes cast in their constituency, the lowest such figure in the era of universal franchise.

7. Within the electoral and constitutional system of the UK, each MP is regarded as the representative of a particular constituency. Consequently if an MP has not received the backing of a

majority of those who vote in their constituency, his or her representativeness is to that extent reduced.

8. Furthermore, the presence of a significant – and growing – number of MPs not elected on majority constituency votes within the House of Commons is detrimental to the democratic legitimacy of this institution as a whole.

9. Under AV, this problem would be to some extent addressed because all MPs would be elected with support of some kind from more than 50 per cent of those who voted.

10. AV enables those voters who wish to do so to express themselves in a more nuanced, sophisticated fashion; and provides – to those voters who want them – more options.

11. It should also be noted that AV can often produce results in which the seats allocated to parties relate a little more closely to the votes cast for them nationally (but subject to qualifications discussed below). It may help the third party to achieve a seat share that is closer to its vote share.

12. To some extent AV addresses the FPTP problem of ‘wasted’ votes - that is votes not cast for the winning candidate – through the counting of lower order preferences (until a candidate achieves more than 50 per cent of the total number of those voting).

13. AV would encourage parties publicly to enter into pacts and alliances before elections, rather than possibly reaching agreements after votes have been cast, as happened following the May 2010 General Election. This shift would be desirable from the perspective of democratic transparency.

14. All of these outcomes are desirable, and outweigh those reservations about AV which are recorded below.

Disadvantages of AV

15. Proportional representation systems, in which there is a clear and closer relationship between votes cast for parties and seats won by parties, are generally more desirable than non-proportional systems. The major flaw with FPTP is that it is not proportional representation (PR); but nor is AV.

16. Advocates of PR might argue that AV, while not being proportional, is at least more likely than FPTP to produce a desirable feature of PR: a propensity for parliaments with no one party in overall control. But such a tendency is not inevitable. While the recent elections to the Australian House of Representatives, which use an AV-type system, did not yield a majority for any one party, this occurrence has been as rare in Australia under their voting system as it has in the UK under FPTP.

17. It is possible to question how far votes that are not first preferences contribute to the legitimacy of a winning candidate, particularly one who did not gain the most first preferences.

18. Under AV, there is a marked inequality in the treatment of those who do not give their first preference to the winner. Some are more likely to have their lower order preferences counted than others, according to how their higher preferences are cast.

19. Finally, claims that AV would eliminate tactical voting are erroneous. It is more accurate to say that it produces different forms of tactical voting, in particular involving the casting of second preferences.

Equalisation of seat sizes

20. The equalisation of seat sizes, within a narrow band such as proposed, is in principle correct.

21. The current disparity of seat sizes, and the consequent variation in the potential value of votes across different constituencies, is unjustifiable. The need to correct this problem outweighs concerns about cutting the geographical and cultural ties that may bind voters to particular constituencies, though these reservations are not entirely unfounded.

22. However, this change will be executed in the context of an electoral system (either FPTP or AV) that produces disproportionate outcomes and leads to considerable numbers of 'wasted' votes.

Reduction in the number of MPs

23. While there may be a case for a reduction in the number of MPs at Westminster, the current presentation of the reasons for this change is unsatisfactory.

24. The most coherent argument being offered by the government at present for this reduction seems to be one of financial parsimony.

25. Even assessing this justification on its own terms, there is room for doubt about how much money ultimately will be saved, since the workload of the remaining MPs will rise, leading for pressure to provide them with additional staff.

26. Any savings will be marginal relative to the overall operating costs of Parliament. The Deputy Prime Minister, Nick Clegg, has stated to the Commons that ‘Having 59 fewer MPs saves £12 million a year on pay, pensions and allowances alone.’ The projected total expenditure in the House of Commons Corporate Business Plan 2010/11 for 2010-11 is £233.5 million (p.61).

27. Moreover, the implication that our parliamentary system should be run as cheaply as possible has anti-democratic connotations.

28. Any consideration of the appropriate number of MPs should be considered primarily in constitutional – not financial – terms.

29. There is no evidence that, in arriving at a figure of 600, adequate consideration was given to such issues as the role and workload of MPs.

30. The government has used international comparisons in supporting its case for a reduction, noting that the number of elected representatives in the UK Parliament appears in this context high.

31. However, a shift to 600 would not greatly alter the peculiarity of the UK in this regard.

32. Moreover, while the Commons could be seen as unusually large, there is a wide variation in sizes across equivalent institutions internationally, measured in absolute terms or representatives per head of the population. It is not clear that there is a particular formula which can be applied universally, and the Coalition is not proposing one.

33. Furthermore, while from an international perspective it may seem that the number of UK MPs is high, it should be noted that the UK is an exceptionally centralised, unitary state. Consequently, the

burden of responsibility falling on the UK Parliament is unusually large, perhaps calling for a larger number of elected representatives than might be required elsewhere.

34. Finally, it should be observed that a reduction in the number of MPs will lead to an increase in the relative power of patronage of the government within the House of Commons, unless it is accompanied by a decrease in the number of ministers sitting in the Commons.

Fixed-term Parliaments

35. The principle of fixed-term parliaments is to be supported.

36. The present arrangements for the requesting of dissolutions provide excessive power to the executive (and in particular the Prime Minister) in relation to Parliament; and provide an unfair advantage to incumbent parties of government over other parties.

37. The requirement for a super majority of two thirds of MPs to trigger early dissolutions is to be supported; as in principle is the mechanism to trigger dissolutions if, following the defeat of a government on a confidence motion, a new government cannot be formed after a given period.

38. However, considered in international perspective, and in the context of the duration of parliaments in recent British history, five years seems an excessively long term.

39. Of the 17 parliaments in the UK between 1945 and 2010, only five ran for as long as or close to five years.

40. Members of the US House of Representatives are elected every two years, the President holds office for four years, and members of the US Senate serve for six year terms. In both Australia and New Zealand, the Parliaments have three-year terms. Members of the Swedish Riksdag serve for three year terms. The majority of European countries have four year terms. The French Assembly, which has a maximum term of five years, can be dissolved before its term by the President.

41. From such perspectives, four years would seem a more appropriate fixed term for Parliament.

The political and constitutional context

42. So far the present paper has considered this first set of constitutional reform proposals emanating from the government individually and on their own terms.

43. But they cannot fully be separated from each other and their broader political and constitutional context.

Political motivations for reform

44. All of these changes are to a significant extent the product of political imperatives driven by the respective interests of the two parties of government and the dynamics of coalition government.

45. AV, if implemented, is likely to work to the electoral advantage of the Liberal Democrats.

46. Assessments of the likely impact of the equalisation and reduction in the size of seats suggest that the main relative beneficiaries will be the Conservatives.

47. A five year fixed-term Parliament suits the requirements of the leaderships of both Coalition parties.

48. There is no evidence that the possible options for reform have been considered from a perspective wider than the immediate concerns of the Coalition-forming process.

49. For instance, AV is far from being the only electoral system which might replace FPTP, and AV was wanted by neither Coalition party before the General Election.

50. Indeed, the main reason that a referendum on AV was placed on the agenda was because this policy was adopted – seemingly equally opportunistically, and with a similar lack of consultation or deliberation – by Gordon Brown, late on in the Labour term of office. A decade previously, the same government had opted not to adopt the proposals of the Jenkins Commission for an AV system combined with an element of proportionality via a regional top-up, which would have been a preferable system to the one presently on offer.

