



House of Commons
Political and Constitutional
Reform Committee

Parliamentary Voting System and Constituencies Bill

Third Report of Session 2010–11



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written evidence*

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The Political and Constitutional Reform Committee

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Contents

Report	<i>Page</i>
Summary	3
1 Principle and process	4
2 Part 1- Voting system for parliamentary elections	8
Clause 1- Referendum on the alternative vote system	8
Proposal to hold a referendum	8
Proposed referendum date	9
Combination provisions	14
The referendum question	15
Conduct of the referendum: design of the ballot papers	16
Control of loans etc to permitted participants	17
3 ‘Reduce and equalise’	20
Number of seats	20
Equalisation of constituency electorates	23
The Government’s proposals	23
The current situation	25
Constituencies crossing other boundaries	25
Prospects for ongoing wide-scale change	26
Conclusions on equalisation	27
Preserved constituencies	30
Accuracy and completeness of the electoral roll	31
Public consultation on boundary changes	35
Executive power	39
Secretary of State’s power to amend the Boundary Commissions’ recommendations	40
Size of the ‘payroll vote’ in the House	41
4 Conclusion	43
Conclusions and recommendations	44
Principle and process	44
Part 1- Voting system for parliamentary elections	44
‘Reduce and equalise’	45
Conclusion	48
Formal Minutes	50
Oral Evidence	Ev 1
Written Evidence	Ev 143

Witnesses	51
List of written evidence	52
List of unprinted evidence	52
List of Reports from the Committee during the current Parliament	53

Summary

The Parliamentary Voting Systems and Constituencies Bill seeks fundamentally to change the political establishment in the UK. We regret that it is being pushed through Parliament in a manner that limits both legislative and external scrutiny of its impact, and may consequently undermine the Government's intention to restore the public's faith in Parliament. Given constraints of the legislative timetable we have conducted this inquiry with the aim of producing a report which we hope will assist the House at the Committee stage of the Bill.

For primarily political reasons, the Bill links two sets of provisions that could have been considered separately. The Bill does not include proposals on reforming the House of Lords which would have allowed the composition of Parliament to be developed in the round. While we welcome the decision to hold a referendum on the introduction of an alternative vote system rather than introducing such a fundamental change solely through legislation, we note that there is no clarity as to when this or future administrations will hold referendums on issues of constitutional importance.

The current timetable for the referendum is tight. If either House substantially amends the rules for holding the referendum the Government may have to reconsider the timing of the vote or run the risk of serious administrative difficulties which could undermine the outcome. This is a particular concern in the light of the facts that: the Bill will need amendment to allow the referendum and other elections to be held using the same facilities; the Bill is unclear whether funding restrictions apply to the media; and the Electoral Commission has expressed concern over both the wording of the referendum question and the design of the ballot papers.

While we agree there may be a case for reducing the number of MPs from 650 to 600, the Government has singularly failed to make it. We recommend the Government assesses and, if possible, mitigate through amendments, the likely impact of the wholesale redrawing of constituency boundaries on grassroots politics.

Members of the Committee have tabled an amendment which would ensure all four Boundary Commissions can utilise the full 5% variation in electoral quota according to clear and consistent rules. There is no alternative to using the December 2010 electoral roll to determine constituencies, whether the flaws in the register undermine the equalisation requirement is a matter for the House.

The proposed exceptions to the electoral quota requirement make sense but the House may wish to consider further exceptions where there is evidence that voters are prepared to be under-represented to preserve strong local ties. Public consultation on the boundary changes will be vital to the perceived legitimacy of the Boundary Commissions' decisions and we have tabled amendments we believe will enhance that process. We also recommend the Secretary of State's power to alter the recommendations of the independent Boundary Commissions be limited to the correction of errors, and that the "payroll vote" in the House of Commons be reduced in line with any reduction in the overall number of MPs.

1 Principle and process

1. The Parliamentary Voting System and Constituencies Bill was presented to the House on Thursday 22 July 2010. Earlier that day the Leader of the House had announced that the Second Reading of the Bill would take place on Monday 6 September.¹ The intervening recess has meant that there have been only two full sitting days between presentation and Second Reading. The provisions in the Bill have not benefited from wider consultation in the form of a green or white paper or draft bill. Although the broad outlines of the Bill were signalled to the House by the Deputy Prime Minister on 5 July 2010,² we, the House and the general public did not see the detailed text of the proposals before 22 July. We produced a short Report at the end of July, in which we took issue with the process that the Government had chosen to adopt.³ **The Government has declared that the Parliamentary Systems and Constituencies Bill is intended as a “major step” towards restoring people’s faith in Parliament.⁴ The Government’s failure to consult on the provisions in this Bill risks undermining that laudable intention.**

2. The Bill is in two parts: the first would provide for a referendum on changing the voting system at general elections to the Alternative Vote (AV); the second would reduce the size of the House of Commons from 650 Members to 600, and require every parliamentary constituency in the country (apart from a small number in northern Scotland) to contain the same number of registered voters within a margin of ten per cent – this project has become known as ‘reduce and equalise’. Clause 6 of the Bill would ensure that the result of the referendum would be respected, but that the effect of a ‘yes’ vote would be implemented only at the same time as ‘reduce and equalise’ came into effect.

3. The Liberal Democrats have long campaigned for a change to the electoral system, but AV is by no means their first choice: their 2010 manifesto stated a preference for the Single Transferable Vote (STV), a system which would have been electorally advantageous to them.⁵ The Conservative Party manifesto, in contrast, affirmed their support for the existing first-past-the-post system.⁶ The only party to support a referendum on AV before the 2010 election was the Labour Party.⁷ The Conservative Party alone of the three largest parties advocated “‘fair vote’ reforms to equalise the size of constituency electorates”, and it has been suggested that they would be the main electoral beneficiaries of such reforms.⁸ The Conservative Party promised to reduce the number of Members of Parliament by 10% (to 585); the Liberal

¹ HC Deb 22 July 2010, c 559

² HC Deb 5 July 2010, c 23

³ Parliamentary Voting Systems and Constituencies Bill, Political and Constitutional Reform Committee, First Report 2010-2011

⁴ HC Deb 6 September 2010, c 34

⁵ Liberal Democrat Manifesto 2010 p 88

⁶ *Invitation to join the Government of Britain*, The Conservative Party Manifesto 2010, p 67

⁷ HC Deb 6 September 2010, c 45

⁸ *Invitation to join the Government of Britain*, The Conservative Party Manifesto 2010, p 67

Democrats to reduce the number of Members by 150 (to 500), but as a consequence of moving to STV.⁹

4. The Bill is a political compromise born out of coalition government between the Conservative and Liberal Democrat parties, and clause 6 exemplifies this most clearly. It would have been possible for the two parts of the Bill to have been proceeded with as separate pieces of legislation, but this would not have provided reassurance to each of the two coalition partners that ‘their’ part of the Bill would make progress. There is a genuine link between the two parts of the Bill: both would bring about changes to the nature of the House of Commons and to the link between Members and the electorate. There is also, however, a genuine link between the provisions in the Bill and proposals, yet to be seen, for reform of the House of Lords. It would have allowed for more rounded scrutiny of the composition of Parliament if these two sets of proposals had been considered together.

5. The guiding principle behind the Bill is political. Nonetheless, the reforms it proposes are substantial and worthy of close consideration. It is true that, if enacted, they are likely to work to the benefit of particular political parties, but it has been argued with some evidence that this would be a case of righting bias within the existing system, although it has also been argued that it amounts to an attempt to legislate for “gerrymandering”.¹⁰

6. The Bill is subject to a programme motion allowing five days in Committee of the whole House and two days for Report and Third Reading. The Deputy Prime Minister rejected criticism of the use of a programme motion during Second Reading in the House of Commons:

The programme motion simply states that there will be five full days of debate on the Floor of the House of Commons—nothing more and nothing less. I do not think that that can be construed as a heavy-handed or intrusive approach.¹¹

7. The timetable adopted for this Bill has made it impossible for us to conduct a full programme of pre-legislative scrutiny of its contents. Instead, we have conducted a parallel process of scrutiny with the aim of producing a Report that will assist the House in its deliberations at Committee stage, which are scheduled to begin on the second sitting day after the conference recess, 12 October 2010.¹²

8. We took oral evidence before publication of the Bill from:

- i. Rt Hon Nick Clegg MP, the Deputy Prime Minister, on a wide range of constitutional issues,¹³ and
- ii. Mr Peter Facey of Unlock Democracy, Dr Martin Steven of the Electoral Reform Society (both campaigners for electoral reform) and Dr Michael Pinto-Duschinsky (a

⁹ Liberal Democrat Manifesto 2010 p 88

¹⁰ For example, Jack Straw MP at HC Deb 6 September 2010, c 44

¹¹ HC Deb 6 September 2010, c 43

¹² The Committee stage is scheduled for 12, 18, 19 and 20 October with a further day yet to be announced at the time of publication.

