



The election of a Speaker

Standard Note: SN/PC/05074

Last updated: 29 May 2009

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Section: Parliament and Constitution Centre

The need for an election of a Speaker can arise in a number of circumstances:

- The meeting of a new Parliament
- The death or retirement of the Speaker
- The Speaker ceasing to be a Member for any other reason

Thus there will always be an election of a Speaker at the start of a new Parliament, whether or not the Speaker in the previous Parliament has been returned as a Member. If the previous Speaker has indicated a wish to continue in post, custom and practice indicates that such an election has been purely formal. However, Standing Orders note that the question could be negatived. Even the election of a new Speaker (whether at the start of a new Parliament or during a Parliament) will not result in a contested election, if there is only one candidate before the House.

Following the election of Speaker Martin in October 2000, using a procedure that was adopted in [1972], the Procedure Committee conducted a review of the process. It recommended a new procedure involving a secret ballot for the election of a new Speaker.

Further information on the 1972 procedure is available in the Library Research Paper [Election of a Commons Speaker \(2nd Edition\)](#), 19 March 2001.

This note briefly reviews the election of the Speaker in 2000, the Procedure Committee's review, and the House decision to adopt the Procedure Committee's recommendations.

The new procedure has not yet been used in the House of Commons. It is expected to be used on 22 June 2009 to elect a new Speaker, following Speaker Martin's announcement that he will relinquish the Office of Speaker on 21 June 2009.

Similar procedures have been used in Kenyan National Assembly to elect its new Speaker in January 2008. Procedures involving ballots are used in Canada and Australia. All are discussed in the final section of this note.

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1 Introduction

In October 2000 Speaker Martin was elected using procedures that were adopted by the House following a previous review by the Procedure Committee, in 1972.¹

There was some concern about this procedure and the Procedure Committee undertook an inquiry, publishing a report in February 2001.² It highlighted this in the opening paragraphs of its report, *Election of a Speaker*:

1. On 23 October 2000 the House elected Mr Michael Martin as its Speaker, in succession to Miss Betty Boothroyd. Twelve Members of the House put themselves forward as candidates and the electoral process attracted considerable media attention. There was much disquiet expressed both inside and outside the House about the supposed shortcomings of the current process.

2. In view of this disquiet, we decided to conduct a fundamental review of the mechanism by which the House chooses its Speaker. We took the view that it was important that the House should be given an opportunity to decide on any proposed new system before the end of this Parliament, which meant in effect before a possible Dissolution in Spring 2001.

The Committee “put forward an integrated proposal for a new system based on a ballot” and set out “step by step how it would work”. A fuller description of the Committee's

¹ HC Deb 8 august 1972 cc1661-1685; Procedure Committee, *Election of a Speaker*, HC 111 1971-72; the Procedure Committee looked at the matter again in 1996, in the context of initial proceedings at the start of a new Parliament [Procedure Committee, *Proceedings at the start of a Parliament*, May 1996, HC 386 1995-96]

² Procedure Committee, *Election of a Speaker*, 15 February 2001, HC 40 2000-01

recommendations is given in Section 3, after a brief review of the election of the Speaker in Section 2.

The House considered the Committee's report on 22 March 2001. It debated a motion, moved by Margaret Beckett, the then Leader of the House, that the House "approves the recommendations contained in the [Procedure Committee's Report]" and to amend its Standing Orders, by introducing new procedures for the re-election of the former Speaker (now Standing Order No 1A), and to elect a new Speaker by secret ballot (now Standing Order 1B). A copy of Standing Orders No 1A and No 1B is appended to this note.

The motion debated provided for a secret ballot in the election of a Speaker. In accordance with the Procedure Committee's recommendation an amendment was tabled to provide for an open ballot, to enable the House to decide whether or not the ballot should be conducted in secret: David Winnick moved the amendment "to leave out the word 'secret'".³ The amendment was rejected by 84 votes to 82;⁴ and the main question (to approve the Procedure Committee's Report and the new Standing Orders) was agreed to without a division.⁵ A fuller review of the House's decision on 22 March 2001 is given in Section 4.

On 19 May 2009 Speaker Martin announced his intention to relinquish the Office of Speaker to the House of Commons:

Mr. Speaker: Since I came to this House 30 years ago, I have always felt that the House is at its best when it is united. In order that unity can be maintained, I have decided that I will relinquish the office of Speaker on Sunday 21 June. This will allow the House to proceed to elect a new Speaker on Monday 22 June. That is all I have to say on this matter.⁶

On 20 May 2009 the Clerk of the House published a note for Members on the Ballot for the Election of the Speaker which describes the practical arrangements for the election. The note is available on the Parliamentary intranet.⁷

2 The election of 23 October 2000⁸

2.1 Events leading up to the election

The election of a new Speaker on 23 October 2000 was precipitated by Madam Speaker's announcement of her retirement, on 12 July. On the same day, the Leader of the House announced, briefly, how the election would proceed:

On the first day back after the recess, 23 October, there will be no Question Time and the only business before the House will be the election of your successor. That will take place under the chairmanship of the Father of the House, as provided in Standing Order No. 1.⁹

For the purposes of the election process, several consequences of the announced timetable in this particular case are of interest including:

³ HC Deb 22 March 2001 c515

⁴ HC Deb 22 March 2001 c538

⁵ HC Deb 22 March 2001 cc539-541

⁶ HC Deb 19 May 2009 c1323

⁷ See <http://intranet.parliament.uk/intranet/assets/note-members--election-of-speaker.pdf>

⁸ A fuller version of the review of the election of the new Speaker on 23 October 2000 is given in the Library Research Paper RP 01/30, *Election of a Commons Speaker (2nd edition)*, 19 March 2001

⁹ HC Deb 12 Jul 2000 Vol 353 c 869

- Madam Speaker's retirement as Speaker (and as a Member) "immediately before the House returns from the summer recess" meant that the election on 23 October would take place with no sitting Speaker
- The date of election being the first sitting day after the summer recess meant that there was a limited amount of parliamentary time available for discussion of the election process or any possible changes to the existing process.¹⁰

Members had raised questions and concerns about the election process through, for example points of order¹¹ and Early Day Motions. The main concerns appeared to be the limited opportunity for the House to consider the election process before the election date set, and the ability of the existing process to provide Members with a full and free choice of 'candidates'.

Tony Benn had proposed a ballot system for the election,¹² and had distributed a note which included a *draft* of a manuscript amendment he intended to seek the agreement of the Father of the House in the Chair at the start of business to move.