51. The ‘deathbed conversion’ to AV undergone by Mr. Brown, perhaps with an eye on the possible need to collaborate with the Liberal Democrats if he were to retain office after the 2010 General Election, suggests that the present Coalition is not unique in approaching constitutional issues from a narrow self-interested perspective.

52. The party political requirements underpinning the measures considered in this paper have entailed their being implemented at a strikingly rapid pace.

53. Limited time has been allowed for the essential democratic processes of consultation and parliamentary scrutiny, as already noted by this Committee.

54. The timetable for implementing new parliamentary boundaries will not for instance be able to take into account changes that will arise from the shift to individual voter registration, which is scheduled to take place during the course of the present Parliament.

55. If the constitutional reform programme appears to be dominated by self-interested electoral considerations, the chances of achieving its claimed objective of greater levels of public confidence in the political process are reduced.

56. It is often held that referendums – such as that which will be held on AV – are flawed democratic devices because they may be used by the electorate not as a means of adjudicating on an important issue, but of passing general judgement on the government of the day. The way in which the current constitutional reform programme appears to be skewed towards electoral advantage for the participants in the Coalition could be seen as inviting those participating in the AV referendum to behave in this way.

Limitations of the programme

57. While the Coalition claim that their constitutional programme will cumulatively amount to a major dispersal of presently over-centralised power within the UK and a recasting of the political and constitutional settlement, more modest assessments might be appropriate.

58. Once again, consideration of the AV policy helps illustrate this point.

59. If AV is adopted, a possible shift that could occur will be a movement from a political system that suits the interest of two main parties, currently the Conservatives and Labour, to one adjusted to serve three, with the Liberal Democrats, thanks to AV, being given higher levels of Commons representation and a greater chance of participating in government in future.

60. It is doubtful that the sharing of power would progress far beyond this point, since AV is unlikely to benefit parties below the third party that do not possess a strong regional concentration of support.

61. It is sometimes held by advocates of electoral reform who do not regard AV as the best new system to adopt – and may regard it as no better or possibly worse than FPTP – that it will somehow act as a stepping stone to a proportional system such as the Additional Member System (AMS) or Single Transferable Vote (STV).

62. Yet the Conservative component of the Coalition on the other hand regards the AV referendum, whatever the result, as settling the issue of electoral reform, not opening it up.

63. The calculation seemingly made by the Conservatives, that a referendum will settle the issue of electoral reform for the foreseeable future, is the more plausible one.

The un-codified UK constitution

64. The opportunistic nature of the current set of reform proposals serves further to highlight issues associated with the un-codified UK constitution.

65. Because of the principle of ‘parliamentary sovereignty’, it is effectively possible for those who dominate the Commons to alter the UK constitutional settlement as a whole to serve their own purposes. To prevent parliamentary sovereignty from being abused in this way, a strong convention of self-moderation from parties of government has until recently been observable. If the current set of proposals are evidence that such a convention is absent or declining, then more formal mechanisms – such as could be provided by a codified constitution – may be required.

66. The present intended changes are merely the latest in a long – and accelerating – production-line of piecemeal constitutional modifications.

67. Never has a holistic view been taken of the UK constitution.
68. The establishment of a codified UK constitution would entail correcting this lacuna.
69. The requirement for a two thirds 'super majority' to trigger dissolutions could provide a useful precedent for the development of means for embedding such a settlement. However, under existing constitutional principles there is no means of preventing the legislation underpinning the provision requiring a 'super majority' being amended or repealed by simple majority votes.
70. Within an embedded, codified UK constitution, future alterations could not be enacted at will by the governing party or parties, but would be subject to a more demanding procedure, one which was, unlike present practice, internally consistent.
71. It might be asked why the adoption of AV requires public consent through a referendum, but fixed-term parliaments do not. Mr. Clegg seems to be of the opinion that the latter is a more important shift, at least from a constitutional perspective, than the former.
72. In the Commons on 5 July, he described fixed term parliaments as 'a hugely significant constitutional innovation'. On the other hand he has argued to this Committee that:
- I am not sure I would characterise a shift from first past the post to the alternative vote...as one that affected the unwritten constitution as such...there is a certain modesty to the transition from first past the post to the alternative vote...and I wonder whether it is commensurate with the suggestion that it is a fundamental alteration of the constitution.
73. This kind of uncertainty about whether or not the constitution is being changed – which is unsatisfactory from a democratic perspective – is a product of the lack of a codified constitution in the UK.
74. A final, major advantage of a codified constitution would be to allow for the possibility of full judicial review. The practice of applying Speaker's Certificates to preclude such challenges would no longer be possible under a codified constitution. This change would be a substantial contribution to transparency and the rule of law.

1 September 2010

Please note that this evidence is offered by Brendan Donnelly in a personal capacity.

Written evidence submitted by The Electoral Commission (VPR 04)

The Electoral Commission is an independent body set up by the UK Parliament. The Chair of the Electoral Commission is the Chief Counting Officer for any referendum conducted under the Political Parties and Elections Act (PPERA) and is responsible for its conduct and for ensuring the overall accuracy of the result.

This submission sets out our views on key aspects of the Parliamentary Voting System and Constituencies (PVSC) Bill and the Fixed Term Parliaments Bill as well as outlining our role in the running of a referendum.

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

1. The legislative background and our role

1.1 The Political Parties, Elections and Referendums Act 2000 (PPERA) established the Electoral Commission and gave us statutory responsibilities in relation to elections and referendums. In particular, Part 7 of PERA sets out the legal framework for UK-wide, national and regional referendums and the Commission's role in those. Additional legislation must be made to enable any specific referendum to take place.¹

1.2 Our role in elections is twofold: we are the independent regulator of party and election finance, and we set standards for electoral administrators, provide advice and assistance and report on their performance.² In referendums our role is significantly wider, as we have the additional responsibility for the conduct of the referendum. A referendum under PERA is the only electoral event that has a framework for national coordination and accountability.

1.3 Our powers and responsibilities relating to referendums include:

- 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

¹ Such as an enabling Act; a Conduct Order or a Fees and Charges Order.

² The Electoral Administration Act 2006 gave the Commission powers to set and monitor performance standards for the administration of elections.

- 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

1.4 The Chair of the Commission will be the Chief Counting Officer (CCO), responsible for the conduct of the referendum and ensuring the accuracy of the overall result. The CCO appoints a Counting Officer for each local authority within the referendum area.

2. Key principles to inform the way referendums are run

2.1 Our focus is on voters and on putting their interests first, and that underpins everything we do. Referendums should be administered in a way that engenders confidence, is credible, transparent, and open to scrutiny. Our objectives for referendums are:

- they should be well-run and produce results that are accepted
- there should be integrity and transparency of campaign funding and expenditure

2.2 In that context, we set out here the principles we believe should inform the way referendums are run.

2.3 There should be no barriers to voters taking part. This means:

- those eligible can register to vote
- voters can easily understand the question (and its implications)
- voters are informed about the possible outcomes, and can easily understand the campaign arguments
- voters can have confidence that:
 - campaign funding is transparent
 - distribution of any public support and access to media is fair
 - any rule-breaking will be dealt with
- the voting process should be easy to take part in and well-run
- the result and its implications should be clear and understood

2.4 There **should be no barriers to campaigners putting forward arguments for any of the possible outcomes**. This means that:

- it is easy to register as a permitted participant and to take part in campaigning
- the rules that govern campaign spending and fund-raising activity are clear and fair

- the process for designating lead campaign organisations for each outcome (and consequent distribution of public funds and access to media) is easy to understand, and accepted as fair

2.5 The referendum should be administered efficiently and produce results that are accepted. This needs:

- a clear legal framework with clear roles and responsibilities communicated to those who are bound by them
- clear guidance and efficient procedures for voters, campaigners and administrators
- Performance standards against which the performance of Electoral Registration Officers and Counting Officers at referendums is managed.
- an efficient process for distributing funds to campaigners and administrators
- rapid and clear reporting on campaign funding and spending
- a timely and persuasive report on how the referendum worked

2.6 Further information on the key principles that underpin our role in future referendums can be found in Appendix A.

3. Parliamentary Voting System and Constituencies Bill

Timing of the referendum on the alternative voting system

3.1 The Electoral Commission has set out our 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. This statement can be found in Appendix B.