¹³ HC 358-i (2010-11)

proponent of the first-past-the-post system), primarily on the merits or otherwise of different voting systems.¹⁴

9. Since publication of the Bill, we have heard further from:

- i. Professor Ron Johnston, an expert in constituency boundary reform from Bristol University and from Mr Robin Gray, a former Boundary Commissioner for England,¹⁵
- ii. Professor Patrick Dunleavy of the London School of Economics, mainly on the detailed workings of alternative vote systems and Professor Justin Fisher of Brunel University, partly on the financing of referendum campaigns,¹⁶
- iii. the Secretaries of the four Boundary Commissions, on the practical impact that the provisions in the Bill would have on their work,¹⁷
- iv. Dr Roger Mortimore of Ipsos-MORI and Dr Stuart Wilks-Heeg of Democratic Audit, both of whom have studied extensively the completeness and accuracy of the electoral rolls, including reasons why people might choose not to register to vote despite being entitled to do so,¹⁸
- v. the Electoral Commission, on the wide range of issues covered by the Bill that fall within that body's remit,¹⁹ and
- vi. Mr Mark Harper MP, the Parliamentary Under-Secretary of State for Political and Constitutional Reform in the Cabinet Office.²⁰

10. In addition, we have received written evidence from a wide range of people and bodies, including electoral administrators, academics, pressure groups, Members of Parliament and members of the general public. We are grateful to all of those who have found time to write to us, and we trust that the House will find our evidence valuable in its detailed consideration of the Bill.

11. Despite the wealth of evidence we have received, however, the speed with which we have had to conduct our inquiry has meant that we have been unable to explore certain issues to the depth we would have liked. On this basis, we have come to conclusions and made recommendations only where we feel the evidence is sufficiently clear. We have not set out the legislative history of the proposals except where it is directly relevant to our conclusions and recommendations. Further details of earlier policy and legislative initiatives can be found in the House of Commons Library research paper on the Bill.²¹

¹⁴ Ev 1

¹⁵ Ev 27

¹⁶ Ev 42

¹⁷ Ev 57

¹⁸ Ev 69

¹⁹ Ev 81

²⁰ Ev 112

²¹ House of Commons Library Research paper 10/55, Oonagh Gay and Isobel White

12. The Deputy Prime Minister has told the House that “these are common-sense changes that are long overdue, and they are the basics that we must now get right”.²² **We agree with the Government that changes to the parliamentary voting system, to the number of Members of the House and to the process of setting constituency boundaries are issues that must be got right. But the speed with which the Government is intent that the Parliamentary Voting System and Constituencies Bill should make progress risks undermining that aim. It is always regrettable, and generally leads to poorer legislation, when such an approach to timetabling legislation becomes a characteristic of any Government’s political reforms.**

²² HC Deb 6 September 2010, c 35

2 Part 1- Voting system for parliamentary elections

Clause 1- Referendum on the alternative vote system

13. During our evidence-taking we have heard and received written evidence from advocates both for retaining the existing first-past-the-post system for UK parliamentary elections and for replacing it with an alternative vote system.²³ We do not take sides on this issue which will be hotly debated in the coming months, but we commend our evidence to the House and to those beyond it on either or neither side of the argument.

Proposal to hold a referendum

14. Clause 1(1) of the Bill proposes that a referendum be held on the voting system for parliamentary elections.

15. We welcome the Government’s decision to hold a referendum on a change to the voting system rather than seeking to introduce a change directly through legislation. It seems to us entirely appropriate that the public should have the opportunity to make this choice, given the direct vested interest that politicians and the political parties have in the way in which Members are elected to the House.

16. The holding of a referendum on this issue is in our view also in keeping with the recommendation from the House of Lords Constitution Committee in the last Parliament that “if referendums are to be used, they are most appropriately used in relation to fundamental constitutional issues”.²⁴

17. We note, however, that there is no government proposal to hold a referendum on parallel political and constitutional reforms considered in this Report and in our recent Report on fixed-term parliaments, despite the fact that these are also arguably “fundamental constitutional issues”. **We do not offer a specific view on whether referendums should be held on the other political and constitutional reforms proposed by the Government. There is, however, no clarity as to whether any particular change requires this form of popular assent or not. Indeed, under present arrangements, a future government could, if it chose, ask Parliament to bring about further alterations to the electoral system through legislation without any requirement to hold a referendum.**

18. We have heard in evidence that “this kind of uncertainty...which is unsatisfactory from a democratic perspective – is a product of the lack of a codified constitution in the UK.”²⁵ Similarly, the House of Lords Constitution Committee has noted that “a written

²³ For example, see Ev 220 for both sides of the argument.

²⁴ *Referendums in the United Kingdom* (12th report 2009-10, HL99), para 94

²⁵ Brendan Donnelly, (VPR 03, para 73)

constitution could provide a more precise definition of a ‘constitutional issue’, and define which issues required a referendum before any change”.²⁶ We will return to this issue.

19. Different opinions have been expressed on whether a threshold should apply in the referendum, meaning that a reform would take place only if a given proportion of the registered electorate voted in favour.²⁷ This is not an issue on which we intend to give a view in this Report.

Proposed referendum date

20. Clause 1(2) of the Bill states that the referendum must be held on 5 May 2011. On that day voters in Scotland, Wales and Northern Ireland are scheduled to go to the polls to elect members of the devolved administrations. In addition, 81% of the electorate in England will be eligible to vote in local council elections.

21. Commenting on the Electoral Commission’s planning for that date, Jenny Watson, Chair of the Electoral Commission, told us: “We have been very clear about what needs to be done to achieve a successful referendum. The rules need to be clear six months in advance so that everyone can prepare.”²⁸ Peter Wardle, Chief Executive of the Electoral Commission, described the measures that needed to be in place:

One of them is clarity about the rules that will apply not just to the referendum, but to all the elections that will take place. That is the combination issue that we have already touched on. Alongside that, there needs to be certainty for those administering the referendum and the elections, from the Chief Counting Officer at the Electoral Commission right down to local authority level, that the Government have understood correctly, assessed and made provision for sufficient funding for all of this to happen, because it is a fairly complex funding arrangement. There are savings, but there are also costs to running more than one poll on the same day. As long as that is clear—so far, the indications from the Government are that they have heard that message and intend to work towards clarity on what the rules will be and the funding, six months in advance—that meets our first concern.²⁹

Mr Wardle also told us that the Electoral Commission would need a reasonable amount of time to prepare information for the public on the referendum.³⁰

22. The Electoral Commission’s concerns follow an independent report it commissioned on the problems experienced at the polls by some voters during the 2007 Scottish elections. The report concluded that one of the factors that led to a high number of spoilt ballot papers were a late ministerial decisions³¹ that undermined an otherwise “good public information

²⁶ HL 99, para 102

²⁷ See for example, Ev 82 and HC Deb 6 September 2010

²⁸ Q 223

²⁹ Q 246

³⁰ Q 253

³¹ The report criticised delays in ministerial decision-making on matters of electoral administration such as the timing of the count and design of the ballot paper.

campaign.”³² The report also recommended that changes to relevant election law should be in place six months before polling day.³³

23. Even given the speed of the passage of the Bill through this House, the House of Lords is unlikely to have the opportunity to begin to debate the Bill before 5 November 2010, six months before the referendum is due to take place. The Parliamentary Secretary for the Cabinet Office, Mark Harper MP, indicated that the Government accepted the Electoral Commission’s assessment that significant changes to the ‘ground rules’ for the referendum after 5 November 2010 could imperil the success of the poll. Rejecting the suggestion that the Bill should provide for the poll be held on a later date, Mr Harper said:

There are risks in doing it, so the Government are working very closely with the Electoral Commission, which will run the referendum, and with the electoral administrators who are running the other elections on those days to ensure that we manage the risks very carefully. The Commission is looking closely at proceedings in Parliament and at the views of Members. If the Bill is amended either in this House or in the other place, the Commission will take a view on the impact that that will have on the running of the referendum.³⁴

Mr Harper did not commit the Government to implementing any reassessment of the risks of holding the referendum on 5 May, telling us: “The Electoral Commission will consider any changes and comment on them. Obviously, we will listen carefully to what it says and work very closely with it.”³⁵

24. In 2002 the Electoral Commission advised the then Government not to hold a referendum on the euro at the same time as Scottish Parliamentary and local elections and Welsh Assembly election in May 2003. It concluded: “Referendums on fundamental issues of national importance should be considered in isolation.”³⁶ In November 2009 the Commission, as part of the preparations for the referendum on the powers of the Welsh Assembly, reconsidered the issue of combined polls. Jenny Watson explained to us:

We went back to the international evidence and the international standards to look at what that told us about combination and the impact on the vote...Having done that, we concluded, after considerable discussion, that the evidence was not conclusive enough to support a position that said, “You should never combine a referendum with another event.” So, we adopted the position...that we would consider each case on its merits. There may well be cases in which we would consider a proposal for a combination of a referendum and another poll but would say that it was not suitable to go ahead...But there would be other cases in which we would say, “Yes, we think this can be done. There are risks, but here is how they can be mitigated.”³⁷

³² *Scottish Elections 2007: The independent review of the Scottish parliamentary and local elections 3 May 2007* (Gould et al) Electoral Commission, October 2007

³³ Ibid.