An unofficial 'hustings' was arranged by some Members for the morning of the election in a Commons committee room, and it is understood that some of the 'candidates' participated. Some 'candidates' had also issued statements (sometimes described as a 'personal manifesto') in support of their candidature.¹³

2.2 Proceedings on 23 October

The proceedings on 23 October,¹⁴ the first day after the summer recess, contained many contributions, from candidates, their proposers and seconders, and from other Members, discussion of the election process itself and the important parliamentary role of the

¹⁰ The House rose on Friday 28 July for the summer recess

¹¹ Such as those on 20 July (HC Deb Vol 354 cc 567-9), 24 July (HC Deb Vol 354 cc 790-1), 25 July (HC Deb Vol 354 cc 914-6) and 27 July (HC Deb Vol 354 c 1276). The matter also arose during Business Questions on 27 July (HC Deb Vol 354 cc 1241ff)

¹² See, for example, "Benn may change election of Speaker", *Guardian*, 18 October 2000, <http://www.guardianunlimited.co.uk/speaker/story/0,7369,384167,00.html>

¹³ The unofficial hustings was described in the debate on the Procedure Committee's report, when Robert Sheldon intervened during the course of Margaret Beckett's speech:

Mr. Robert Sheldon (Ashton-under-Lyne): I was very pleased to see the provision in paragraph (6) of the proposed Standing Order, because when my hon. Friend the Member for Pendle (Mr. Prentice) had a meeting in Committee Room 14, at which all the candidates were asked to speak, albeit only briefly, the proceedings were criticised for perhaps providing a hostage to fortune in trying to get votes for the candidature. I was asked to be the chairman and, having considered the matter, I thought that holding such a meeting was a sensible thing to do, and that if any candidate were to go beyond what was expected of a Speaker, it would be to their disadvantage--and so it proved.

Mrs. Beckett: I know that my right hon. Friend took part in those procedures. One of the concerns that was expressed--I speak from memory--on at least the previous two occasions of a Speaker's election, was that under our former procedures it was not necessarily the case that every potential candidate was heard. I know that that was part of the difficulty that my hon. Friend the Member for Pendle (Mr. Prentice) was seeking to overcome in the procedure to which my right hon. Friend referred. I think that it is one of the virtues of the proposals of the Procedure Committee that such a procedure would now allow all potential candidates to address the House without any being excluded. [HC Deb 22 March 2001 cc501-502]

¹⁴ HC Deb 23 October 2000 Vol 355 cc1-106

Speakership. The House met at 2.30, and the Father of the House, Sir Edward Heath, took the Chair. He explained the procedure for the day's business:

The House may be assisted if I make a short statement about the procedure this afternoon. The first business of the House must be to elect a Speaker. Under Standing Order No. 1, whenever it is necessary to proceed forthwith to the choice of a Speaker, it falls to the Member with the longest continuous service in the House to preside. It is also laid down that when a motion has been made that a certain Member do take the Chair, further nominations are to be made in the form of amendments to that motion.

The Standing Order therefore means that all I can preside over is the election of a Speaker by the means laid down in the Standing Order. Although that procedure may sound complex, it is exactly the same as that adopted by the House in deciding on any motion to which amendments are offered. First, the motion is moved. If there are amendments, they are then moved and decided on. Once an amendment has been carried, the main question, as amended, is put to the House for decision. If no amendment is carried and no more are forthcoming, the main question is put for decision. I hope that that will be helpful.¹⁵

Tony Benn then tried to move his motion to run the election by ballot.¹⁶

His proposal was supported by a number of Members from both sides of the House, citing, in particular the unusually large number of apparent candidates (12). Responding, Sir Edward said:

I quite understand the anxiety that many Members have about the present system. I not only understand but have considerable sympathy with it. On the other hand, I believe that my powers under the Standing Order do not extend to presiding over a debate and a decision on other possible methods of election. In any case, even if I had the authority to act in that way, I believe that we would become very confused if we tried to change the rules in the middle of our proceedings. However, as I am sympathetic to the concern of Members, there may be a way in which I can help without straining the limits of my powers.

It may assist the House if I announce in advance the order in which I shall call Members to propose candidates – that is, the order of all those who have notified me that they wish to take part in the debate. I do so with two provisos. First, if any amendment is carried and the main question as amended thereafter is agreed to, no subsequent amendments can be proposed. Secondly, the list that I am about to read out is not necessarily exhaustive. If no amendment moved by a Member whose name is on the list is carried, other Members may catch my eye to put forward other candidates.¹⁷

Members continued to press Sir Edward in favour of Mr Benn's motion, and Tam Dalyell asked Sir Edward how he had decided the order of candidates which he had just announced. Sir Edward replied:

It was done at my discretion. That has always been the case, but my predecessors have never announced in advance who has been chosen and where they are placed. I was hoping that my doing so would be helpful to the House.¹⁸

¹⁵ HC Deb 23 October 2000 c1

¹⁶ HC Deb 23 October 2000 cc2-3

¹⁷ HC Deb 23 October 2000 cc2-3

¹⁸ HC Deb 23 October 2000 c5

Further points of order followed, and Sir Edward responded:

Some of the complications of the proposed system are now emerging clearly. For us to go over to a new system will take considerable time and a great deal of investigation. What has been proposed so far as a simple solution is not simple at all. On the other hand, providing the names of those who wish to be considered and their proposers and seconders, as I have done, gives the House far more information than it has ever had in the past and provides a foundation for taking decisions today. Therefore, I cannot accept the proposals that have been made from various quarters. We should get on with our business, and I call Mr. Snape to propose Mr. Martin.¹⁹

After almost half an hour the election process itself began, and continued until approximately 9.15 (with a 15 minute break around 6pm). Michael Martin (Lab)²⁰ was proposed in the main motion, and the divisions on the amendments proposing other candidates were as follows:

	Aye - No
Sir Alan Haselhurst (Con) ²¹	140-345
Alan Beith (Lib Dem) ²²	83-409
Gwyneth Dunwoody (Lab) ²³	170-341
Sir George Young (Con) ²⁴	241-317
Menzies Campbell (Lib Dem) ²⁵	98-381
David Clark (Lab) ²⁶	192-257 ²⁷
Nicholas Winterton (Con) ²⁸	116-340
John McWilliam (Lab) ²⁹	30-309
Michael Lord (Con) ³⁰	146-290
Sir Patrick Cormack (Con) ³¹	130-287
Richard Shepherd (Con) ³²	136-282

All the amendments having been negatived, the main motion was put to the House, and on a division, Michael Martin was elected by 370-8.³³

Following a further suspension from 9.44pm to 11.18pm, the House went to the Lords to hear of the Queen's approval of their choice of Speaker, adjourning at 11.35pm.³⁴

¹⁹ HC Deb 23 October 2000 c8

²⁰ First Deputy Chairman of Ways and Means. Proposed by Peter Snape (Lab); seconded by Ann Keen (Lab)

²¹ Chairman of Ways and Means. Proposed by David Winnick (Lab); seconded by Peter Brooke (Conservative)

²² Proposed by Dafydd Wigley (PC); seconded by Jackie Ballard (LD)

²³ Proposed by David Davis (Con); seconded by a Cabinet Minister, Marjorie Mowlam, speaking from the back-benches (cc32-33)

²⁴ Who had stepped down as Shadow Leader of the House to be a candidate. Proposed by John MacGregor (Con); seconded by Helen Jackson (Lab)

²⁵ Proposed by Martin O'Neill (Lab); seconded by Derek Wyatt (Lab)

²⁶ Proposed by John Maxton (Lab); seconded by Joan Ruddock (Lab)

²⁷ The 'No' vote was originally declared as 296, but corrected at the end of the election process.