3.2 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.

3.3 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.

Chief and Regional Counting Officers

3.4 We particularly welcome the provision in the Bill for the Chief Counting Officer to appoint Regional Counting Officers, which would be similar to the regional management arrangements currently in place for European Parliament elections.

3.5 With several hundred individual Counting Officers responsible for delivering the referendum poll locally across the UK, the ability for the Chief Counting Officer to delegate some management activities will be essential to ensure the effective management of the referendum.

3.6 We also welcome the provision for the Chief Counting Officer to give directions to Counting Officers or Regional Counting Officers about the discharge of their functions or the provision of information. This means that the Chief Counting Officer can specify how certain activities are to be carried out, so that the referendum is managed consistently throughout the UK and the overall result can be certified with confidence.

The referendum question

3.7 The Commission is required to publish a statement of our 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. A paper outlining our approach to question assessment can be found in Appendix C.

3.8 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

3.9 The Bill sets out the detailed provisions under which the referendum will be conducted, however, it does not currently 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.

3.10 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 separate postal ballot packs, and would be required to vote in separate polling stations.

3.11 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. The overall complexity and cost of the referendum would also be greater if combination provisions are not included in the Bill. We are confident that this issue can be dealt with during the passage of the Bill.

Design of voter materials prescribed in the Bill

3.12 The Bill prescribes the form of key voter materials, including the ballot paper, postal vote materials and polling station notices. We are concerned, however, that these materials have not been designed to be fully accessible and usable for voters.

3.13 With the potentially complex series of polls which could take place on 5 May 2011, it will be essential that voters have accessible materials to help them mark their choices accurately.

3.14 We published detailed guidance for government policy makers on accessible design of voter materials in October 2009, drawing on the findings of user-experience research and advice from usability design experts. We hope that there will be opportunity to improve the design of these prescribed forms during the passage of the Bill.

Regulation of referendum campaign spending

3.15 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.

3.16 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.

3.17 We will monitor the effect of the spending limit provisions and report on our findings after the referendum.

3.18 We welcome the controls 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.

Parliamentary Constituencies

3.19 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.

4. Fixed Term Parliaments Bill

4.1 This Bill paves the way for some very useful changes to electoral processes, which will help voters and others involved in elections and the main areas where the Commission would like to see changes linked to the proposed move to a fixed date for UK general elections are set out below.

4.2 It will be important for such changes to be in place before the next general election.

Election Timetable

4.3 Firstly, a longer timetable for Westminster elections, bringing the key deadlines into line with those used for the majority of elections currently held in the UK. This would mean that the election timetable would begin 25 working days before polling day, rather than the current 17 working days. It would also mean that the deadline for nominations would be 19 working days before polling day, rather than 11 working days under the current timetable.

4.4 The Commission and others, including Members of Parliament and the Association of Electoral Administrators, have highlighted examples of problems for electors (particularly service and overseas voters), electoral administrators and candidates caused by the current deadlines, including those for electoral registration and absent vote applications.

4.5 We have urged the Government to take this opportunity to review the deadlines for all relevant election-related activities, including electoral registration and absent vote application deadlines, to produce a sensible and coherent timetable for UK general elections that addresses these concerns as far as possible.

Campaign Spending

4.6 The second area for change would be to simplify the rules governing candidate spending at general elections. The rules introduced in advance of the 2010 UK general election involve two separate regulated periods and spending limits, in order to deal with the uncertainty created by the lack of a fixed timetable for general elections.

4.7 This imposes an additional burden on candidates and agents, and caused confusion at the 2010 election. Moving to a fixed date for UK general elections provides the opportunity to come up with a more straightforward solution.

4.8 We look forward to working with the Government to help ensure that these changes are implemented before the next general election.

3 September 2010

Legislative Process

1. 'Time is the oxygen of Parliament'. So said the now Leader of the House Sir George Young MP in a speech to the Hansard Society in March 2010, setting out his party's agenda for parliamentary and legislative reform and the need for improvements to enable MPs to 'undertake scrutiny in a measured and considered manner'.
2. Good scrutiny is an essential prerequisite of good law-making and good governance. However, with regard to both the Parliamentary Voting System and Constituencies Bill and the Fixed Term Parliaments Bill political expediency appears to have taken priority over Parliament's right to properly scrutinise the executive. The Hansard Society believes that tackling important constitutional issues in such a rushed manner is not a recipe for good government and high quality legislation.

Alternative Vote Referendum

3. A referendum held on the same day as the other elections scheduled for May 2011 offers the prospect of important administrative efficiencies and cost savings. In those areas with elections there is also the likelihood of higher electoral turnout. However, there are no elections in London and a number of other areas in England and here it is likely that turnout will be disproportionately lower. In these areas voters will not have the incentive of a local election at which they can register their satisfaction or dissatisfaction with a particular candidate or party, only a referendum on a proposed new voting system which none of the main parties actually favour as their first choice. Motivating the electorate may therefore be even more difficult than normal.
4. If turnout proves to be on a par with, or lower than, average local election turnouts in recent years then this could raise serious issues about the legitimacy of the vote that the Government and Parliament will need to address.
5. The Hansard Society's annual *Audit of Political Engagement* has consistently found that the core drivers of political engagement are knowledge and interest.³ Only 51% of the public claim to know 'a fair amount' or 'a great deal' about politics⁴ and only one in five (19%) report having discussed 'the electoral system' in the last year.⁵ The *Audit's* other findings in respect of political and constitutional reform proposals in the wake of the MPs' expenses scandal clearly demonstrate that these issues remain minority preoccupations as far as the

³ Hansard Society (2010), *Audit of Political Engagement 7* (London: Hansard Society), p.6.

⁴ In marginal constituencies where political engagement by parties and individual politicians is greatest, 60% of the public claim to know 'a fair amount' or 'a great deal' about politics, compared to only 45% of those in safe seats who claim the same. This may indicate the difference that sustained campaigning and provision of political information can have in relation to public perceptions and attitudes.

⁵ Hansard Society (2010), *Audit of Political Engagement 7* (London: Hansard Society), p.80.

public are concerned.⁶ A referendum in May 2011 will not provide much time for a substantial, high quality public education campaign to address low levels of public knowledge and interest in the pros and cons of the Alternative Vote.