³⁴ Q 341

³⁵ Q 345

³⁶ “Combining Polls” Electoral Commission press release, 12 July 2002, www.electoralcommission.org.uk

³⁷ Q 230

25. The Electoral Commission has specifically considered the risks of holding multiple polls on 5 May 2011, concluding:

It is possible to successfully deliver these different polls on 5 May, but only if the risks associated with doing so are properly managed. We've set out what we think these risks are and will make it clear during the passage of the Bill if we do not feel they have been adequately addressed.³⁸

26. The Scottish First Minister has condemned the proposal to hold the referendum on the same day as elections to the Scottish Parliament. He wrote to the Prime Minister:

I believe that your proposals to hold a referendum on the same day undermines the integrity of the elections in Scotland, Wales and Northern Ireland. These elections are of profound importance to our citizens and I believe they have the right to make their electoral choices for the respective devolved chambers without the distraction of a parallel referendum campaign on the UK voting system ... There must also be grounds for concern about the management of voting in polling stations. At several elections in recent years, including this year's General Election, a significant number of polling stations failed to cope with the number of citizens wanting to vote. I believe there is a real risk that these problems could be exacerbated in Scotland, Northern Ireland and Wales because of the complications described above. Returning officers will face additional difficulties with counting arrangements arising from the number of different ballot papers. The question also arises as to which count should take place first ... It is not clear how the decision to hold the AV referendum on the same date as our elections, and to do so without any prior consultation, fits into the spirit of that [respect] framework.³⁹

27. A spokesperson for the National Assembly government in Wales expressed similarly strong views:

There should be no distraction from the national assembly election. That is why we have agreed with other parties in the Assembly that our own referendum should not be held on the same day as the Assembly elections. The first minister therefore intends to make clear to both the prime minister and the secretary of state for Wales at the earliest opportunity that we are strongly opposed to the AV referendum being held on the same day as the Assembly elections.⁴⁰

28. The Scottish Youth Parliament, representing Scots between the ages of 14 and 25, carried out a poll amongst its members which addressed some aspects of the Bill. It found:

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."

³⁸ Electoral Commission press release, 22 July 2010, www.electoralcommission.org.uk

³⁹ "Salmond letter urges Cameron to rethink vote date" BBC Online, 11 July 2010, <http://www.bbc.co.uk/news>

⁴⁰ "Wales strongly opposed to election date clash" Wales Online, 3 July 2010, www.walesonline.co.uk/news

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.⁴¹

29. The practical implications of holding multiple polls on the same date have been highlighted to us by the Association of Electoral Administrators:

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.⁴²

30. Academic commentators were more positive about the electorate's ability to participate meaningfully in multiple polls. Professor Robert Hazell, of the Constitution Unit at University College, London, told us that "there is no social science evidence that we are aware of" that voters are confused by the "clash of political arguments about different issues taking place at the same time". Regarding the widespread concern that the election of members of the devolved assemblies would be overshadowed by the UK-wide media coverage of the referendum, Professor Hazell told us:

the likelihood is that the referendum is the second order poll, and that it will be overshadowed by the elections rather than vice versa. That has been the experience in other countries which have had referendums at the same time as elections. In Canada, and in New Zealand in 1993, the political parties remained silent on the referendum issue, not least because they were concentrating their efforts on fighting the election, not the referendum campaign.⁴³

31. Dr Mark Steven, of the Electoral Reform Society, and Dr Matt Qvortrup, who has carried out extensive research into referendums, agree with Professor Hazell that voters are able to distinguish between competing political arguments, Dr Qvortrup writing to us that "the voters are normally able to distinguish between measures and men and referendums on the same day as elections do not significantly affect the outcome of either". He cited examples such as "the referendums on a change of the electoral system in Ireland 1959 and 1969" which were lost "although the party that campaigned for a change, Fianna Fail, won the elections on the same day".⁴⁴

32. Professor Patrick Dunleavy, of the London School of Economics, has researched voters' approach to multiple polls by examining ballot papers:

⁴¹ Scottish Youth Parliament (VPR 07, para 7.2)

⁴² Association of Electoral Administrators (VPR 06, para 5)

⁴³ Ev 161

⁴⁴ Ev 203

In June 2004 citizens voting in London had the opportunity to cast five simultaneous preferences. As in May 2000, the GLA Mayor and Assembly elections allowed voters to simultaneously register up to four preferences, to differentiate between their evaluations of mayoral candidates and political parties, and to signal complex preference structures to politicians. And on the same day in the 2004 European election Londoners had the additional choice of candidates to represent them in the European Parliament. As in 2000, we found that citizens who voted made use of this opportunity in sophisticated and successful ways.⁴⁵

33. We were told by Peter Facey of Unlock Democracy, an organisation campaigning for electoral reform, that those who argued that the electorate would be confused by participating in multiple polls were “underestimating the intelligence and the good sense of voters”.⁴⁶ The Government also agrees, and the Parliamentary Secretary for the Cabinet Office has told the House that a Member who suggested otherwise “underrates his fellow Scots and their capacity for decision making”.⁴⁷

34. Efficiency has also been cited as a reason in favour of holding the referendum on the same day as other elections, with the Minister telling us that it would save about £30 million, compared with holding a stand-alone referendum: “Some of that benefit accrues to the referendum campaign; the rest of the saving, of course, accrues to the individual elections taking place, because they can share some of the resources for the referendum”.⁴⁸

35. Turnout is also likely to be boosted by the fact 84% of the UK electorate will be eligible to vote in polls other than the referendum on 5 May 2011. Peter Facey, of Unlock Democracy, supported the adoption of the date for the referendum primarily for that reason.⁴⁹ Professor Robert Hazell told us that international comparisons showed that turnout increased where polls were combined. He noted that turnouts were also high when referendums were held alone if the issue was of “considerable national significance” such as the secession of Quebec, but that the international evidence suggested that electoral reform did not fall into this category.⁵⁰ The Hansard Society has also suggested that the public does not set a high premium on political reform; in the Society’s Audit of Political Engagement “only one in five (19%) report having discussed ‘the electoral system’ in the last year.”⁵¹

36. The flipside to a boost in turnout arising from holding multiple polls is that voting in the referendum may be unevenly spread across the UK. Professor Robert Hazell observed, however, that: “General elections see differential turnout, between different regions in the UK and between different constituencies, but people do not challenge the fairness of the result.

⁴⁵ *The 2004 GLA London Elections Study*, Margetts, Dunleavy et al (August 2005) www.devolution.ac.uk

⁴⁶ Q 29

⁴⁷ HC Deb 6 September 2010, c 126

⁴⁸ Q 333

⁴⁹ Q 25

⁵⁰ Ev 161

⁵¹ The Hansard Society (VPR 05, para. 5)

What matters is that everyone has an equal opportunity to vote, even if they choose not to exercise it.”⁵²

37. The Electoral Commission told us that “voter fatigue” was one factor that they considered in their assessment of the risks of multiple polls being held in quick succession. The Commission identified a particular problem in Wales where the referendum on additional powers for the Welsh Assembly could have resulted in the electorate being asked to vote three times in a short period, had the referendum and devolved administration elections been severed.⁵³ It was reported in late September 2010 that the preferred date of the Welsh Assembly for the referendum on additional powers was 3 March 2011, and the Welsh Secretary was likely to agree to that request.⁵⁴

38. We asked Mr Harper why, given the possible risks, the Government wanted to hold the referendum on 5 May 2011. He responded:

The Government have made it quite clear that we have made a commitment to do it, and we want to get on and do it. We have been very open...There are risks in doing it, so the Government are working very closely with the Electoral Commission, which will run the referendum, and with the electoral administrators who are running the other elections on those days to ensure that we manage the risks very carefully.⁵⁵

39. The Electoral Commission’s view is that the risks of holding the referendum together with other elections on 5 May 2011, clearly to a very tight timetable, can be managed if the rules for the referendum are sufficiently clear six months in advance. At the current rate of progress the Parliamentary Voting Systems and Constituencies Bill will be before the House of Lords in November 2010, but will by no means have completed its passage through Parliament. If the Bill is significantly amended in either House, the Government should reconsider the timing of the referendum.

Combination provisions

40. Separate from the issue in principle of whether the referendum should be held on the same day as other elections, the Electoral Commission raised with us the failure of the Bill as currently drafted to allow for the combination administratively of the referendum with any other polls to be held on the same day. Andrew Scallan, Director of Electoral Administration at the Electoral Commission, explained the consequence of this to us:

If [the Bill] isn’t amended to allow for combined polls as distinct from separate polls held on the same day, it would be necessary to have separate polling stations for each event that takes place. So if you imagine your typical school hall with a polling station, which may be a table with two members of staff sitting behind it, there would need to be a table

⁵² Ev 161

⁵³ Q 233

⁵⁴ For example, “Referendum on more Welsh powers set for 3 March, 2011” BBC Online, 21 September 2010, <http://www.bbc.co.uk/news>

⁵⁵ Q 341

for each event that is taking place on the day. Notices would be about each separate event.⁵⁶

41. Without combination provisions the local authority would also be required to send out separate postal ballots with the attendant costs. The Chair of the Electoral Commission was able to assure us, however, that: “Once those rules are there—I hesitate to use the word ‘straightforward’—it is then a relatively straightforward process for us to be able to make sure that the thing can run properly.”⁵⁷ Mr Harper confirmed that the Government intended to bring forward amendments to the Bill to allow for combined polls, and told us that they did not appear in the Bill in the first place “because we wanted to be able to work with the devolved Administrations and officials in each of those countries about how best to combine them and work with the Electoral Commission”.⁵⁸

42. Provisions to allow the holding of combined polls are vital for the referendum to be administered successfully. We therefore welcome the fact that the Government will be bringing forward such provisions, but trust that it will get them right in order to avoid further significant change to the Bill at too late a stage for the referendum to be held safely on the date envisaged.