²⁸ Proposed by John Wilkinson (Con); seconded by Stephen Pound (Lab)

²⁹ Proposed by Jamie Cann (Lab); seconded by Helen Brinton (Lab)

³⁰ Second Deputy Chairman of Ways and Means. Proposed by Tom King (Con); seconded by Andrew Reed (Lab)

³¹ Who had stepped down as Shadow Deputy Leader of the House to be a candidate. Proposed by Gillian Shephard (Con); seconded by Tam Dalyell (Lab)

³² Proposed by Martin Bell (Ind); seconded by Tony Wright (Lab)

³³ HC Deb 23 October 2000 c96

³⁴ HC Deb 23 October 2000 c106

3 The Procedure Committee's February 2001 Report

The Procedure Committee announced its inquiry into the election process on 31 October 2000.³⁵ As well as taking evidence, it sent a questionnaire to all Members, and received 130 replies.

The Committee set out the object of any system of election of the Speaker as follows:

We have attempted not to lose sight of the fact that in the choice of Speaker, the outcome matters more than the details of the process. Our recommendations will be judged not merely by whether they enable the will of the House to be more effectively ascertained, but also by whether they assist the House to choose persons who will uphold the high traditions of the Speakership; in particular the paramount tradition of complete and transparent political impartiality. Our proposals are designed to achieve both of these ends.³⁶

The Committee made the point that, although it was recommending changes, it believed that the outcome of the election of Speaker Martin would have been the same regardless of the system used:

We conclude that some, though not all, of the criticisms of the present system of electing a Speaker are justified. We believe it is right to make a change, and to put before the House proposals for an alternative system. We also wish to put on record, however, our belief that the outcome of the election on 23 October 2000 would have been the same regardless of the particular electoral system employed.³⁷

The report also stated that the Father of the House had been correct to argue that his powers did not extend to presiding over a debate and decision on other possible methods of election:

35. We have no doubt that Sir Edward Heath acted correctly in declining to accept Mr Benn's proposed motion. Standing Order No. 1 grants the Father of the House during a Speakership election some of the usual powers of the Speaker. It is clear—both from the wording of the Standing Order itself and from the recommendations by the Procedure Committee in 1972 which it implements—that these powers are conferred solely in order to assist the Chair in conducting the election of a new Speaker according to the provisions of the Standing Order. It would be a perverse construction of that Order to suppose that it entitled the Chair or the House to proceed with a debate on setting aside the other provisions of the Order, or indeed with any other business.

36. Nevertheless, we understand the sense of frustration felt by many Members that the timing of the election last October did not allow the House at that time to conduct a debate on the rules governing the Speakership election. It is in order to allow the House to conduct that debate, and to do so on a well-informed basis, that we have carried out the present inquiry. We have sought to answer two questions. Is there a case for replacing the 1972 system of election? And if so, with what alternative system should it be replaced?³⁸

Perceived problems with the 1972 system were set out as follows:

³⁵ Procedure Committee, *Inquiry into the rules governing the election of the Speaker*, PN No. 13 of 1999-2000, 13 November 2000

³⁶ Procedure Committee, Second Report, *Election of a Speaker*, 13 February 2001, HC 40 2000-2001, para 4

³⁷ *Ibid*, para 3

³⁸ *Ibid*, paras 35-36

38. Some Members expressed themselves strongly about the perceived defects of the 1972 rules and how they operated on 23 October 2000. The chief argument advanced against the 1972 system was that the order in which Members are called by the Father of the House may help to determine the outcome, or at least may be perceived so to do; that this imposes an unfair burden on the Father of the House; and that Members accordingly have to make tactical decisions as to whether to vote for candidates higher up the 'list' who are not their first choice, in case a candidate is elected before a vote is taken on their first choice. Other criticisms of the 1972 arrangements were that they are unnecessarily complex, and that the process is unduly time-consuming.

39. A claim made by several witnesses was that the 1972 arrangements worked reasonably well in the context for which they were designed, that of an election involving at most two candidates, but that they broke down under the pressure of multiple candidatures. However, it was widely acknowledged that over a period of decades there has been a shift in the attitude taken by the House collectively which makes it increasingly unlikely that elections can be confined to a small number of candidates.³⁹

The Committee reached the following conclusions about the existing system:

(i) **No special veneration is due to the existing rules on grounds of antiquity or tradition.** Contrary to the assumption made by many Members and others, the existing, complex electoral system is of recent origin. It is only 28 years old, and replaced a system which was procedurally simpler (though one which had its own serious drawbacks). The election on 23 October 2000 was in fact only the second time on which a contest had been held under the 1972 rules.

(ii) **Not all the criticisms made of the existing system are justified. In particular, we do not consider that the length of time taken to elect a Speaker ought to be an over-riding factor.** The decision is a sufficiently important one to merit the House devoting a whole sitting day to it, when this is found to be necessary.

(iii) **The 1972 system is based on the assumption that the Government of the day and the 'usual channels' will operate behind the scenes in order to present the House with a single candidate, or at most a choice between two or three. Since at least 1983 it has become clear that this assumption is no longer correct.** It is clear that the House is no longer willing to entrust the choice of candidates to the party machines. This means that (except in the special circumstances of the start of a Parliament when the sitting Speaker has been returned to the House) multi-candidate elections are likely to become the norm.

(iv) **Where there are more than two candidates, the 1972 system is fundamentally flawed. The order in which candidates are called may indeed help to determine the outcome.** This weakness of the system was in fact disguised in the recent election because of the strength of support for Mr Martin (which made the Father of the House's decision to call his name first a relatively easy one), and because none of his challengers was able to command a majority of those voting, which meant that all challengers were able to have their support tested in a division. These are circumstances which may very well not recur. In a contest with no clear front-runner, a future presiding Member may well miscalculate the potential support for the various candidates, and the House may end up with a Speaker who has less support than some of his challengers whose names could not be put before the House. We note Mr Dalyell's claim that such circumstances may in fact already have arisen, in the 1992 election.