6. Fundraising and expenditure regarding the referendum campaign will be controlled by provisions in the Political Parties, Elections and Referendums Act 2000. However, it remains unclear who and what will be covered in the context of expenditure on issues connected with the campaign, particularly in relation to work that might be deemed 'educational'. The Hansard Society is concerned as to how the difference between 'education' and 'campaigning' will be drawn and at what point might educational activity be deemed to propel an organisation into the funding net as an independent campaign group?
7. Advocates of the AV electoral system argue that one of its significant advantages is that it would ensure that MPs elected to the House of Commons command the support of a majority of their constituents – although most of those elected under the AV system will not command the primary majority support of their constituents as they will be reliant on second preferences. However an MP's failure to command widespread support locally is borne of many different national and local political factors which changes to the technicalities of the electoral system will only go part way to address. The Hansard Society believes that there is a danger that concentration on the pros and cons of the AV system and the referendum itself could mask or hinder the wider, fundamental and urgent debate that is needed about the role and function of MPs and political parties in our 21st century democracy.

Equalisation of Constituencies

8. Electoral bias is not static – while there is currently bias in favour of the Labour Party, previously there was bias in favour of the Conservative Party. Furthermore, research has demonstrated that electoral bias is also the product of several factors above and beyond the unequal size of constituencies, namely differential turnout levels, geographical distribution of support and increased multi-party competition.⁷ The Government's proposals will therefore not eradicate the current bias entirely.
9. The Hansard Society believes that the provision of just two constituency exemptions to the equalisation proposals appears arbitrary and in all likelihood will prove impossible to meet. An obvious additional candidate for an exemption, for example, is the Isle of Wight.
10. The Hansard Society has done extensive research into public consultation and engagement in politics. Our research into the legislative process demonstrates that a singularly damaging aspect of consultation is that government too often gives the public the impression through the process that 'all options are open – even when it is obvious that the Government has a

⁶ See Hansard Society (2010), *Audit of Political Engagement 7* (London: Hansard Society), p.80; Hansard Society (2008), *Audit of Political Engagement 5* (London: Hansard Society), pp.25-32.

⁷ See G. Borisjuk, C. Rallings, M. Thrasher & R. Johnston, 'Parliamentary Constituency Boundary Reviews and Electoral Bias: How Important Are Variations in Constituency Size?', *Parliamentary Affairs*, 63:1, January 2010, pp.4-21; J Curtice, 'So What Went Wrong With The Electoral System? The 2010 Election Result and The Debate About Electoral Reform', in J. Tonge & A. Geddes (eds.) (2010), *Britain Votes 2010* (Oxford: Oxford University Press).

clear direction in mind'.⁸ Given the 5% quota rule on electorates of 75,000 and the very limited exemptions, the Boundary Commission will face significant challenges in trying to reach a settlement, particularly across England. In light of this, consultation on their proposals may not really be meaningful as the scope for alternative approaches will be limited and in some areas non-existent. In such circumstances, the Hansard Society is concerned that meaningless consultation may be as harmful as no consultation at all.

Reduction in The Number Of MPs

11. The Government has made clear that it wishes to 'cut the cost of politics' and considers that the House of Commons is now unnecessarily large, arguing that it is one of the largest legislative chambers in the world.
12. The size of the House of Commons has incrementally increased over the last half century but is still smaller than it was in the late 19th and early 20th century when the electorate was also much smaller than it is today. Other countries that have significantly smaller legislatures also generally operate within a different political and parliamentary context, particularly in relation to multi-layered government through greater devolution of powers and therefore representation at local and regional level than is true of the UK.
13. The Hansard Society has concerns that the Government's rationale for the reduction in the number of MPs does not explain how the proposed scale of the reduction has been arrived at. In the run-up to the general election there was talk of a 10% reduction which would have removed 65 MPs but the Government now proposes to remove only 50 of them: there has been no adequate explanation as to why the number has been rounded down.
14. There is real concern that the proposed new size of the House of Commons appears to have been plucked from thin air – 600 simply being a neat number – rather than derived from detailed analysis of the role and function of MPs and therefore how many are required to perform the functions constitutionally demanded of them in Parliament and at the constituency level.
15. Although an understandable response to the expenses scandal and the recession, it is not axiomatic that cutting the cost of politics will enhance and be to the benefit of Parliament and our wider democracy. Prior to the emergence of these proposals there was already concern about a mismatch between the scrutiny mission of Parliament and its capacity to carry out that mission. The Hansard Society therefore recommends that, before proceeding with the reform, an audit of an MP's key roles and functions should be performed to assess what impact, if any, the reduction in numbers will have on key areas of activity: for example, on public bill committee membership and workloads; on select committee activity etc.
16. Unless a move to reduce the number of MPs is accompanied by a parallel commitment to reduce the size of the Government's payroll vote, it will merely enhance the executive at the

⁸ A. Brazier, S. Kalitowski & G. Rosenblatt with M. Korris (2008), *Law in the Making: Influence and Change in the Legislative Process* (London: Hansard Society), p.203.

expense of the legislature by reinforcing the power of the frontbench in proportion to the overall size of the House of Commons.

17. Reducing the number of MPs may cut the overall financial cost burden of Parliament. However, it is not a certain outcome. Many MPs will have larger constituencies and therefore a larger constituency postbag. If the redistribution of parliamentary seats is to adhere less to administrative boundaries than in the past then MP will also have to engage with more local stakeholders than is currently the case – for example working with two, perhaps even three or more district councils, Primary Care Trusts, local education authorities etc. Cumulatively this will require more time and resources and will therefore have some cost implications.
18. Increasing the size of an MP's constituency also runs counter to what the public say they want from their politicians – more locally rooted members, concentrating on local constituency issues, working with a strong local focus.⁹ The bigger the size of the constituency the less 'local' they will be. This effect will likely be accentuated by the re-drawn constituency boundaries deviating further from traditional administrative, geographical and social boundaries in order to meet the 5% quota rule.
19. The Hansard Society is concerned that reducing the number of MPs will have significant knock-on effects for women's representation in the next House of Commons. If 50 MPs are removed at the next election then politically the parties will be under pressure, locally and nationally, to offer alternatives to those members affected, through, for example, prioritisation in selections in seats where members are retiring. Our concern is that this will make it more difficult for the parties to prioritise the selection of women candidates in winnable seats and therefore limit any possibility of increasing the number of women MPs at the next election.
20. When the Deputy Prime Minister gave evidence to the Committee prior to the summer recess he indicated at the end that he would ask his officials to conduct a gender audit of the government's political and constitutional reform programme to meet obligations under its equalities duty. This report should also make clear how the reform programme fits with the recommendations of the Speaker's Conference on Parliamentary Representation. The Hansard Society recommends that the Government should publish the results before the second reading debates in order to inform MPs' thinking on these issues as they begin the process of scrutinising the legislation.

Fixed Term Parliaments

21. As a matter of principle the proposed reduction in the prerogative power and the constraining of a Prime Minister's freedom of action with regard to the calling of a general election is to be welcomed.
22. However, the decision to fix the term of a parliament at five years rather than the more normal four year terms found in other countries would set the UK apart. As with other aspects

⁹ See Hansard Society (2010), *Audit of Political Engagement 7* (London: Hansard Society), p.93.

of the reform programme, the Hansard Society is concerned that adherence to principles of good democratic practice could be over-looked.