The referendum question

43. The Bill provides that the question to be asked at the referendum should read: “Do you want the United Kingdom to adopt the ‘alternative vote’ system instead of the current ‘first past the post’ system for electing Members of Parliament to the House of Commons?”⁵⁹

44. Under the Political Parties, Elections and Referendums Act 2000 (PPERA), the Electoral Commission is required to consider the wording of the referendum question and publish a report on the question’s intelligibility.⁶⁰ The Electoral Commission published its report on 30th September 2010.⁶¹ The Government is not obliged to act on any recommendations in the report.⁶²

45. Professor Patrick Dunleavy told us that ‘alternative vote system’ “designates a whole class of systems – single office holder, multiple preferences, instant run-off”.⁶³ He posited a number of ways the specific system could be explained to voters including “a footnote [to the question] possibly, or a clarificatory memo or something of that kind, in the booklet which goes to voters and possibly available in the polling booths for people to check what exactly it is they are voting for”.⁶⁴ Professor Justin Fisher from Brunel University rejected the suggestion the ballot

⁵⁶ Q 224

⁵⁷ Q 227

⁵⁸ Q 333

⁵⁹ Clause 1(3)

⁶⁰ PERA s104(1) and (2)

⁶¹ *Referendum on the UK Parliamentary Voting system: Report of the views of the Electoral Commission on the proposed referendum question*, Electoral Commission (30 September 2010)

⁶² Q 240

⁶³ Q 144

⁶⁴ *Ibid*

paper might contain a number of options rather than a ‘yes or no’ question’: “I think having the range of choices would be catastrophic...I think it is the job of the House to decide which is the most appropriate one before putting it to the voters.”⁶⁵ Dr Graham Orr and Professor K Ewing agreed that simplicity was key: “It is vital that the referendum question be as simple as is reasonable whilst remaining descriptive, but above all that it not be tendentious”.⁶⁶

46. The Electoral Commission examined the language, structure and framing of the referendum question in the light of public opinion research and expert opinion. They tested suggested improvements to the wording on focus groups and in one to one interviews. The Commission concluded that, while the widespread lack of understanding of voting systems could be addressed by public information, the language used in the proposed question was overly formal.⁶⁷ While abbreviations are usually believed to inhibit comprehension, the Commission found that using “MP” instead of Member of Parliament” and “UK” instead of United Kingdom improved voters’ understanding of what they were being asked.⁶⁸ The study also concluded that splitting the question into two short sentences made it easier to read.⁶⁹ The Commission therefore recommended that the question read “At present, the UK uses the ‘first past the post’ system to elect MPs to the House of Commons. Should the ‘alternative vote’ system be used instead?”⁷⁰

47. Our overriding concern when considering the referendum question is that voters know exactly what they are voting for. The Electoral Commission’s duty to provide public information is vital to achieving clarity in the minds of the electorate. We accept the Commission’s conclusions on the wording of the referendum question and recommend the Government amend the wording of the referendum question as suggested. If the Government fail to follow the Electoral Commission’s conclusions we recommend the House scrutinise the reasons for that decision with particular care.

Conduct of the referendum: design of the ballot papers

48. Clause 3(2) provides that the proposed electoral forms are set out at Part 2 of Schedule 2 of the Bill. The forms are prescriptive: the Bill provides that they must be printed exactly as depicted.⁷¹ The Electoral Commission raised a number of concerns over the design of the proposed papers, noting that they did not follow the guidance on optimising the accessibility and usability of electoral forms contained in the Commission’s 2009 report, *Making Your Mark*.⁷² In evidence to us Andrew Scallan observed “some of the forms that are used now were also used in 19th-century legislation... [and] some of the legislative language...is election-law friendly rather than voter-friendly”.⁷³ Jenny Watson observed that one way of ensuring clear

⁶⁵ Q 144

⁶⁶ Ev 182

⁶⁷ *Referendum on the UK Parliamentary Voting system: Report of the views of the Electoral Commission on the proposed referendum question*, Electoral Commission (30 September 2010), para 3.29

⁶⁸ Para 3.58

⁶⁹ Para 4.9

⁷⁰ Para 4.12

⁷¹ Clause 3 (1) & (2)

⁷² Q 267

⁷³ Q 268

and accessible design was to give “the Chief Counting Officer [Jenny Watson herself] slightly more discretion in some of the materials that voters will receive”.⁷⁴

49. Mr Harper told us he was aware of the Electoral Commission’s representations:

the Electoral Commission has raised some concerns and has requested changes to the forms. We are discussing with it some of the good points that it has made about what the mechanism for that would be...You could either amend the primary legislation or you could look at powers to amend the form subsequently. We are thinking about the most sensible way to do that. If we need to amend the legislation we will obviously bring those amendments forward for discussion in Committee. But yes, the Electoral Commission has raised those concerns with us and we are thinking about them. They are about the forms, not about the ballot paper, which has always been specified in legislation. Just on the forms, we will adopt the same consistent approach that we have used for previous elections, so we have not undergone a radical redesign of everything. We have pretty much copied across from existing elections and processes and used those as our starting point in the legislation.⁷⁵

We are not certain that the distinction drawn by the Minister between the forms accompanying the ballot paper and the ballot paper itself is particularly relevant. What is important is that the Electoral Commission should have been consulted on this part of the legislation before it was published.

50. Hasty drafting and lack of consultation appear to be responsible for the problems raised by the Electoral Commission with the way in which the Bill provides for the design of the ballot papers. We trust that these issues will be sensibly resolved at Committee stage, but regret that they were not resolved earlier.

Control of loans etc to permitted participants

51. Clause 4 introduces similar rules on campaign finance to those that apply during general elections. Rules on campaign finance are regulated by the Electoral Commission. One key area for the referendum is that the Commission has a duty to consider the appointment of a designated lead organisation for each side of the question which is then eligible to receive grants of up to £600,000. The Commission is required to appoint either a lead organisation for each side or not at all. Dr Graham Orr and Professor K Ewing, who specialise in political funding, have told us that this is a complex decision:

In many ways the referendum is not really a straightforward battle between supporters of first-past-the-post and supporters of AV, since there are other voting systems that could have been proposed, notably proportional representation. When multiple choice is limited to binary alternatives, the status quo can have an undue and artificial advantage: for example supporters of first-past-the-post may make odd bedfellows with supporters of proportional representation, to defeat the ‘compromise’ option of AV.⁷⁶

⁷⁴ Q 268

⁷⁵ Q 187

⁷⁶ Ev 182

52. Lisa Klein, Director of Finance at the Electoral Commission, while observing the legislation did not set out the process by which a lead organisation was to be appointed, was able to reassure us that the Commission had carefully considered how to apply the statutory test and would be able to designate within the given time limits.⁷⁷

53. A second issue raised with us during our inquiry was the ambiguous position of the media under the funding rules as currently drafted. Dr Orr and Professor Ewing have explained the situation to us as follows:

Third parties [campaigning in the referendum] are limited to £500,000. Curiously, unlike in the spending limits that apply to elections, the definition of referendum expenses does not expressly exclude ‘the publication of any matter relating to an election, other than an advertisement, in ... a newspaper or periodical’.⁷⁸ On the contrary, the list of referendum expenses refers to ‘any material to which section 125 applies’:⁷⁹ this includes any material which provides general information about the referendum, or puts any argument for or against any particular answer to the referendum question. The Act would thus appear to limit newspapers to ‘spending’ at most £500,000 each in providing information or in advocating one position or another during the referendum campaign period. Moreover, newspaper companies will be able to do so only if they comply with the registration or notification procedures necessary to be a permitted participant; otherwise they will only be able to spend up to £10,000.⁸⁰

54. The submission went on to describe this provision as “an apparent oversight”, although it also noted “given the concentrated power of newspaper proprietors there is no reason in democratic theory why they should have unlimited rein to campaign when parties and other civic groups do not” and suggested one “approach might be to amend the law...to apply the existing referendum rules in PPERA so that they apply also to general elections” rather than the other way round.⁸¹ Professor Justin Fisher, of Brunel University, agreed that the failure to exempt the media from funding restrictions was “almost certainly an oversight” but considered the possibility of the funding rules applying to newspapers and broadcasters was a real one: “in the passage of this legislation there ought to be some amendment, otherwise you could find yourself in a position where the newspapers would be hamstrung from taking a particular view”.⁸²

55. Lisa Klein confirmed the Electoral Commission was aware of the “ambiguity”⁸³ and that it could in theory lead to media organisations being prosecuted if there was a breach of the rules. Prosecution could be instigated following a referral by the Electoral Commission to the police or arise as the result of suspicions by the police themselves.⁸⁴

⁷⁷ Q 306 and 307

⁷⁸ PPERA, s 87

⁷⁹ PPERA, Sch. 13

⁸⁰ PPERA, s 117

⁸¹ Ev 182

⁸² Q 293

⁸³ Q 307

⁸⁴ Q 309

56. It is likely to be in the public interest for a free media to be able to comment openly and without restriction during the referendum campaign, and therefore to be exempt from the funding restrictions which apply to campaigning groups. Members of this Committee have tabled an amendment to this effect which we ask the House to consider.

3 'Reduce and equalise'

57. The second part of the Bill would affect the composition of the House, both the number of Members and the constituencies they would represent.

58. Under the Parliamentary Constituencies Act 1986 the four Boundary Commissions for England, Scotland, Wales and Northern Ireland are currently required to carry out reviews of parliamentary constituency boundaries every eight to twelve years.⁸⁵ Clause 8(3) of the Bill would increase the frequency of reviews to every five years, with the first review under the new rules to have reported to Parliament by 1 October 2013.⁸⁶ This would provide eighteen months for local constituency organisations to reconstitute themselves, undertake a candidate selection process and for that candidate to then canvass the constituency before a general election on 7 May 2015.⁸⁷ It would bring about more frequent change to constituency boundaries than has hitherto been the case. It would also ensure that boundaries were based on more up-to-date electoral information than has been the case in the past.