³⁹ *Ibid*, paras 38-39

It therefore recommended a new ballot-based system:

(vi) For the above reasons we accept the view of the great majority of our witnesses, and **recommend that the 1972 system for electing the Speaker be replaced by a ballot-based system.**⁴⁰

The report stated that the most difficult decision in relation to the new system was whether the ballot should be secret or open.⁴¹ Of the responses to the questionnaire sent to all Members, 86% supported a ballot-based system,⁴² and 63% supported a secret ballot.⁴³ On balance, the Committee recommended that the ballot should be secret, but that this question should be the subject of a specific and separate decision of the House:

60. We have considered carefully the arguments for and against a secret ballot. On balance, we are persuaded that the advantages outweigh the disadvantages. We note that over many years the House has regarded the election of its Speaker as an occasion quite apart from the usual run of parliamentary events, requiring special and unusual procedures. We do not believe there is any danger of setting a precedent which would be carried over into other areas of parliamentary activity. We also note the long-developing tradition that this pre-eminently is a matter for the House and not for the Government or the party leaderships, and believe that the institution of a secret ballot would represent a desirable culmination of that tradition. Finally, we note that major parliaments elsewhere in the world, both within and without the Westminster tradition, have regarded this procedure as appropriate to the election of their presiding officers. For these reasons **we recommend that the ballot be secret.**

61. We hope that the House will accept our recommendation. However, we are conscious that this is an issue on which there are strong views in the House on both sides of the argument. Although we have sampled the opinion of Members through our questionnaire and by taking evidence, we are not confident that we know what the majority view in the House is. We therefore recommend that **the question of whether the ballot be secret or open should be the subject of a specific and separate decision by the House.**⁴⁴

The Committee proposed no changes to the system of either the outgoing Speaker or Father of the House presiding over the election. It recommended that the Clerk should supervise the conduct of the ballot.⁴⁵ Other recommendations included the following:

- Each candidate's nomination should have the support of 12 other Members, of whom at least three should not be members of his or her party.⁴⁶
- There should be no formal role for manifestos or hustings, but they should not be formally prohibited.⁴⁷
- There should not be an automatic ballot at the start of a Parliament where a sitting Speaker seeking re-election to the Chair has been returned to the House.⁴⁸

⁴⁰ *Ibid*, para 44

⁴¹ *Ibid*, para 55

⁴² *Ibid*, para 37

⁴³ *Ibid*, para 59

⁴⁴ *Ibid*, paras 60-61

⁴⁵ *Ibid*, paras 46-47

⁴⁶ *Ibid*, para 48

⁴⁷ *Ibid*, para 52

⁴⁸ *Ibid*, para 76

The Committee had received a memorandum from the Electoral Reform Society (ERS) about the various possible voting systems. This had concluded that the two most suitable ones were the Alternative Vote (AV) system and the Exhaustive Ballot. The Committee summarised these systems as follows:

Under the AV system, voters rank candidates in an order of preference, putting '1' next to their first choice, '2' next to their second, and so on. If a candidate receives more than 50% of the first-choice votes, he or she is elected. If no candidate does so, the candidate with the least number of votes is eliminated and their votes redistributed according to the second preferences. The process of elimination and redistribution continues until one candidate receives more than half the votes or only two candidates remain.

Under the Exhaustive Ballot system, voters place an 'X' next to the candidate of their choice. If a candidate receives more than 50% of the votes, he or she is elected. If no candidate does so, the candidate with fewest votes, as in AV, is eliminated. However, unlike in AV, the House would then vote again on the reduced slate of candidates, and would continue doing so until one candidate receives more than half the votes or only two candidates remain.

The ERS set out four criteria for assessing the fairness of a Speakership electoral system:

- (i) the winning candidate should have the support of more than 50% of those voting;
- (ii) Members should be able to vote for the candidate of their choice without fear of their vote being wasted;
- (iii) all candidates should be treated equally; and
- (iv) the procedure should be transparent and efficient.⁴⁹

In its Memorandum to the Committee, the ERS stated that the present system did not meet these criteria.⁵⁰ From the various voting systems which it examined, it concluded that both AV and the Exhaustive Ballot did satisfy them.⁵¹

While the Exhaustive Ballot involves a series of separate ballots, and so is more time consuming, the Committee concluded that this was the system which should be adopted: However, candidates with less than 5% of the vote should be eliminated after the first ballot:

We consider that the benefits brought by the Exhaustive Ballot are sufficiently great as to outweigh the inconvenience in terms of time brought by the need to have multiple ballots. We therefore prefer the Exhaustive Ballot to AV and recommend that it be the system adopted. In order to reduce the overall time taken, however, we also recommend that, as in Canada, candidates polling less than 5% of the total votes cast should be eliminated after the first ballot.⁵²

The Committee's overall conclusions were as follows:

The election of a Speaker is one of the most important decisions taken by the House. It has become clear that the system of election introduced in 1972 is no longer

⁴⁹ *Ibid*, paras 63-65

⁵⁰ Procedure Committee, Second Report, *Election of a Speaker*, 13 February 2001, HC 40 2000-01, Memorandum by the Electoral Reform Society, *Choosing a voting system for the election of the Speaker*, Appendix 3 to the Minutes of Evidence, p 71 –76

⁵¹ *Ibid*, para 6

⁵² *Ibid*, para 69

satisfactory as a means of making this decision. Our proposed alternative system is a fairer and simpler mechanism for enabling the will of the House to be expressed. We believe that, using this system, the House will continue to elect Speakers who will maintain the high traditions of their office, in particular those of complete political impartiality and devotion to the service of the House.⁵³

4 Debate on the Procedure Committee's report

The House debated the Procedure Committee's report on 22 March 2001. The motion to approve the Procedure Committee's report and to amend Standing Orders was introduced by Margaret Beckett, the then Leader of the House. She explained that she had tabled the motion to ensure that a decision was reached and that the Parliamentary Secretary had tabled an amendment to allow the House to decide whether the ballot procedure should be a secret one or not:

Let me stress at once that the motion has been tabled in my name simply to allow the House to reach a decision on the recommendations of the Procedure Committee, as has the amendment in the name of my hon. Friend the Parliamentary Secretary. I shall deal with that shortly. The motion and the amendment have been drawn up with the assistance of the Clerks. The detailed process of drafting has, as is often the case, created the need for minor amendment and to expand the Committee's precise recommendations, so that the Standing Orders do, in some places, flesh out the detail of the Committee's recommendations. I believe that the Committee expected that. We have been greatly assisted by the Chairman of the Committee, the hon. Member for Macclesfield (Mr. Winterton), who has been consulted on our detailed interpretation of the recommendations.⁵⁴

During the course of the debate, the Leader of the House noted that it would not be sensible or appropriate to include all of the Procedure Committee's recommendations in the Standing Orders:

The first part of the motion simply approves the recommendations that the Procedure Committee made about the election of a Speaker. They include matters that probably cannot adequately be put into Standing Orders, but should nevertheless guide the House in future. For example, the Committee noted that it perceived no need for hustings or manifestos, but did not recommend their formal prohibition. It deprecated strident campaigning and noted that it should be possible to carry out the whole electoral process in a single sitting day. Those are important guidelines, which should be put on the record, but they need not be written into Standing Orders.⁵⁵

She then highlighted a number of features of the proposed new Standing Order, 1B (election of Speaker by secret ballot).