23. The bill as currently drafted would allow the Prime Minister, in special circumstances, to alter the date of a general election by two months either way of the fixed term through an affirmative Statutory Instrument. However, what might constitute ‘special circumstances’ is not defined.
24. The government proposes to entrench the two-thirds threshold vote for dissolution in the legislation itself. Provision for the change in Standing Orders might be both sufficient and more appropriate.
25. If a fixed term is introduced then the onus should be on the Government to ensure better management of the legislative timetable thus avoiding the need for the ‘wash-up’ at the end of each session. (A copy of our recent *Parliamentary Affairs* article on the parliamentary wash-up is attached for your information on this point.)
26. The Hansard Society has concerns that the legislation would bring about a substantial constitutional change but has not been through the consultation processes that are normally expected of constitutional bills. There has been no prior consultation process – green and white papers – to examine the policy implications prior to presentation of the bill and there has been no pre-legislative consideration of the bill in draft form. Given the key issues of concern – the length of the term itself and the two-thirds threshold for dissolution – the legislation would benefit from greater time and scrutiny. We recognise that there are serious time pressures with regard to implementation of the government’s proposals for a referendum and the equalisation of constituencies. However, no such time pressures exist with regard to the Fixed Term Parliaments Bill and this legislation should therefore have been subject to pre-legislative scrutiny.

3 September 2010

1. Introduction and Summary

- 1.1. The Association of Electoral Administrators (AEA) is the professional body representing the interests of electoral administrators in the United Kingdom. Details about the AEA can be found in the Appendix to this paper.
- 1.2. This paper sets out the AEA's comments on the implications for electoral administration of the proposals currently before the UK Parliament. The AEA's primary concern is about the scale and speed of the reforms set out in the *Parliamentary Voting System and Constituencies Bill* without the root-and-branch review of the electoral process we recommended in our post-election report.
- 1.3. There is insufficient time to properly assess the impact of the provisions in the Bill and in particular to scrutinise the detail of the rules for the referendum and for the alternative vote system.
- 1.4. It is unlikely that the Bill and supporting secondary legislation will meet the six months' rule set out by Gould.
- 1.5. There will be a significant level of complexity arising from the decision to hold the referendum on the same day as national elections in Scotland, Wales and Northern Ireland, and local government elections in England and Northern Ireland.
- 1.6. The impact on both the administration of the polls and the various counts, and the potential for voter confusion should not be underestimated.
- 1.7. It is essential that the amounts (and any assumptions) and the guidance as to the fees and charges for the referendum should be confirmed as early as possible.
- 1.8. The proposals contained within the Bill regarding changes to the way in which UK Parliamentary boundaries are reviewed would undoubtedly bring about the creation of many more constituencies that cross local government boundaries. This would add considerable complexity to the arrangements for the conduct of UK Parliamentary elections in the future.
- 1.9. The AEA welcomes the certainty for planning purposes that would result from the introduction of fixed-term UK Parliaments.

1.10. The AEA strongly urges the UK Government to use this opportunity to review the length of the UK Parliamentary election timetable.

2. The Parliamentary Voting System and Constituencies Bill

2.1. The *Parliamentary Voting System and Constituencies Bill* (subsequently referred to in this paper as “the Bill”) would, if passed, introduce significant changes to the electoral process in the United Kingdom. The AEA is extremely concerned about the speed with which these significant reforms are being introduced without the root-and-branch review of the electoral process that we recommended in our post-election report, *Beyond 2010: The future of electoral administration in the UK*¹⁰.

2.2. Whilst the AEA recognises that the provisions contained within the Bill do not meet the Cabinet Office criteria¹¹ to trigger an Impact Assessment, the UK Government and the UK Parliament should not underestimate the impact of these proposals on electoral administration at a time when local authorities are facing significant cuts in budgets and resources.

2.3. Further, the AEA is concerned about the timescales for the drafting, scrutiny and passage of the legislation currently before the UK Parliament and the impact of these issues on the implementation of the new provisions, particularly in respect of the proposed referendum.

2.4. The AEA firmly supports the principle set out by Gould¹² that, except in cases of unforeseen emergencies, changes to election law should not be applicable to any elections within a six-month period from the date the legislation comes into effect.

2.5. The proposed date for the poll at the referendum is 5 May 2011 and, if passed, the Bill requires the referendum to be run on that date. There is no provision in the Bill as currently drafted for any kind of postponement in the event of an emergency. The AEA assumes that in the event of extreme circumstances requiring the date of the referendum to be moved, further legislation would have to be passed by the UK Parliament to achieve this.

2.6. 5 May 2011 is also the scheduled date for the polls at the elections to the Scottish Parliament, National Assembly for Wales, Northern Ireland Assembly, local government elections in England, including most of the parish and town council elections and some mayoral elections, and it is likely that there will be local

¹⁰ Beyond 2010: the future of electoral administration in the UK, http://www.aea-elections.co.uk/downloads/reports/aea_election_report_final_PUBLICATION.pdf

¹¹ http://www.cabinetoffice.gov.uk/making-legislation-guide/impact_assessment.aspx

¹² http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/23_10_07_votereport.pdf

government elections in Northern Ireland. In addition, there is the possibility of the polls at Mayoral referendums in England and local government by-elections across Great Britain also being held on this date.

- 2.7. The AEA continues to be concerned about the trend for holding different electoral events on the same day, particularly where there are different voting systems and franchises in operation. Whilst we recognise the political and economic interest in doing so, the impact on voters and on the administration of polls should not be underestimated and careful consideration of these should inform the planning and the delivery of the various electoral events.
- 2.8. The potential for voter confusion and the additional workload in dealing with public enquiries arising from these different combinations of electoral events on the same day held on different franchises and operating different voting systems should not be underestimated. It is likely that returning officers would need to reduce, where practicable, the number of electors allocated to each polling station. This would increase the number of polling stations with a corresponding increase in the number of polling staff to ensure that the polls run efficiently and that adequate help is available to voters on polling day. These additional costs would need to be funded.
- 2.9. In addition, there would need to be a coordinated programme of voter education to support voters in understanding how to participate in the various elections and the referendum and the choices that they would be asked to make at the polls.
- 2.10. The Bill currently does not include provision for changing the arrangements regarding the close of poll to give effect to the recommendation by the Electoral Commission that electoral legislation should be changed to allow eligible voters present in the queue at the close of poll to be able to vote. If the UK Government intends to give effect to this recommendation in time for the elections in 2011, an early indication of this intention is essential.
- 2.11. Given the level of complexity outlined above, statutory officers need to begin planning now. However, to do so would be on the basis of a Bill that may or may not be passed, or that may be passed less than six months before 5 May 2011, and that is likely to be subject to amendment during its passage. The secondary legislation needed to set out the detail of the arrangements for the combination of polls and the fees and charges order setting out the funding available to deliver the referendum cannot be made until after the Bill has been passed by the UK Parliament. This is not the best way to achieve the professional conduct of electoral events that we believe the voters of the UK deserve and that electoral administrators want to deliver.
- 2.12. In addition, there must be clarity as to the proposed timetabling for the counts at the various electoral events, and particularly as to the proposed timing of the referendum count. If the referendum count is to take place at a time after the counts at the other

elections, it is vital that a realistic time is agreed for the start of the referendum count which recognises the length of time that is likely to be needed for those other counts.

3. The structure and funding for the administration of the referendum

- 3.1. The AEA notes that the Bill provides for the referendum to be conducted on local authority areas, through reference to “voting areas” in Clause 5, *Interpretation*, which refers to “a relevant area in Great Britain within the meaning of Part 7 of the 2000 Act¹³ (see section 128(9) of that Act), or Northern Ireland”. The AEA supports this arrangement for England. The AEA understands that Cabinet Office officials are considering putting forward amendments to the Bill to determine appropriate and workable arrangements for “voting areas” in Scotland, Wales and Northern Ireland.
- 3.2. The AEA welcomes the proposals within the Bill for the fees and charges for the referendum to be on the basis of an “overall maximum recoverable amount” allowing for flexibility within that amount. Whilst we recognise that the funding arrangements, guidance and payment of any advances could not be delivered until the Bill receives Royal Assent, it is vital that arrangements are put in place to ensure that these are delivered as soon after that point as possible.
- 3.3. Further, the impact of any proposed directions by the Chief Counting Officer on costs and resources needed to deliver the referendum and the other elections taking place on 5 May 2011 will need to be factored into the funding assumptions. It is essential that there is clarity as to which level of Government is to meet any such costs where such directions impact on or affect other elections.