59. Clause 9(1) of the Bill would replace Schedule 2 of the Parliamentary Constituencies Act 1986. This Schedule contains the rules under which the Boundary Commissions operate.

Number of seats

60. New Rule 1 in the Bill would reduce the number of Members of the House of Commons from 650 to 600 for the next general election. The number of Members in the House has fluctuated since the turn of the twentieth century. At the same time, the British population has risen from just over 38 million in 1901 (not including the south of Ireland), to just under 60 million in 2001. In 1900 the number stood at 670 (including the south of Ireland), increasing to 707 following the passing of the Representation of the People Act in 1918.⁸⁸ The secession of the Irish Free State in 1922, together with a reduction in the number of Members for Northern Ireland, led to a drop in numbers to 615,⁸⁹ but the second half of the twentieth century overall has witnessed a general rise in the number of constituencies - with intervening fluctuations - for example, to reduce the number of Scottish seats in the light of devolution - to 650 today. The rise has largely been the result of the complex operation of the Rules for Redistribution of Seats used by the Boundary Commissions, first set up in 1944, which set no absolute cap on the number of seats in the House.⁹⁰

61. The Conservative Party manifesto for the May 2010 General Election contained a commitment to reduce the size of the House of Commons by 10% to 585.⁹¹ The Liberal Democrat manifesto similarly had a commitment to reduce the number of MPs by 150, although the reduction was contingent upon the introduction of the single transferable vote

⁸⁵ Parliamentary Constituencies Act 1986, s 3(2) as amended by Boundary Commissions Act 1992

⁸⁶ Clause 3(2)

⁸⁷ Clause 1(3) of the Fixed Term Parliament Bill proposes that elections to the UK Parliament be held every five years

⁸⁸ House of Commons Library Research paper 10/55, Oonagh Gay and Isobel White p 27

⁸⁹ Ibid.

⁹⁰ Parliamentary Constituencies Act 1986, Sch. 2

⁹¹ *Invitation to Join the Government of Britain*, The Conservative Party Manifesto 2010, p 67

electoral system.⁹² The coalition agreement committed the Government to “the creation of fewer and more equal sized constituencies.”⁹³ On 5 July 2010 the Deputy Prime Minister told the House of Commons that the number of MPs would fall from 650 to 600, a reduction of 7.7%.⁹⁴

62. The proposed reduction has caused surprise and concern among the contributors to our inquiry. Peter Facey of Unlock Democracy told us:

I...do not know why, we have gone for 600 seats. I would have preferred a debate about what the function of the House of Commons should be and what the appropriate number of MPs should be for that function and then have the debate about the number of constituencies because that...I have a slight fear that we have put the cart before the horse...⁹⁵

63. Lewis Baston of Democratic Audit agreed: “A decision about the number of MPs should proceed from an analysis of the functional needs of Parliament, and the representative role with constituents, rather than being arbitrarily imposed.”⁹⁶ The Hansard Society could find no rationale for the reduction to 600 members noting that there was “real concern” the number had been “plucked from thin air– 600 simply being a neat number.”⁹⁷ Dr Stuart Wilks-Heeg called the reduction “arbitrary”.⁹⁸ Professor Ron Johnston rejected the notion that the Government had decided to reduce the House to 600 because any further reduction would disadvantage the Conservative party:

I am not quite sure how they would have worked that out. It may be the case that they have done some clever simulations and come up with that conclusion but I have not. It is believed that the major gain from equalisation will be a reduction in the bias that the Labour Party has in how the system operates because in general Labour electorates are smaller than Conservative electorates and whatever number you went down to that would be reduced to some extent. It seems to me it would always be slightly in the Conservative interest to reduce the number of seats and equalise. It is equalising that really is the point of removing that Labour advantage. As I understand it, reducing the number of MPs was part of the response to the expenses scandal, “We’re proving to the country we can work harder with less money.”⁹⁹

Professor Justin Fisher agreed, calling the reduction in MP numbers a “rather populist response to the expenses scandal”.¹⁰⁰

⁹² Liberal Democrat Manifesto 2010 p 88

⁹³ The Coalition: Our programme for Government p 27

⁹⁴ HC Deb 5 July 2010, c 24

⁹⁵ Q 44

⁹⁶ Ev 143

⁹⁷ The Hansard Society (VPR 05, para. 14)

⁹⁸ Q 214

⁹⁹ Q 94

¹⁰⁰ Q 116

64. The Hansard Society has expressed concerns about the effect of reducing the number of Members of the House:

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.¹⁰¹

65. The Hansard Society has also expressed doubt as to whether a simple reduction in the number of Members would result in financial savings, as suggested by the Deputy Prime Minister (see below). Increasing the average size of constituencies would lead to a rise in an individual Member's casework. Moreover, a larger number of constituencies would cut across administrative boundaries, requiring Members to engage with a greater number of local stakeholders, for example local authorities, healthcare trusts and education authorities: "Cumulatively this will require more time and resources and will therefore have some cost implications."¹⁰²

66. The Deputy Prime Minister gave us the following explanation of how the coalition government had arrived at the specified reduction in the number of Members:

We took some of [the ideas in our manifestos] as our starting point and decided that we needed some flexibility to make sure we did not create totally unfeasible straight lines on the map which made absolutely no sense. We have now settled on 600 which is a 7.6% cut in the total number. A third of Members already operate [with the constituency size] on which many other Members will operate after the boundary review. In our judgment [600] struck the right balance in making the change we wanted to, cutting the cost of politics, making sure that votes were of equal worth wherever they were in the country but also creating a chamber of sufficient size both to represent constituents and hold the executive to account.¹⁰³

67. The reasons for the reduction focused on the financial savings involved and comparisons with other national legislatures.

We settled on 600 MPs, a relatively modest cut in House numbers of just less than 8%, because it saves money-about £12 million each year-and because we think it creates a House that is sufficiently large to hold the Government to account while enabling us all to do our jobs of representing our constituencies. It also creates a sensible average number of constituents...76,000...that we already know is manageable because there are already 218 seats that are within 5% of that number. That is why we feel 600 is about right.¹⁰⁴

¹⁰¹ The Hansard Society (VPR 05, para. 15)

¹⁰² The Hansard Society (VPR 05, para. 17)

¹⁰³ HC 358- i (2010-11), Q 62

¹⁰⁴ HC Deb 6 September 2010, c 39

68. The House of Commons, at 650 Members, is not much larger than the German Bundestag (622), the Italian Chamber of Deputies (630) and the French National Assembly (577). Lewis Baston, of Democratic Audit, has written that any international comparison fails to take account of the unique nature of the United Kingdom’s political structure: “Most comparisons with other countries with smaller lower houses and larger population miss the points that the US and Germany, for instance, have federal and state tiers of government, and the legislature in some countries like the US and France does not supply the ministerial bench.”¹⁰⁵ In both the Bundestag and the French National Assembly, members of the Government do not occupy seats as Members of Parliament. Germany, as a federal republic, also has 16 state parliaments, with more than 1,800 members between them.

69. Were a government in a country with a less long-established democratic culture to use its control over the legislature to remove 50 elected representatives from Parliament without meaningful consultation, it might well be condemned by British public and political opinion as tyrannical or arbitrary.

70. The Government proposes to reduce the number of Members of the House from 650 to 600 at a single stroke. This is a relatively modest reduction in numerical terms (although it represents more than a quarter of the seats in Wales), but it is unprecedented in recent British history: the last comparable fall in the number of Members followed the secession of the south of Ireland. The decision to make this reduction has not been prefigured by any public consultation on the role of a Member of Parliament, nor by any analysis of the impact of the reduction on constituency casework. It has not been accompanied by any compelling international comparisons, nor by any information on what the Government proposes should be the size and role of a reformed upper House. The reduction would, on current plans, be made entirely from the backbenches, with no proposals to reduce the number of Ministers or of others on the Government payroll sitting and voting in the House, thus increasing the extent of executive dominance of Parliament. The savings that the Government claims, but has not proved, the reduction would lead to, would make no discernible impact on the national deficit, amounting as they do to around one millionth of the annual budget of the National Health Service. There may be a case for reducing the number of Members of the House to 600, but the Government has not made it.

Equalisation of constituency electorates

The Government’s proposals

71. Rule 2 as included in the Bill would provide that equality of size would be the overriding requirement for setting constituency boundaries. Except in named cases (Rule 6) or where the constituency covers more than 13,000 sq km (Rule 4), a Boundary Commission would have scope to deviate from the electoral quota by no more than 5%.¹⁰⁶ This provision is a significant change from the current position where Boundary Commissions have great discretion to take other factors into account.¹⁰⁷

¹⁰⁵ Ev 143

¹⁰⁶ Clause 9(1)

¹⁰⁷ Parliamentary Constituencies Act 1986, Sch 2, Rule 5

72. Rule 5 would continue to allow the Boundary Commissions to take these factors into account, but only within the size constraint. The factors are:

- special geographical considerations, including, in particular, the size, shape and accessibility of a constituency;
- local government boundaries as they exist on the most recent ordinary council-election day before the review date;
- any local ties that would be broken by the changes;
- (in later reviews) the inconvenience attendant on changes.