The Standing Order requires nominations to be accompanied by 12 signatures. The Procedure Committee wanted to prevent Members nominating more than one person. Mrs Beckett explained that:

... there was no wish for candidates to be disqualified through no fault of their own but as a result of a duplication of signatures. The draft Standing Order therefore specifies

⁵³ *Ibid*, para 87

⁵⁴ HC Deb 22 March 2001 c500

⁵⁵ HC Deb 22 March 2001 c500

that nominations may contain up to 15 signatures. That gives some room for manoeuvre.⁵⁶

She then described the way in which the contest would proceed. Paragraph (6) of the Standing Order provides that “the order in which candidates address the House should be determined by lot in the House”. Paragraph (7) provides that the presiding Member will not have a vote in any ballot, as under the 1972 arrangements.⁵⁷

Mrs Beckett said that the provisions for an exhaustive ballot were set out in Paragraphs (8) to (13) of the Standing Order. She then set out the general arrangements for the proceedings on the day:

... Paragraph (14) sets out the general principles that the House should meet at 2.30 pm on any day on which it is to elect a Speaker; that the question that a Member becomes Speaker shall be unamendable, as the Procedure Committee suggested; and that, in the unlikely event – one hopes – of the House rejecting the Member who comes top of the ballot, the whole process will be repeated on the following day.⁵⁸

She discussed the Procedure Committee’s recommendation that the House should decide whether the ballot was open or secret:

... The Government have tabled the amendment to ensure that the House has the opportunity to make that decision. I recognise there are strong, genuine arguments on both sides. This is a matter on which there are bound to be legitimate differences of opinion.

The Committee considered, on balance, that the ballot should be secret and that is why that provision is in the substantive motion. However, I stress that it is for the House to decide, and the amendment in the name of my hon. Friend the Parliamentary Secretary [and David Winnick, who moved it] enables that choice to be made by giving the House something on which to vote.⁵⁹

Sir Nicholas Winterton, who was the Chairman of the Procedure Committee, reviewed the Committee’s inquiry and noted that the Committee had not entirely agreed on two issues – the secrecy of the ballot and the voting system:

The question of whether the ballot should be open or secret raises important issues of principle. A majority on the Committee concluded that the ballot should be secret, as is the case in similar elections in most of the major Parliaments in the Westminster tradition. A minority of colleagues, I have to confess, dissented, and although they did not formally divide the Committee, we felt that it was right to recommend that the House should have an opportunity to make a separate decision on that point. The amendment in the name of the Parliamentary Secretary, Privy Council Office will enable the House to do that, and I am grateful to the Leader of the House and her ministerial colleague for allowing that to happen.

The other issue on which there was a difference of views within the Committee was the voting system itself. The choice was between the exhaustive ballot and the alternative vote. Both were recommended by the Electoral Reform Society as suitable systems by which to elect a Speaker. The arguments for and against each are well set out in the report, and even more fully in the evidence from the Electoral Reform Society, printed

⁵⁶ HC Deb 22 March 2001 c501

⁵⁷ *Ibid*

⁵⁸ HC Deb 22 March 2001 c502

⁵⁹ *Ibid*

with the report. My preference – which was shared, I am pleased to say, by a majority of the Committee – was for the exhaustive ballot.⁶⁰

Tony Benn, against, and Paul Tyler, in favour of, spoke about the question of the secret ballot before David Winnick moved the amendment to allow an open ballot. Mr Winnick said that he objected to the principle of secret ballots in the House of Commons, adding that:

All our votes need to be duly recorded even when we vote on an internal matter that is of little concern to constituents. ... I want everything to be above board. Our votes on major and minor issues are recorded. That should be the case for all our actions, including the election of the Speaker.⁶¹

Sir George Young said that he was indifferent to whether the vote was secret or not but then identified some inconsistencies between electing a new Speaker and re-electing the existing Speaker and censure motions:

... I do not go along with the argument that Speakers will discriminate against those who do not vote for them. The risk that the opposite will happen is more likely. Speakers will over-compensate, as home referees often do regarding the other side. I understand the arguments for a secret vote, but my view is that while a secret vote is as valid as an open vote, it is not as valuable. The argument for a secret ballot rests on the proposition that people will vote differently in secret from how they vote in public. It may make life more difficult for the Speaker if there is subsequently a perceived loss of confidence in him. Support for the Speaker and his authority may be greater if the ballot is open, not closed.

If there are valid arguments for a secret ballot, why is the Division to re-elect the Speaker at the beginning of a Parliament--when a Division can be called--open and not secret? Exactly the same arguments could be applied to that. What is to happen if there is a censure motion? I assume that there will be an open vote, as there is at the moment. Having conceded the argument on electing the Speaker in private in the report, the Committee may not have followed the logic through to other circumstances in which the authority of the Speaker may come into question.⁶²

Both Crispin Blunt and Gordon Prentice argued in favour of secret ballots. Mr Blunt argued that it was not right that any Speaker knew who had voted for or against them; he also cited the unwelcome influence of the usual channels that could be brought to bear in an open ballot. Mr Prentice echoed the comments about the usual channels, and then said:

I do not want to sound prissy, but if the message were passed down that the Prime Minister or leading members of the Cabinet were hostile to a particular candidate and did not want to see that person elected Speaker, an hon. Member looking for preferment or a job in the Government – perhaps if he or she were ambitious and wanted to become a Minister – might think twice about voting against the perceived preference of, say, the Prime Minister.⁶³

Dominic Grieve and others referred to the Canadian system where, as well as the ballot being secret, results were not reported to prevent tactical voting.⁶⁴ (See Section 5.1 for details of the Canadian ballot process.)

⁶⁰ HC Deb 22 March 2001 cc505-506

⁶¹ HC Deb 22 March 2001 c516

⁶² HC Deb 22 March 2001 cc524-525

⁶³ HC Deb 22 March 2001 c532

⁶⁴ HC Deb 22 March 2001 c536

Members raised concerns about changes to the voting system and about the use of the exhaustive ballot, which the Committee decided should be used. Sir Peter Emery detailed some of the concerns about the precedent that could be set by using a different voting system:

It is proposed that we change our system and adopt a voting structure whereby the House will make a decision using a method that we have never used before. I am concerned that if we go down that road there is a risk that in future, in respect of other amendments, we shall be tempted to drift towards the use of a similar system – a poll, rather than a vote – which would do great damage to the rules and procedures of the House. I am sorry that the Committee has decided to cast away the system that resulted in the election of the man whom the House wanted. No one disagrees with that statement. When we have a system that is so transparent and democratic, I am dubious about making change merely for its own sake.⁶⁵

Paul Tyler argued that the alternative vote system was preferable to an exhaustive ballot:

On the electoral system, the Chairman of the Committee very fairly set out the arguments for and against exhaustive ballots and the alternative vote. I regret that it is not been possible to put that choice before the House today. As the Chairman said, there was a balanced argument in Committee.

I am particularly disturbed by a paragraph in the report that compares the two systems. Paragraph 66 states:

"The Exhaustive Ballot has the advantage over AV that Members can amend their preferences in each round after the results of the previous round are known."