¹³ The *Political Parties, Elections and Referendums Act* (PPERA) 2000.

4. The referendum ballot paper and other prescribed forms

4.1. The AEA has submitted a formal response to the consultation by the Electoral Commission on the intelligibility of the referendum question¹⁴.

4.2. The AEA understands that the Electoral Commission plans to design all of the prescribed forms for use at the referendum and any combined polls, and to user-test these forms. It is essential that there is early clarity as to the format of all forms to be used at the referendum and other polls. Using the Gould principle of six months, we strongly recommend that the forms are available by the end of October 2010. Further, it is essential that there is clarity about any requirement to use the Electoral Commission's forms for the other elections.

4.3. Schedule 1, paragraph 3(4) of the Bill refers to the possibility of "two or more forms of ballot paper" being used in the referendum. There is, however, only one form of ballot paper prescribed in Schedule 2 of the Bill and we are currently only aware of one referendum question to be put before voters. Therefore, the erroneous wording should be removed from the instances where it appears in the Bill¹⁵, or the UK Government should clarify whether there is to be a further question and a separate ballot paper. If the latter is the case, this would have a profound impact on the administration of the various polls proposed for 5 May 2011 and the AEA will want to review its position regarding the combination of those polls.

5. The administration of the alternative vote system

5.1. The AEA recognises the importance of having clarity on the face of the Bill about the electoral system on which people may be asked to decide in the referendum.

Therefore, we understand the rationale for including the proposed amendments to the Parliamentary Election Rules (PER) that would be needed to operate the alternative vote system. However, it is the AEA's view that the administrative detail (the Rules for the conduct of elections) should be set out in secondary legislation so that those Rules can be amended more quickly should errors or defective drafting be discovered or required improvements identified. In addition, this would have given more time for proper consideration of the detail of processes and procedures.

5.2. The wording of new rule 45A (inserted into the PER by clause 7 of the Bill) which contains the process for counting the votes using the alternative vote system is less than clear. Given that the purpose of the rules is to set out the process that Returning Officers and electoral administrators would be required to follow, it is unfortunate that these are not in plain language. Equally, this does not fulfil the intention of providing clarity about the alternative vote system being proposed. The AEA recommends that

¹⁴ http://www.aea-elections.co.uk/downloads/intelligibility_referendum_question_aea_response.pdf

¹⁵ It also appears in Schedule 2, paragraph 41(6). There may be other instances.

the UK Government brings forward an amendment to set out the process more clearly in the legislation.

5.3. The count process as contained in the Bill currently assumes manual counting of the votes at UK Parliamentary elections conducted under an alternative vote system. Given the current requirement to commence the counting of the votes at a UK Parliamentary general election within four hours of the close of the poll, the AEA would be interested to know what work the UK Government has undertaken to establish how long alternative vote counts are likely to take and any assessment of the impact on staffing and venue requirements.

6. The implications for electoral administration of the proposals to reduce the number of UK Parliamentary constituencies and equalise the size of those constituencies

6.1. The new approach to reviewing UK parliamentary constituency boundaries with its emphasis on numerical equality according to the “quota” set out in the Bill would undoubtedly bring about the creation of many more constituencies that cross local government boundaries.

6.2. A key factor adding to the complexity of the UK Parliamentary General Election in May 2010 was that of coordinating across local authority boundaries in UK parliamentary constituencies comprising more than one local authority area or part thereof. This impacted on all aspects of the planning and management of resources and the processes to be used. It also complicated issues relating to customer service.

6.3. The relevant statutory officers, including the Electoral Registration Officers and Returning Officers for the different elections need to work together to achieve a single outcome; the effective conduct of the elections. The level of planning and coordination required is substantial and urgent work needs to be undertaken to understand the likely scale of the impact on the resources and costs for future General Elections.

6.4. While the AEA is committed to developing and sharing good practice on cross-boundary working amongst its membership, it is also important that legislators and the Boundary Commissions consider the administrative impact of the proposed new approach and seek to achieve, in as many cases as possible, coterminosity with local government boundaries. Electoral areas need to function as administrative entities as well as representative ones.

7. The implications for electoral administration of the proposals to establish fixed-term UK Parliaments of five years

- 7.1. Currently, the date of the UK Parliamentary General Election is not fixed and the election can be called at any time. This has a significant impact on the planning and contingency arrangements that Returning Officers must have in place to deal with the uncertainty around timing. The AEA welcomes the UK Government's proposal for fixed-term UK Parliaments in that it will bring certainty for planning purposes.
- 7.2. However, the *Fixed-term Parliaments Bill* states in clause 1(2) that the "polling day for the next parliamentary general election after the passing of this Act is to be 7 May 2015". This is also the date fixed for elections to the Scottish Parliament in 2015. Given the different electoral systems that will be used for the two elections (First past the post (FPTP) or Alternative Vote (AV) and Additional Member System (AMS) respectively), the proposition does not take account of the recommendations made by Gould that elections with different systems should not be held on the same day.
- 7.3. In addition, in 2015 there are scheduled elections to the National Assembly for Wales (AMS), Northern Ireland Assembly (Single Transferable Vote (STV)) and local government elections in Northern Ireland (STV). The same issue will apply to the large number of local government elections in England scheduled for that date if the UK Parliamentary General Election is held on an AV system.
- 7.4. The introduction of fixed-term UK Parliaments would present an opportunity for a wider consideration of electoral cycles to establish more consistent and workable arrangements.
- 7.5. The AEA is concerned that the *Fixed-term Parliaments Bill* retains the 17-day statutory election timetable for UK Parliamentary general elections and so does not address the many issues raised in our post-election report regarding the impact on the administration, integrity and service to voters of the shortness of the current timetable. In our report we strongly recommended that the timetable should be extended to 30 days, that timetables across all elections should be consistent, and that the various deadlines within the timetable should be reviewed. The move to fixed-term UK Parliaments would offer a real opportunity to make these changes.
- 7.6. In addition, the proposed introduction of fixed-term UK Parliaments offers an opportunity to put in place a planned approach to funding with early confirmation of the fees and charges for the election and timely guidance.
- 7.7. The *Fixed-term Parliaments Bill* contains provisions to enable the Prime Minister to alter the date of the general election within a two-month period before and after the scheduled date. The *Explanatory Notes* to the *Fixed-term Parliaments Bill* (paragraph 14) indicate that this provision is intended to cover emergencies such as was the case with foot-and-mouth in 2001. The AEA is content that the use of a statutory instrument requiring approval by both Houses of the UK Parliament would give sufficient scrutiny of the reasons for the alteration and also provides sufficient

certainty about the degree of alteration, allowing for appropriate contingency plans to be drawn up in advance and brought into effect by Returning Officers.