73. New Rule 3 states that constituencies cannot cross national boundaries, although they will be able to cross regional, county and other boundaries.

74. Unequal constituency size is a factor in producing an effect called “electoral bias” where parties receive significantly different numbers of seats in an election despite having similar levels of voter support. In the last few decades, electoral bias has favoured the Labour party, although this has not always been the case. Professor Michael Thrasher, who has examined the impact of bias on the 2005 and 2010 general elections, has explained that equalisation of constituency size would go only some way towards rectifying this bias:

There is a common misconception that periodic boundary reviews should remove electoral bias. This view is mistaken because such reviews are only concerned with one element that contributes towards bias, viz., unequal electorate size (malapportionment). Other elements are contributing towards overall bias. Apart from malapportionment these remaining elements are, vote distribution (geography); differential turnout (abstention); and the effects produced by competition from smaller parties. There are, in addition, the interaction effects that result from two or more of these components interacting with one another, for example, a party wins its seats in small electorate areas where abstention is also high.¹⁰⁸

75. Equalisation would be likely to have a party-political impact, but calls for reform of the current rules have come from conspicuously impartial sources as well as from political parties. The Boundary Commission for England has called for a review of the Rules for Redistribution on a number of occasions on the ground that they are internally inconsistent.¹⁰⁹ The Committee on Standards in Public Life considered electoral boundary matters in its review of the Electoral Commission in 2007, calling in its report for a review of the rules, which, it stated, needed to address the “progressive inequality of electoral quotas, and increase in the size of the House of Commons that appear inbuilt to the operation of the current rules”.¹¹⁰

¹⁰⁸ Ev 187

¹⁰⁹ See for example, chapter 6 of the Report of the Fifth Review.

¹¹⁰ Committee on Standards in Public Life Eleventh Report of Session 2007-08, *Review of the Electoral Commission*, Cm 7006, p47

The current situation

76. Currently constituency electorates vary widely from Na h-Eileanan an Iar with around 22,000 voters, to the Isle of Wight with around 109,000 voters. These are outliers, however, which do not reflect the more general picture:

Of the 533 English constituencies in the last review, 474 (88.9 per cent) were within 10 per cent of the English quota and according to the Boundary Commission for England's latest figures available there were still 429 within this range (80.5 per cent). Only 10 English seats outside a range of 15 per cent were proposed (one over, nine under) and on 2010 electorates there were 30 such seats (18 over, 12 under).¹¹¹

77. A significant proportion of existing constituencies already have electorates within the range likely to be required by the Bill. Members representing these constituencies do so without obvious significant practical difficulty. As the Deputy Prime Minister told us:

People talk about this as if we are entering into a completely new universe where people will represent constituencies in a way that has never happened before. About one third of Members here are already doing it. It seems to me that if that can be done it can easily be extended to other places as well.¹¹²

Some constituencies would be significantly enlarged as a result of the Government's proposed measures. Such enlargement is likely to lead to consequential issues which we are not convinced have been considered adequately by the Government.

Constituencies crossing other boundaries

78. Requiring all constituencies to be within 5% of the electoral quota would mean, however, the creation of constituencies crossing regional and county boundaries, not least in Cornwall and Devon. Keep Cornwall Whole, a cross-party group campaigning against this aspect of the Bill, told us that creating a constituency with a number of historical, political and geographical identities would pose a serious challenge to the local MP, and that "there is a severe risk that elements of it will go under-represented or indeed unrepresented." They have stated that loosening the equalisation requirement for constituencies to within 10% of the electoral quota would mean avoiding the need for a constituency to cross the Devon-Cornwall border.¹¹³

79. Another practical effect of the 5% equalisation requirement is that many more constituencies than at present would cross local authority boundaries. The numbers involved will vary across the UK: Scotland is likely to see 15-20 (out of 50) cross-local government border constituencies, Wales between 23 and 28 constituencies (of 30), and in England, where 34 constituencies already cross a London borough boundary, the commissions "expect to cross boundaries to an even greater extent in a review carried out under the terms of the Bill."¹¹⁴ The Secretaries to the English and Scottish Commissions, Bob Farrance and Hugh Buchanan, told us

¹¹¹ Ev 155

¹¹² HC 358-i (2010-11), Q 51

¹¹³ Ev 151

¹¹⁴ Ev 155

they intend to take local authority areas into account when designing constituencies. In Wales very few constituencies will be able to follow local authority boundaries.¹¹⁵

80. A further practical consequence of the need to cross local authority borders to achieve electoral parity is the impact on holding elections. The Association of Electoral Administrators observed that running the 2010 election had been complicated by the number of constituencies straddling different local authorities. The AEA asked “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.”¹¹⁶

81. Another consequence of the 5% equalisation requirement is that the boundary commissions will have to split wards in order to achieve the required number of electors in each constituency.¹¹⁷ The commissions have identified data below ward level which they would be able to use in each country.¹¹⁸ Professor Ron Johnston told us that research suggested that political activity declined when wards were divided:

when a ward was split [in Bristol] a lot of the ward activists drifted away. They had lost their rationale to represent this place, this place no longer existed, it was in two parts and political activity declined.¹¹⁹

Prospects for ongoing wide-scale change

82. The equalisation requirement will also mean significant changes to constituency boundaries in subsequent reviews, because of changes in the electorate. Boundary reviews are conducted, effectively, on a snapshot of the constituency population. A British Academy report on the Bill has concluded:

...population movements are considerable over relatively short periods of time, and it is likely that within five years a not-insignificant number of constituencies could fall outwith the +/-5% size constraint in some parts of the country. If that constraint is to predominate then frequent redistributions appear necessary.¹²⁰

The report identified a number of consequences:

some MPs...could find that the constitution of their constituencies changes considerably with great regularity (or even that they are, in effect, abolished after only five years);

¹¹⁵ Ev 155

¹¹⁶ Association of Electoral Administrators (VPR 06, para. 6.4)

¹¹⁷ Ev 155

¹¹⁸ Ibid

¹¹⁹ Q 107

¹²⁰ *Drawing a new constituency map for the United Kingdom* British Academy Policy Centre, ed Ron Johnston et al (September 2010)

party organisers and electoral administrators would have to change their arrangements very frequently; and electorates would be confused by the frequent changes.¹²¹

83. Keep Cornwall Whole observed “that effective constituency representation relies on a degree of constituency stability as well as local links...5 yearly reviews focused almost entirely on numbers would greatly weaken this.”¹²²

Conclusions on equalisation

84. Lewis Baston queried whether the Government had made the case for an inflexible rule on electoral quotas during boundary setting: “the rules are being replaced without any attempt to form a consensus”. Mr Baston noted the following as questions that had not been satisfactorily resolved:

How much importance do the public really attach to the government’s definition of equality of size? Would people, in their own constituency, prefer an equal sized seat that does not correspond to the boundaries of their perceived community and daily lives, or one that was perhaps a bit large but made sense on the ground? How do people feel about not having the same parliamentary boundaries from one election to the next?

Mr Baston concluded: “The government appears not to have attempted to discover what people want from representation.”¹²³

85. Along with a number of other Labour Members of Parliament,¹²⁴ Rt Hon Paul Murphy MP, a former Secretary of State for Wales and Northern Ireland, has written to us of his concerns about the potential impact of equalisation:

The creation of very large constituencies, rigidly defined by numbers, will destroy community-based constituencies since it would appear that, to create such constituencies, local ties, geography and tradition are likely to be ignored. This will further distance MPs from their constituents and impact adversely on the service that can be offered to members of the public. This is especially alarming in areas such as the south Wales valleys, where the very landscape necessitates careful consideration regarding constituency boundaries, with historical north-south communities in valleys separated by mountains. Until now, MPs have been able to represent roughly distinct communities, something which these proposals threaten.¹²⁵

86. The Deputy Prime Minister told the House of Commons that the equalisation requirement was being introduced so that each vote carried the same weight. He told the House at Second Reading:

¹²¹ *Drawing a new constituency map for the United Kingdom* British Academy Policy Centre, ed Ron Johnston et al (September 2010)

¹²² Ev 151

¹²³ Ev 143

¹²⁴ Ev 223 onwards

¹²⁵ Ev 229

To the people we serve it is patently obvious that individuals' votes should carry the same weight, and if that means reforming the rules for drawing boundaries, that is what we must do.¹²⁶

There is an argument, however, that the point of a constituency-based system, rather than a system of proportional representation, is to prioritise representation of the views of local communities over absolute equality of votes for individuals. It is important that the equalisation requirement is not drawn so tightly, that new constituencies lack a sense of local identity as a result.

87. The principle that people's votes should carry an equal weight regardless of where they live is one with which it is hard to argue. It is worth remembering, however, that it is a principle that is most perfectly achieved through proportional representation. One of the advantages of a constituency-based system is that it allows local communities to be effectively represented in the national Parliament. It is essential that the Boundary Commissions should have sufficient freedom to design constituencies that have meaning for the people living in them and can be well represented by the Members elected to them. The House should ensure that the new rules as proposed by the Government would not draw the equalisation requirement so tightly that new constituency boundaries would take insufficient account of geographical considerations, local ties and local authority boundaries.