I do not regard that as an advantage. It is a disadvantage, because Members might run with the herd—we have all seen that happen. Indeed, those Members who are worried about tactical voting should examine very carefully that recommendation, because it is a recipe for tactical voting. Members might see which way the wind is blowing and vote tactically. One of the great advantages of the alternative vote is that it makes unnecessary any form of tactical voting.

It is true that the Committee tended to dilute the argument that one disadvantage of the exhaustive ballot is that it takes a long time. I accept that. I do not think that it is necessarily a disadvantage that the House should take its time in reaching a conclusion. Therefore, I take the Committee Chairman's advice on that.

I want to draw attention to the letter that the Bishop of Woolwich sent to the Committee. Although it did not appear in the report, it was circulated to Committee members and in it he spells out in full the advantages of the alternative vote.⁶⁶

When challenged that he could have tabled an amendment, he said that given his determination to get away from first past the post, he was prepared to accept the exhaustive ballot system.⁶⁷

Keith Darvill, a member of the Procedure Committee, outlined the main reasons for adopting the exhaustive ballot method:

⁶⁵ HC Deb 22 March 2001 c519

⁶⁶ HC Deb 22 March 2001 cc513-514

⁶⁷ HC Deb 22 March 2001 c514

The Committee favoured two particular views about the exhaustive ballot. First, it accepted that such a ballot would enable candidates who obtained a small number of votes to exit the process at the first stage. Although candidates can take soundings, they will not necessarily be aware of how much support they have until the first round is completed. An exhaustive ballot would ensure that such candidates could withdraw their nominations immediately. Secondly, an exhaustive ballot would enable hon. Members to assess support for candidates and adjust their preferences accordingly in the second round. I believe that that would be of some help, although I acknowledge that the two views are finely balanced.⁶⁸

The motion debated provided for a secret ballot in the election of a Speaker. David Winnick moved an amendment “to leave out the word 'secret'”.⁶⁹ The amendment was rejected by 84 votes to 82;⁷⁰ and the main question (to approve the Procedure Committee’s Report and the new Standing Orders) was agreed to without a division.⁷¹

5 Arrangements in other countries

5.1 Canada

The Procedure Committee referred to the procedure for electing a new Speaker in the Canadian House of Commons. The Standing Orders provide details of the balloting procedure:

Balloting procedure.	4. The election of a Speaker shall be conducted by secret ballot as follows:
Notification to Clerk when Member does not wish to be considered for election. List of names to be provided to Member presiding during election.	(1) Any Member who does not wish to be considered for election to the Office of Speaker shall, not later than 6.00 p.m. on the day preceding the day on which the election of a Speaker is expected to take place, in writing, so inform the Clerk of the House who shall prepare a list of such Members’ names together with a list of the names of all Ministers of the Crown and party leaders, and shall provide the same to the Member presiding prior to the taking of the first ballot.
Ballot papers.	(2) Members present in the Chamber shall be provided with ballot papers by the Clerk of the House.
Announcement of availability of list.	(3) The Member presiding shall announce from the Chair that the list provided pursuant to section (1) of this Standing Order is available for consultation at the Table.
Choice indicated on ballot paper.	(4) Members wishing to indicate their choice for the Office of Speaker shall print the first and last name of a Member on the ballot paper.
Ballot paper deposited in box.	(5) Members shall deposit their completed ballot papers in a box provided for that purpose on the Table.
Counting and destruction of ballot papers.	(6) The Clerk of the House shall, once all Members wishing to do so have deposited their ballot papers, empty the box and count the ballots and being satisfied as to the accuracy of the count, shall destroy the ballots together with all records of the number of ballots cast for each candidate and the Clerk of the House shall in no way

⁶⁸ HC Deb 22 March 2001 c527

⁶⁹ HC Deb 22 March 2001 c515

⁷⁰ HC Deb 22 March 2001 c538

⁷¹ HC Deb 22 March 2001 cc539-541

divulge the number of ballots cast for any candidate.

Announcement of successful candidate.	(7) In the event of one Member having received a majority of the votes cast, the Clerk of the House shall provide the Member presiding with the name of that Member, whereupon the Member presiding shall announce the name of the new Speaker.
When no majority of votes.	(8) In the event of no Member having received a majority of the votes cast the procedure shall be as follows:
Clerk to provide Member presiding during election with alphabetical list of candidates.	(a) the Clerk of the House shall provide the Member presiding the names of the candidates for the next ballot, in alphabetical order, provided that the Clerk of the House shall first determine the number representing the least total number of votes cast and the Clerk shall exclude the names of all Members having received that total number of votes, together with the names of all Members having received five percent or less of the total votes cast, from the list of candidates so provided, and provided that in the event of every candidate receiving the same number of votes no names shall be excluded from the list so provided; and
Announcement of candidates. Reasons for not accepting further consideration to be stated.	(b) whereupon the Member presiding shall announce the names of the candidates, which shall be the only names thereafter accepted, in alphabetical order, provided that prior to the taking of the second ballot, he or she shall ask that any Member, whose name has been so announced and who does not wish to be further considered for election to the Office of Speaker, state his or her reason therefore.
Subsequent ballots.	(9) Subsequent ballots shall be conducted in the manner prescribed in sections (4) through (8) of this Standing Order except that following the second and all subsequent ballots the Member presiding shall not ask the candidates to state their reasons for not wishing to be further considered for election to the Office of Speaker but shall forthwith proceed to the taking of that subsequent ballot and the balloting shall continue, in like manner, until such time as a new Speaker is elected.
No debate or questions of privilege allowed.	(10) During the election of a Speaker there shall be no debate and the Member presiding shall not be permitted to entertain any question of privilege.
Ministers of the Crown and party leaders not eligible.	5 No Minister of the Crown, nor party leader, shall be eligible for election to the Office of Speaker.

An annotated version of the Standing Orders also includes the following commentary on Standing Orders 4 and 5:

The election of a Speaker takes place by secret ballot without any declared nominations. Members present in the Chamber print the name of the candidate of their choice on a special ballot paper given them by the Clerk, then deposit it in a ballot box at the Table. The Clerk counts the votes in secret, destroys the ballots and provides the Member presiding with only the name of the Member who has received the majority of the votes cast. If no one Member has obtained a majority of the votes cast, the names of the last-place candidate (or candidates, in case of a tie vote for last place)

and the names of any Members having received five percent or less of the votes cast, are dropped from the list. The names remaining on the alphabetically arranged list are announced to the House by the Member presiding before balloting begins again. At this point, any Members on the list who wish not to be further considered may rise and so state, whereupon their names are deleted as well. A subsequent ballot then takes place. This process is repeated until a candidate has received the necessary majority of votes cast, or until only one name remains. The name of this Member is then announced to the House as that of the new Speaker.