7.8. The *Fixed-term Parliaments Bill* proposes that a general election could be called if there was a vote for a motion expressing no confidence in the Government, requiring two thirds of MPs to vote in favour of that motion, and if 14 days then pass without a motion by the House of Commons expressing confidence in any new Government. We are unclear if this latter motion would also be subject to the “two thirds” threshold contained in clause 2, (1)(c).

7.9. The AEA notes that the dissolution of the UK Parliament would not automatically follow immediately after the triggering events set out in clause 2, but, as outlined in the *Explanatory Notes* (paragraph 19), “can be timed so that, for example, essential business can be completed or the date of the election can be set to fall on a Thursday”. We welcome the clarity that this will provide in such circumstances in order that Returning Officers and electoral administrators can amend their plans for the conduct of the election, and so that timely information can be provided to the public about participating in the election.

1 September 2010

Summary

- We recommend that the UK Parliament adopts a fixed term, but feel this should be for four years rather than five. Measures should be taken to ensure that UK and Scottish Parliamentary elections do not occur on the same date.
- We recommend including a proportional electoral system (preferably either STV or AMS which already work well in Scotland) as part of the reform proposals and as an option in a referendum.
- We recommend the UK Parliament's size remain at 650 MPs, but if a reduction is pursued that this does not disproportionately affect Scotland's allocation.
- We recommend that the most important factor in determining constituency boundaries should be keeping together 'natural communities' (such as towns or local authority areas), with an equal number of voters in each constituency being of secondary importance.
- We recommend that a national referendum on the proposals should not take place on the same day as the Scottish Parliamentary elections.
- We recommend the minimum age for voting in all elections and referendums be lowered to 16.

1. Background to SYP

- 1.1 Our vision is of a stronger, more inclusive Scotland that empowers young people by truly involving them in the decision-making process.
- 1.2 The Scottish Youth Parliament (SYP) is democratically elected to represent Scotland's youth. We listen to young people, recognise the issues that are most important to them, and ensure that their voices are heard.
- 1.3 In working towards our aims, we support the following values:
- 1.4 **Democracy** – All of our plans and activities are youth-led, and we are accountable to young people aged 14-25. Our democratic structure, and the scale of direct participation across Scotland, gives us strength and sets us apart from other organisations.
- 1.5 **Inclusion** – We are committed to being truly inclusive. The Scottish Youth Parliament believes that all young people have a right to a voice, it doesn't matter who we are or where we come from. We celebrate our diversity.
- 1.6 **Political independence** – We are independent from political parties. Only by working with all legitimate political parties can we make progress on the policies that are important to young people.

- 1.7 **Passion** – We believe that drive and energy are key to successful campaigning. We are passionate about the key issues and believe that young people are part of the solution, not the problem.

2. Introduction and Context of Response

- 2.1 The Scottish Youth Parliament welcomes the opportunity to respond to the Voting and Parliamentary Reforms Committee’s inquiry. Engaging young people in the political process is of great importance to the SYP. Through our work we strive to enable young people to raise their voices and for their views to be listened to by those in decision-making positions.
- 2.2 We feel that reforms to the democratic process are necessary. In 2009, the SYP resolved to mount a national campaign for the voting age to be lowered from 18 to 16. As part of this campaign, young people across Scotland were involved in lobbying, marching and petitioning for the cause. As part of the campaign, we also explored with our Members (MSYPs) what actions would help young people participate in the political process.
- 2.3 This response draws on some of our findings from that process as well as the specific proposals. For the current proposals brought forward by the UK Government as outlined by the Deputy Prime Minister in July, we consulted with 72 of our MSYPs and other young people in Scotland. Our recommendations are based directly on the views expressed by the young people taking part in our consultations.

3. Fixed-Term Parliaments

- 3.1 In our consultation with young people, a significant majority (76.4%) were in favour of establishing a fixed term for the duration of a UK Parliament, with 23.6% supporting the status quo with election dates at the discretion of the Prime Minister.
- 3.2 The majority of respondents favouring elections being held on fixed dates would support a four-year term for Parliament, rather than the five years set out in the UK Government’s proposals. Of those supporting fixed-term Parliaments, 74.5% stated a preference for elections every four years, with 18.2% supporting five-year terms. A small number of other individual respondents favoured a five year term, with the caveats that a vote of no-confidence by a majority of MPs should trigger an election or that the fixed term should be shorter, such as two or three years.
- 3.3 As the Scottish Parliament has a fixed four year term, there is the potential for the dates to coincide if the UK Parliament also moves to a fixed term. A majority of respondents (62.5%) felt that UK and Scottish Parliamentary elections should never be held on the same day.
- 3.4 Several of those respondents cited voter confusion, both in terms of the issues that led to a record level of spoilt ballots in the 2007 Scottish Parliament and local authority elections which were held simultaneously under different electoral systems, but also in terms of the issues at stake. One respondent felt that there should be “*a clear distinction*” between the elections, with another commenting that “*people need to be able to focus on the election in hand, the issues that surround that election and the*

manifestos being actioned. A mix of local, national and UK at the same time could cause both confusion and, as we have seen, disarray!”

- 3.5 A minority of respondents (29.2%) were unconcerned by the possibility of the elections falling on the same day, feeling that the public would be able to distinguish between the two elections. One respondent felt that in the event of election cycles coinciding they should be held on the same day, and should be extended to elections to the European Parliament and local Councils. Another commented that “*[the public] can distinguish between two or three ballot papers. By the same token, it is not necessary to demand it is on the same day. It should be dependent on factors other than that.*”
- 3.6 A smaller minority of respondents to our consultation (8.3%) thought that elections to the UK and Scottish Parliaments should always be held on the same day, with most of these citing a potential increase in turnout, or simplifying logistics (such as only having to close schools that are used as polling stations) as the reasons for this stance.
- 3.7 ***We recommend that the UK Parliament adopts a fixed term, but feel this should be for four years rather than five. Measures should be taken to ensure that UK and Scottish Parliamentary elections do not occur on the same date.***

4. Changing the Electoral System

- 4.1 We asked respondents what the electoral system for the UK Parliament should be, in light of proposals to present the Alternative Vote (AV) as an option for change in a referendum.
- 4.2 Those supporting First Past the Post (29.2%) cited simplicity for voters and a preference for majority governments as their main reasons for their position, with one respondent commenting that “*the fact is that with [AV] you are more likely to get unstable, indecisive coalition governments instead of decisive and long lasting majority governments. Another point for keeping FPTP is that it is easier for the voter, they simply have to put a cross by the candidate of their choice.*”
- 4.3 A smaller number (19.4%) would favour a change to AV. Among those, respondents cited a number of reasons for their support including perceptions that it has worked well in other elections, “*a step in the right direction*” and being “*more modern and up-to-date*”. There was however a great deal of uncertainty and misconceptions about AV, including whether it was a proportional system, and confusion between it and the systems in use for elections to the Scottish Parliament (Additional Member System) and Scottish local authorities (Single Transferrable Vote).
- 4.4 There was a substantial level of support for a proportional electoral system to be used for Westminster, with 47.2% of respondents preferring this outcome to either FPTP or AV. One respondent was of the view that “*we cannot have a situation like we had in Scotland [at the 2010 General Election] where one party gets 40% of the votes yet almost 70% of the seats, while another wins 20% of the vote, but only 10% of the seats!*” Another stated that “*the only voting system that is truly democratic and still delivers effective and real constituency links is the Single Transferrable Vote.*”