Before the first ballot, Members have an opportunity to consult a list of names of Members who are ineligible (party leaders and Cabinet Ministers), or who do not want to be considered for election and have so advised the Clerk in writing. Before the second ballot, as noted previously, Members who have received votes but who do not wish to be further considered may withdraw from the election, stating their reasons for withdrawal if they so choose. Those who withdraw after the second ballot do not state reasons.⁷²

5.2 Australia

The procedure for the election of a Speaker in the Australian House of Representatives is set out in chapter 3 of the House's Standing Orders:

Election of Speaker

10 When an election for Speaker takes place

(a) An election for Speaker shall take place at:

- (i) the opening of a new Parliament after the Members have been sworn or made an affirmation; or
- (ii) any time when the office of Speaker is vacant.

(b) The election shall be conducted by the Clerk acting as Chair, in the manner provided below in *standing order 11*.

11 Election procedures

When electing a Member to fill a vacant office the routine shall be as follows:

Nominees proposed

(a) The Chair shall invite nominations for the vacant office.

(b) A Member shall propose the nomination of a Member to the vacant office by moving, without notice, that such Member 'do take the Chair of this House as Speaker' The Member nominated must be present and the motion must be seconded. The mover and seconder may speak in support of their nominated candidate for no more than 5 minutes each.

(c) The nominated Member shall inform the House whether he or she accepts the nomination.

(d) The Chair shall ask:

Is there any further proposal?

⁷² House of Commons [Canada], *Annotated Standing Orders of the House of Commons 2005*, Second Edition, Standing Orders 4-5, http://www.parl.gc.ca/Sites/ASOII/03_ASOII_ToC-e.html

and shall ask this again after any further proposal and acceptance.

(e) If no further proposal is made the Chair shall state:

The time for proposals has expired.

No further nominations may be made.

If only one nominee-nominee elected

(f) If a nominee is unopposed, the Chair, without question put, shall declare the Member, who has been proposed and seconded, to have been elected to the vacant office.

If two or more nominees-debate then ballot

(g) If there are two or more nominees, when the time for proposals has expired, Members who have not yet spoken as mover or seconder may speak on the election, however:

(i) debate must be relevant to the election; and

(ii) no Member may speak for more than five minutes.

(h) At any time during debate, and whether any Member is addressing the Chair or not, a Minister may move without notice-

That the ballot be taken now..

The question shall be put immediately and resolved without amendment or debate. If the votes are equal the question shall be negatived, and debate may continue. If the question is carried, or when debate ends, the House shall proceed to a ballot.

Ballot

(i) Each Member voting shall provide a ballot paper to the Chair, containing the name of the nominated Member or Members, as relevant, for whom he or she is voting. The Clerks at the Table shall count the votes:

Election of Speaker

(i) For the office of Speaker, a nominee must receive a majority of votes. If no nominee has a majority after a ballot, the nominee with the smallest number of votes shall be excluded from later ballots, and a fresh ballot shall be held. This process shall be repeated as often as necessary until one nominee receives a majority of the votes, and this nominee shall be elected Speaker.

Election of Deputy Speaker and Second Deputy Speaker

(ii) For deciding offices other than Speaker, the nominee who has the most votes shall be elected to the vacant office.

If equal votes in ballot-special ballot

(j) If nominees have equal numbers of votes, making it impossible to calculate which name is to be excluded from later ballots, a special ballot shall take place. At a special ballot, the routine shall be as follows:

- (i) the Chair shall inform the House that the last ballot was inconclusive because nominees had equal numbers of votes;
- (ii) the names of those nominees who received equal numbers of votes shall be proposed;
- (iii) each Member shall write on a ballot paper the name of the nominee he or she wishes to support; and
- (iv) the nominee with the smallest number of votes shall be excluded from later ballots.

When equal votes in first special ballot

(k) If a first special ballot is inconclusive because nominees have equal numbers of votes, a second special ballot shall be taken, unless a nominee withdraws making further ballots unnecessary.

When equal votes in second special ballot

(l) If after a second special ballot, nominees again receive equal numbers of votes, the Chair shall declare the equal votes to the House, and the sitting shall be suspended for 30 minutes. When the House resumes, the votes shall be taken again, unless a nominee withdraws making further ballots unnecessary.

When withdrawal of nominee

(m) A nominee may withdraw from an election after the result of the first ballot is declared or in between ballots. After a withdrawal, the election shall proceed as if the withdrawn Member had not been nominated.

(n) If a withdrawal leaves only one nominee remaining, that nominee shall be elected to the vacant office.

12 Successful Member is Speaker

(a) At the conclusion of an election for Speaker, the Clerk shall declare the successful Member to have been elected Speaker.

(b) The successful Member shall be conducted to the Chair by the proposer and seconder, and take the Chair of the House as Speaker.

(c) The Speaker shall then acknowledge the honour conferred by the House. Once the Speaker is seated the Mace shall be taken from under the Table, and placed on the Table.

(d) The Speaker may receive congratulations from the House.⁷³

5.3 Kenya

Following disputed elections in Kenya, disputes over how to elect the Speaker arose. *The Independent* reported that Erskine May was consulted and the new procedures for the election of a Speaker in the United Kingdom were used:

Some say there are only two tribes that matter in Kenya – the haves and the have-nots. The opening day of parliament yesterday, after the disputed elections that sparked a wave of violence across the country, was a reunion for the haves. Government and opposition MPs greeted each other like old friends, vigorously shaking hands and sharing jokes.

Indeed, many of them are old friends. Some opposition MPs once supported the government of President Mwai Kibaki, while about half those now aligned with the government were in opposition a few months ago. But even friends sometimes disagree. After a deeply flawed election that left international observers and diplomats unable to say for sure who won, both sides have accused the other of inciting violence which has so far claimed more than 600 lives.

⁷³ House of Representatives [Australia], *Standing and Sessional Orders*, 1 December 2008, Chapter 3, paras 10-12

The opposition Orange Democratic Movement party (ODM) is planning rallies today, and mediation efforts have been put on hold after the former UN secretary general Kofi Annan, who was due to arrive last night, went down with "severe flu".

In Nairobi's wood-panelled national assembly, modelled on Britain's House of Commons with its adversarial leather benches, the two sides continued their political battle yesterday as they voted on the new parliamentary Speaker.

Raila Odinga, the man that the ODM and its supporters believe is Kenya's rightful president, entered to a standing ovation from his own MPs. They remained seated as President Kibaki arrived moments later – the first time they had been in the same room since the December ballot.

Both sides backed different candidates for the Speaker's job. The government wanted Francis Ole Kaparo, the incumbent; the ODM was backing one of its own, Kenneth Marende. His party, with 99 of the 207 seats, was confident of victory. But, despite having just 43 MPs, Mr Kibaki was sure he had secured the support of enough members from smaller parties to win.

It did not take long for the atmosphere to heat up. The clerk, dressed in a dark blue gown, announced that the ballot would be secret. The ODM complained. A secret ballot, they feared, would allow some of their own supporters to switch sides. In Kenya's ideology-free, money-rich political world, bribery is not uncommon.

The ODM MPs made a show of displaying their ballot papers to supporters, provoking anger from some government MPs. "Why are they displaying their ballot? Is it a secret ballot?" yelled one. William Ruto, an opposition leader, hit back: "We went into the [presidential] election with a secret ballot, you stole the vote!"

One after another, MPs rose to make points of order as the increasingly exasperated clerk tried in vain to keep control. Others sat on the benches, exchanging insults across the aisle.

Kalonzo Musyoka, who finished third in the presidential poll and took the job of Vice-President, said MPs should not "participate in a flawed process". That brought a sharp response from the ODM's secretary general, Anyang' Nyong'o. "He has just accepted being Vice-President in a flawed process," he said, to cheers from his own side.

George Saitoti, the new Internal Security minister, said that anything other than a secret ballot would "undermine democracy". The government's pleas for secrecy were, his colleagues said, based on principle.

The clerk, now beginning to sweat, repeated his call for the MPs "show the nation how a secret ballot is run". In the end, the argument was settled by Britain.

The Attorney General, Amos Wako, waved a copy of Erskine May: Parliamentary Practice, the guide to British parliamentary procedure. Where Kenya's parliamentary practices were not specific enough, he said, British rules filled the gaps.

Turning to page 280 of the book's 23rd edition, Mr Wako quoted a section that said elections for Speaker should be held in secret. The votes already cast were torn up and the process started all over again.

President Kibaki, who sat on a leather-backed wooden throne behind the clerk, looked bored by the process, occasionally muttering to a soldier to his left.

"Would the President come and begin voting again?" the clerk asked. Mr Kibaki sighed and shuffled from his seat. He and the other MPs had to vote two more times before a result emerged. Bribery attempts had failed. The ODM won and elected Mr Marende.⁷⁴

⁷⁴ Steve Bloomfield, "Speaker's election victory boosts Kenyan opposition", *Independent*, 16 January 2008

Appendix: Standing Orders Nos 1A (Re-election of former Speaker.) and 1B (Election of Speaker by secret ballot.)

Re-election of former Speaker.

1A.—(1) If at the commencement of a Parliament the Member who was Speaker at the dissolution of the previous Parliament is returned to the House, the Member presiding in accordance with Standing Order No. 1 (Election of the Speaker: Member presiding) shall, when the House meets to proceed with the choice of a Speaker, ascertain whether the former Speaker is willing to be chosen as Speaker, and, the former Speaker having submitted himself to the House, shall call upon a Member to move that he do take the Chair of this

House as Speaker; and the question thereon shall be put forthwith.

(2) If the question is agreed to, the former Speaker shall thereupon take the chair as Speaker-elect.

(3) If the question is negatived, the Member presiding shall forthwith adjourn the House to the following day at half-past two o'clock, and the House shall proceed in accordance with Standing Order No. 1B (Election of Speaker by secret ballot).

Election of Speaker by secret ballot.

1B.—(1) If the question put in accordance with Standing Order No. 1A (Re-election of former Speaker) has been negatived, and on any other occasion when it is necessary to proceed with the choice of a new Speaker, the election shall be by secret ballot.

(2) Preparatory arrangements for a ballot shall be made under the supervision of the Clerk of the House.

(3) (a) Nominations of candidates shall be in writing and shall be received by the Clerk of the House between half-past nine o'clock and half-past ten o'clock in the morning on the day on which the House is to elect a Speaker.

(b) Each nomination shall consist of a signed statement made by the candidate declaring his willingness to stand for election accompanied by the signatures of not fewer than twelve nor more than fifteen Members, of whom not fewer than three shall be Members elected to the House as members of any party other than that to which the candidate belongs or members of no party. No Member shall sign more than one such statement and if any Member does so, his signature shall no longer be valid.

(c) As soon as practicable following the close of nominations, lists of the candidates shall be placed in the Members' lobby and published.

(4) If only one Member is nominated in accordance with paragraph (3) above, the Member presiding shall, when the House meets to elect a Speaker, invite the Member so nominated to submit himself to the House, and shall then put forthwith the question that that Member do take the Chair of this House as Speaker.

(5) Paragraphs (6) to (13) of this order shall apply if two or more Members are nominated in accordance with paragraph (3) above.

(6) When the House meets, the order in which candidates may address the House shall be determined by lot; the Member presiding shall then invite each candidate to address the House; and after all candidates have been given an opportunity to speak, the Member presiding shall direct the House to proceed to a ballot.

(7) The Member presiding may not vote in any ballot.

- (8) (a) A ballot shall take place in the lobbies unless the Member presiding directs otherwise.
- (b) Each Member intending to vote shall be provided with a ballot paper bearing the names of the candidates listed in alphabetical order.
- (c) Each such Member may vote for only one candidate on the ballot paper.
- (d) A ballot shall be declared closed after the expiration of half an hour and counting shall take place under arrangements made by the Clerk of the House.
- (e) The Member presiding shall have discretion to vary the timings given in this order and power to give final directions on any matter of doubt arising from the conduct of a ballot or from an individual ballot paper.
- (9) As soon as practicable after the votes have been counted the Member presiding shall announce to the House the numbers of votes cast for each candidate.
- (10) If a candidate has received more than half the votes cast in a ballot, the Member presiding shall forthwith put the question that that Member do take the Chair of this House as Speaker.
- (11) If no candidate has received more than half the votes cast in a ballot the Member presiding shall direct the House to proceed forthwith to a further ballot to which paragraph (12) below shall apply.
- (12) In any further ballot no new nominations may be received and the names of—
- (a) the candidate who received the fewest votes in the previous ballot;
- (b) any candidate who received less than five per cent. of the votes cast in the previous ballot; and
- (c) any candidate who, within ten minutes of the announcement in the House of the result of the previous ballot, shall have notified the Member presiding of his intention to withdraw,
- shall be removed from the ballot paper, except that where two or more candidates received the same number of votes, their names shall remain on the ballot paper unless paragraph (b) applies.
- (13) If the effect of paragraph (12) above is to remove from the ballot paper the name of every candidate except one, the Member presiding shall forthwith put the question that that Member do take the Chair of this House as Speaker.
- (14) (a) Notwithstanding the provisions of Standing Orders No. 9 (Sittings of the House) and No. 11 (Friday sittings), on any day on which the House meets to elect a Speaker, it shall meet at half-past two o'clock.
- (b) No amendment may be offered to the question that a Member do take the Chair of this House as Speaker.
- (c) If that question is agreed to, that Member shall thereupon take the chair as Speaker-elect.
- (d) If that question is negatived, the Member presiding shall forthwith adjourn the House to the following day at half-past two o'clock, and the provisions of paragraph (3) above shall apply in respect of a fresh ballot.

Source: House of Commons, *Standing Orders of the House of Commons – Public Business*, 2009, HC 2 2008-09, <http://www.publications.parliament.uk/pa/cm200809/cmstords/2/2.pdf>