- 4.5 Scotland currently uses different methods for all four levels of elections (House of Commons, Scottish Parliament, European Parliament, local councils) which appear to have given young people an awareness that different electoral systems exist, function in different ways and produce different outcomes. However, this does give rise to confusion as to whether the proposals for a change in the electoral system are change to one of the alternative systems that are in operation for other legislatures.
- 4.6 ***We recommend including a proportional electoral system (preferably either STV or AMS which already work well in Scotland) as part of the reform proposals and as an option in a referendum.***

5. Reducing the size of the House of Commons

- 5.1 We consulted our respondents on the Government's proposals to reduce the size of the House of Commons, using a reduction from 650 to 600 MPs for the UK as a whole and from 59 to 52 for Scotland as an illustration.
- 5.2 Exactly a quarter of respondents were in favour of a reduction to 600 with 9.7% feeling that it should be reduced to a smaller amount than 600. The largest grouping (44.4%) were in favour of the Commons staying at its current size (650 MPs), with 11.1% supporting an increase on this number.
- 5.3 Supporting the proposed change, respondents cited a desire to cut the costs to the taxpayer. One respondent commented that *"it is important that we start to reduce expenditure in a time like this to get the economy moving and that will mean there will need to be changes in Parliament."* Others were particularly concerned about Scotland's representation, with one voicing the opinion that *"Scotland has too many MPs, and it does not reflect the size of the country compared to the rest of the UK."* A number of other respondents took the opposite view, feeling that if there was a reduction Scotland should retain its current entitlement.
- 5.4 Other respondents did not support a change, with reasons for their stance including concerns that local representation would suffer, and that having only just changed from 646 to 650, a further change was unnecessary. Others felt that it was an attempt to improve the position of the governing parties or that it was an overreaction to public disquiet over MPs expenses. One respondent felt that that *"this is a reactionary change forced on us by the government's desperation to be seen to be taking action over expenses. This is an unnecessary and retrograde step."*
- 5.5 ***We recommend the UK Parliament's size remain at 650 MPs, but if a reduction is pursued that this does not disproportionately affect Scotland's allocation.***

6. Equalising the size of Parliamentary Constituencies

- 6.1 We explored respondents' opinions on what should be taken into account when Parliamentary constituencies are drawn up, particularly with regard to whether having the same number of voters in each should be the most important factor.
- 6.2 The majority of respondents (58.3%) felt that while it was an important consideration, it was not the most important factor. The most common factor that

respondents thought should be given more weight is to ensure that ‘natural communities’ are represented. One respondent was of the view that *“it’s much more important that the boundaries make geographical, rather than numerical, sense. It should be about communities.”* Another commented that *“it’s more important to group people by community and local area (so that an MP isn’t representing a very rich community with a very few households [or] vice versa. Population is a secondary factor.”*

- 6.3 Other concerns over imposing a strict numerical quota for each constituency were that rural voters would be ‘drowned out’ by being couple with an urban area, or be in a geographically vast constituency, and would *“suffer unfairly”* as a result.
- 6.4 A smaller group of respondents (20.8%) thought that equalising the number of voters should be the most important factor. One respondent commented that *“having an equal number of voters means that every voter is equally represented which is how democracy should work.”* Another felt that giving geography prominence could lead to some constituencies having twice as many voters as others, a situation which they likened to the *“rotten boroughs”* of the eighteenth century.
- 6.5 A small minority of respondents (15.3%) felt that have an equal number of voters was not important at all, with 5.6% unsure.
- 6.6 ***We recommend that the most important factor in determining constituency boundaries should be keeping together ‘natural communities’ (such as towns or local authority areas), with an equal number of voters in each constituency being of secondary importance.***

7. A National Referendum

- 7.1 In light of the proposed national referendum on the proposals we asked our respondents about the timing of it, as well as how they would cast their vote, if it were held today and assuming they were eligible to vote.
- 7.2 The proposed timing as set out by the UK Government would see the referendum held on 5th May 2011, the same days as elections to the Scottish Parliament are scheduled. More than two-thirds (68.1%) felt that the referendum and the election should not be held on the same day, with some using powerful language to express their concern. One felt that it *“would undermine the Scottish elections”* with others feeling that it would *“belittle”* both events, and that it *“shows very little regard for Scotland and its politics.”*
- 7.3 Others were concerned about the potential for confusion between the campaigns and the choices presented to voters in the polling booth, with similar arguments to those used to caution against elections to Westminster and Holyrood being held on the same day. A minority (18.1%) felt that holding both ballots on the same day was a good idea, as it would save money and lead to a greater turnout. 13.9% of respondents felt that ‘it didn’t matter either way’ whether the election and referendum were to be held on the same day or not.

7.4 When our respondents were asked how they would vote in a referendum, the results were extremely close with 34.7% indicating they would vote to agree with the proposals as a whole, 33.3% disagreeing and 30.6% stating that they would vote but haven't made up their minds in which direction they would cast their ballot. Encouragingly, just 1.4% said they would not vote in a referendum.

7.5 *We recommend that a national referendum on the proposals should not take place on the same day as the Scottish Parliamentary elections.*

8. Lowering the Voting Age

8.1 In 2009, the Scottish Youth Parliament (SYP) resolved to mount a national campaign for the voting age to be lowered from 18 to 16. As part of this campaign, young people across Scotland were involved in lobbying, marching and petitioning for the cause.

8.2 One of the SYP's core beliefs is that young people should be involved in making every decision that affects them and we work to support young people to make their voices heard by campaigning on issues that matter to them and speak to the politicians that make those decisions.

8.3 We also have a firm belief that one of the best ways of getting involved in making decisions is through the ballot box. Through the SYP's work we've seen many capable, confident and well-informed 16 and 17 year olds who have a real interest in politics, but are unable to play their full part as citizens by exercising their democratic rights on election day.

8.4 For us, it's an issue of fairness. In Scotland 16 and 17 year-olds can sign up for the armed forces while not having the right to have their say at the ballot box on defence policy. They can leave school, get a job and be taxed without being represented at Westminster or Holyrood. The SYP firmly believes it's a real injustice that under 18s are considered mature and responsible enough to get married or drive a car, but not mature and responsible enough to choose who they want to represent their communities.

8.5 The idea of votes at 16 is not a new one and has been championed by a number of organisations such as Barnardo's, Unison, the National Union of Students and the youth parliaments of Wales and the UK as well as SYP. The politicians are catching on too – lowering the voting age to 16 is stated party policy of four of the five parties represented at Holyrood (SNP, Labour, Liberal Democrats and Greens).

8.6 The policy is becoming popular around the world. In 2006 the Isle of Man decided to extend the franchise to 16 and 17 year olds, followed swiftly by Jersey and Guernsey and following the overwhelming success of the policy in local elections, Austria extended votes at 16 to the national parliament. 16 year old Brazilians, Ecuadorians, Cubans and Nicaraguans have the basic right to vote, with Germany experimenting with the idea in local elections. 16 and 17 year olds are amongst Scotland's brightest and most creative citizens, and the SYP believes they should be allowed to raise their voice in all elections.

8.7 Most importantly, our belief is based on the views of young people. Three years ago, when we were creating our manifesto by and for young people, 'Our Scotland' we asked more than 6,000 young people from all areas of Scotland whether they agreed that the voting age should be lowered to 16 for all elections. It was backed by a majority, was included in the manifesto and was the focus of one of our main campaigns. We are currently consulting with 15,000 young people in preparation of our 2011 youth manifesto and are once again seeking young people's backing for the cause.

8.8 ***We recommend the minimum age for voting in all elections and referendums be lowered to 16.***

3 September 2010