88. We have not as a Committee attempted to determine the precise level of variation from the electoral quota that would be appropriate to achieve this goal: this is a matter for further political argument. Before the 2010 general election, the Conservative Official Opposition tabled amendments to the Constitutional Reform and Governance Bill which would have limited variation to 3.5% from the quota.¹²⁷ Lewis Baston in his evidence suggests that 10% would be a more appropriately flexible figure.¹²⁸

89. The British Academy Working Group on the Bill has observed that **under the Government's current proposals, however, the Boundary Commission for Wales could find that it is significantly more limited in practice in its scope for variation from the electoral quota than the Boundary Commissions for England and Scotland.** This is because the number of registered voters in each part of the United Kingdom will vary from the number of seats allocated to that part by up to half of the quota for a single seat, because of the need to allocate a whole number of seats to each of England, Scotland, Wales and Northern Ireland. This will matter less in parts of the country with larger numbers of constituencies. But in Wales, which is likely to have only 30 seats, this discrepancy could make a material difference, as a report from the British Academy Policy Centre makes clear:

an even more severe burden of equality could fall on Wales. Suppose that Wales's exact share of 598 is 29.49 and it is rounded down to 29. Then its total electorate is $29.49 \times 76,000 = 2,241,240$ and its average constituency size is $2,241,240/29 = 77,284$. This is

¹²⁶ HC Deb 6 September 2010, c 35

¹²⁷ New Clause 99 (Committee of the Whole House)

¹²⁸ Ev 143

about 1.7% larger than the UK quota. In effect, the permitted deviation among constituencies in Wales would be only 3.3% instead of the 5% target.¹²⁹

90. The Bill already recognises that the Boundary Commission for Northern Ireland may need some additional flexibility as a result of this factor.¹³⁰ **We consider it important that the four Boundary Commissions should operate under the same constraints, and that each Commission should therefore have the same degree of flexibility in practice as regards constituency electorate size, to give them the same ability to take account of other relevant factors when drawing up constituency boundaries. Members of the Committee have therefore tabled an amendment to the Bill which would give each part of the United Kingdom a very slightly different electoral quota, to ensure that each of the four Boundary Commissions should retain the ability to vary the number of registered voters in a constituency by a full 5% in either direction.**

Impact of equalisation on the next general election

91. The imposition of equalisation would change the boundaries of almost every constituency in the country, even those currently within the target electorate. Bob Farrance, Secretary to the Boundary Commission for England, told us: “The effect of setting a parity target, as well as a reduction at the same time, leads to the inevitability of widespread change across the whole of the country.”¹³¹ Robin Gray, a former Boundary Commissioner, agreed, predicting “massive change” in constituency boundaries across the UK.¹³²

92. All four Boundary Commission secretaries agreed that every constituency would be impacted by the change, even those currently at or close to the quota: The review proposed by the Government is not the redrawing of 650 existing constituencies, but the creation of 600 completely new ones. The impact within all parties will be immense and Parliamentary scrutiny of the Government will inevitably take second place to time-consuming internal disputes in the run up to the General Election. The proposals seem likely to strengthen central party management, weaken local party structures and activism, and destabilise individual Members and prospective parliamentary candidates. **The review the Government is proposing will mean that every prospective parliamentary candidate, current Members of the House included, will not know until eighteen months before a general election in 2015 what the boundaries will be of the constituency they intend to contest, or if indeed they will have a constituency to contest. It is also not clear whether political parties have the necessary resources and resilience at a local level to adapt successfully within this timeframe to contesting new constituencies across the whole of the country.**

Impact of ‘reduce and equalise’ on local politics

93. The proposals for reduction and equalisation seem to have been brought forward with little or no consideration of their potential impact on the ability of Members of Parliament to fulfil their responsibilities to their constituents. The service offered by Members will be placed under

¹²⁹ *Drawing a New Constituency Map for the United Kingdom*, p 41

¹³⁰ New Rule 7

¹³¹ Q 151

¹³² Q 58

greater pressure. Constituencies are already 25 per cent more populous than they were in 1950 and there are now greater expectations on Members of Parliament in terms of casework, yet the rules introduced by the new Independent Parliamentary Standards Authority (IPSA) have seen a reduction in budgets for Members' staff by 10 per cent. Members representing poorer parts of the country—statistically underrepresented on the Government's benches—have many more social problems to deal with than previously. Some of these cases involve individuals who do not have the right to vote in general elections. Following a boundary review as proposed by the Government, more Members would have a greater multiplicity of different public authorities to deal with, as more parliamentary boundaries would have to be drawn to cross local authority boundaries. In addition, Members who are Ministers have executive responsibilities to fulfil as well as those to Parliament and constituents, unlike in democracies with a separation of powers. **We recommend that the Government and the Independent Parliamentary Standards Authority should consider the impact of the proposals on the ability of individual Members of Parliament to perform their duties effectively when deciding upon individual Member resource allocation.**

94. The Government also seems to have given no consideration to the impact of its policies on the structure of local politics. Local party infrastructure is invariably sustained by volunteers and small donations, and the identity of local parties of all colours is founded on local communities. Where constituency boundaries cross natural and local authority boundaries, this will weaken local political identity. For the added stress of boundary change to occur potentially every five years is likely to further undermine local party organisation, and in turn strengthen the already dominant position of the central party organisations and leaderships. **We recommend that the Government should assess thoroughly the likely impact of the provisions on party-political organisation, particularly at a local level, and explain what steps it intends to take in mitigation before the Bill is sent to the House of Lords.**

95. **One possible way in which the impact of the measures could be made less stark would be to provide for a more gradual approach to the reduction in the number of constituencies and to the equalisation of their size than the current proposals intend, over a series of boundary reviews rather than over a single review.**

Preserved constituencies

96. The Bill explicitly exempts Orkney and Shetland and Na h-Eileanan an Iar (the Western Isles) from the 5% rule. The two constituencies currently have electorates of 33,085 and 21,780 respectively. The Deputy Prime Minister has told the House that “in both those cases, geographical size and remoteness make any change to the boundaries completely impractical.”¹³³

97. There have been calls for further exceptions, for example from people on the Isle of Wight, who do not wish a constituency to be formed made up of part of the island and part of mainland England.¹³⁴ The Hansard Society commented that the proposed exception to the equalisation proposals “appears arbitrary...An obvious additional candidate for an exemption,

¹³³ HC Deb 6 September 2010, c 37

¹³⁴ HC Deb 6 September 2010, c 73

for example, is the Isle of Wight.¹³⁵ We have also received strong representations from other areas including Cornwall and Wales.¹³⁶

98. We acknowledge the grounds for making exceptions from the electoral quota requirement for the constituencies of Orkney and Shetland and Na h-Eileanan an Iar on the grounds of practicality. This will mean, however, that votes cast in these constituencies will have a proportionately much greater weight than votes elsewhere in the United Kingdom.

99. The House may wish to consider further exceptions for parts of the United Kingdom where it is the wish of voters (expressed, for instance, through petitions) to be under-represented in Parliament, for reasons of strong local ties.

Accuracy and completeness of the electoral roll

100. The first boundary review under the Bill would be carried out using data from the December 2010 electoral roll.¹³⁷

101. The accuracy and completeness of this data takes on a particular significance in light of the Bill, because it would be the key determining factor in fixing constituency boundaries for the next general election, rather than simply one of many countervailing factors. As one of our witnesses, Dr Pinto-Duschinsky, observed: “The entire project of equalising constituency electorates depends on the existence of a reasonably accurate way of determining the number of eligible voters in each ward.”¹³⁸

102. We have heard doubts as to whether this is in fact the case. The Electoral Commission has estimated that as many as 3.5 million eligible voters may be missing from the register.¹³⁹ According to the Electoral Commission, figures for electoral registration in the United Kingdom stand at just over 91% of the electorate. The Electoral Commission has stated that this level of registration is comparable with international figures.¹⁴⁰

103. Since 2004 Dr Roger Mortimore of Ipsos Mori has led on a rolling programme of research into electoral registration for the Electoral Commission.¹⁴¹ Dr Mortimore’s research has examined people who are unregistered and shown that the completeness of the register varies according to location, age group, social class and ethnicity.¹⁴² In an analysis of the 2009 register across eight study areas, the completeness of the register varied from 73% to 94%. Similarly, the accuracy of the register (the proportion of the register entries that correctly refer to people eligible to be registered) varied from 77% to 91%. These findings mean that, in a constituency

¹³⁵ The Hansard Society (VPR 05, para. 9)

¹³⁶ Ev 151

¹³⁷ HC Deb 6 September 2010, c 34

¹³⁸ Q 46

¹³⁹ *Understanding Electoral Registration: The extent and nature of non-registration in Britain*, The Electoral Commission (August 2005)

¹⁴⁰ *Ibid.*

¹⁴¹ Details of the research can be found at VPR 04

¹⁴² All publications in the rolling programme including *Understanding Electoral Registration*, Mortimore et al, (2006) and *Population change, turnout and the elections*, Mortimore et al, (2005) can be found at www.ipsos-mori.com

where the register recorded only 73% of eligible voters, over 20,000 people would not be counted in the boundary review, meaning that the total of those eligible to vote in the constituency could vary from the proposed electoral quota of 76,000 by up to 27%.¹⁴³

104. Dr Stuart Wilks-Heeg of Democratic Audit told us that he had serious concerns over the completeness and accuracy of the current electoral registers:

It is not clear that the electoral registers are ‘fit for purpose’ in undertaking radical changes to reduce and equalise constituencies. Recent research into the completeness and accuracy of the electoral registers highlights that there has been a sharp fall in registration levels over the past decade, and variations in under-registration appear to be growing.¹⁴⁴

105. Dr Wilks-Heeg also expressed concerns over the assumed relationship between the completeness and the accuracy of the electoral register:

The [Electoral Commission’s] research highlighted that the rates of completeness of individual electoral registers (the percentage of missing entries) tends to mirror the rates of accuracy of those registers (the percentage of entries which are redundant or false). It could be argued that this will mean that inaccuracy will tend to counter-balance incompleteness, thereby producing electoral registers which approximate quite well to the total number of eligible electors...However, based on the [Electoral Commission] research, I would argue that this assumption is likely to be flawed.¹⁴⁵

106. We asked both Dr Mortimore and Dr Wilks-Heeg whether there were any measures that could be taken in order to improve the accuracy and completeness of the register in time for the December 2010 electoral roll. They agreed that little could be done. Dr Wilks-Heeg told us: “It’s too late [to do anything]. We’re in the middle of the annual canvass and some local authorities are very advanced in that process already.”¹⁴⁶ However, Dr Wilks-Heeg told us that research showed that there were:

“particular practices which Electoral Registration Officers can follow, which if they all follow, virtually to the letter, will maximise the annual canvass return, which is crucial, which then in turn maximises the completeness and accuracy of the registers.., it would seem that there are certain local authorities where perhaps not all of [the Electoral Commission’s] best practice is being used, but that is certainly, in terms of future canvasses, a key area to focus on.”¹⁴⁷

107. Dr Pinto-Duschinsky told us:

If we look at the register and the problems of the register, we know roughly where the problem areas are. For example...in inner London we have voter problems in certain conurbations, but in those areas one of the problems is that [the local authorities] do not

¹⁴³ Clause 9(1)

¹⁴⁴ Ev 167

¹⁴⁵ Ibid.

¹⁴⁶ Q 200

¹⁴⁷ Ibid

spend money on follow-up canvassing...I imagine there would be about 50 to 100 constituencies that are potentially problem areas and...the Government [could require] them, as it is entitled to do by law, to carry out a house-to-house, or other sufficient, inquiry...¹⁴⁸

108. We explored with witnesses whether the introduction of individual voter registration or giving new powers to electoral registration officers to mine other data sources would improve the quality of the electoral register for future boundary reviews. Dr Wilks-Heeg told us that individual registration would improve the accuracy of the registers but have limited effect on their completeness:

I think individual registration would clearly help to make sure we remove ghost voters from the rolls...[regarding] other ways in which we would need to clean up the registers, individual registration probably only goes so far. What will be critical is the extent to which electoral registration officers can access other data sources and what data sources they do access...if they access...addresses held by the DVLA...only certain people have driving licences, that is only going to take you so far...in terms of eliminating the problem of electors being registered simultaneously in different places when they're not supposed to be. Again—as the legislation proposes—you would need to supplement it with core [data], otherwise you simply can't know whether you've got voters registered in multiple different places...¹⁴⁹

109. The national census will be taken on 27 March 2011, although data from it would almost certainly not be available in time to influence the December 2011 electoral register. Dr Mortimore told us that the census “is the best [thing] that can be done, in terms of checking the register but it's going to be a long way short of perfect because what you're comparing it with is also short of perfect.”¹⁵⁰ Dr Wilks-Heeg thought that census data would “give us a unique opportunity to look at the completeness and accuracy of the registers in a far more thorough way than we usually can.”¹⁵¹

110. During the Second Reading of the Bill the Deputy Prime Minister told the House:

The [boundary] commissions will continue to use the electoral register as the basis for their reviews. That has been a feature of the system for decades, under Governments of all shades. With registration in Great Britain at well over 90% and in line with comparable countries, the register remains the best basis for reviews...We are investigating a number of solutions, including freeing up local authorities to use existing public sector databases to identify people who are not registered, and then actively encouraging them to register.¹⁵²

¹⁴⁸ Q 46

¹⁴⁹ Q 211

¹⁵⁰ Q 214

¹⁵¹ Ibid

¹⁵² HC Deb 6 September 2010, c 40

111. On 15 September 2010 the Parliamentary Secretary for the Cabinet Office told the House of Commons that the Government planned to bring forward legislation to implement individual registration in 2014.¹⁵³ He also announced that the Government would be trialling:

data-matching during 2011—that is comparing the electoral register with other public databases to find the people who are eligible to vote but who are missing from the register...These pilots will enable us to see how effective data-matching is and to see which data sets are of most use in improving the accuracy and completeness of the electoral register. If they are effective, we will roll them out more widely across local authorities on a permanent basis to help ensure that our register is as complete as possible.¹⁵⁴

112. The Parliamentary Secretary for the Cabinet Office told us that census data would not be of assistance to electoral registration officers in identifying who might have failed to register to vote:

Census data is of population and does not look at whether people are eligible to vote, and of course many people who live in the UK are not citizens and are not eligible to vote for various reasons... [in addition] Electoral Registration Officers are able to access Census data and use it, but Census data at the individual level that could be used to track whether actual people exist...is not published at that level of detail, but...aggregated. Therefore, with regard to electoral administrators using it as a source to identify people who exist in an area and who are not registered, they can look at overall number and make some assumptions, but it does not really give them the detail to drill down.¹⁵⁵

Dr Wilks-Heeg's point was, however, slightly different: his suggestion was that census data could help the Electoral Commission and electoral registration officers to estimate more accurately the extent to which registers were accurate and complete, rather than that it could be used directly to identify those missing from the registers.

113. If the first boundary review under the Bill is to be completed in good time for a general election in May 2015, as the Government wishes, there seems to be little option but to use data from this year's electoral roll, to be finalised in December 2010, as the basis for drawing up new constituency boundaries. This data is certain to be incomplete and inaccurate, and the extent to which this is the case will vary across the country, potentially with political repercussions. It is for individual Members to judge whether the flaws in this data are such as to undermine the principle of equalisation that the Government claims motivates its proposals.

114. For the longer term, given that many people who fail to register to vote do so through no conscious choice of their own, **it would be desirable to identify a system whereby those eligible to vote could be automatically registered, and only removed from the register at their request.**

¹⁵³ HC Deb 15 September 2010, c 884

¹⁵⁴ HC Deb 15 September 2010, c 885

¹⁵⁵ Q 322

Public consultation on boundary changes

115. The Bill would both abolish local inquiries for proposed boundary changes, and give the Boundary Commissions significantly less scope to make alterations to constituency boundaries than has been the case up until now. This will affect significantly how people can engage with the Commissions' proposed recommendations. Until now, Boundary Commissions have been able to take account of representations as they have seen fit. If, however, a representation under a future review proposed a boundary change that would break the rule on constituency equalisation, then, however strongly felt that representation might be within the locality, a Boundary Commission could not implement it, at least, not without making other boundary changes elsewhere, which had not been part of its original proposals.

116. Under the existing Parliamentary Constituencies Act 1986, the Boundary Commissions are required to publish provisional recommendations and the reasons for those recommendations in the local media and in public areas such as town halls and libraries.¹⁵⁶ Following publication there is a statutory period of public consultation of four weeks.¹⁵⁷

117. If the Boundary Commission receives objections from more than 100 electors (including groups) or one from an affected local authority, the Commission must hold a public inquiry which is open to all regardless of whether they previously submitted representations. Public inquiries have taken place in around half of reviewed constituencies. The inquiries are led by independent lawyers, usually QCs in England, Wales and Northern Ireland and Sheriffs in Scotland¹⁵⁸ When the inquiry concludes the relevant Commission then considers the resulting report and maintains or revises the recommendations.¹⁵⁹ Revised recommendations must then be published for consultation as before, and may be subject to a further public inquiry, although this rarely occurs in practice.

118. Clause 10 of the Bill would amend sections 5 and 6 of the 1986 Act by explicitly prohibiting the holding of public inquiries into proposed boundary changes. Following the publication of provisional recommendations, the Bill would, however, extend the consultation process from four to twelve weeks. The Bill would also give the Boundary Commissions greater discretion over the format in which they publicise their provisional recommendations, repealing the requirement for them to be published in a local newspaper.¹⁶⁰

119. Because of the more rigid mathematical approach the Bill requires to defining constituency boundaries, the general approach taken by each Boundary Commission could make a substantial difference to the provisional recommendations it can make, and the scope for changing those recommendations without revisiting its general approach. Members of the Committee have therefore tabled an amendment which would require the Boundary Commissions to hold a one-off short consultation on the way in which they intend to approach the division of England, Scotland, Wales and Northern Ireland into constituencies, before the 2011–13 review takes place. It would allow people to give views on the extent to

¹⁵⁶ Parliamentary Constituencies Act 1986, s 5(1) and (2)

¹⁵⁷ Parliamentary Constituencies Act 1986, s 5(2)(b)

¹⁵⁸ There is no statutory procedure although the boundary commissions issue guidance.

¹⁵⁹ Parliamentary Constituencies Act 1986, s 5(3)

¹⁶⁰ Clause 10(1)

which, for example, county boundaries should be crossed, the extent to which ward sub-division might be desirable, and where wards are to be sub-divided, the kinds of sub-divisions to be used. **We ask the House to consider whether our proposal would increase the perceived legitimacy of the Boundary Commissions' decisions, and reduce the likelihood of local frustration and the possibility of legal challenge to the Commissions' recommendations.**

120. Public inquiries prolong the time taken for boundary reviews considerably. The process has also been criticised for being dominated by political parties seeking to protect a majority or weaken that of an opponent. The Boundary Commissions told us: "The Commissions' experience is that, while local inquiries have served a useful function, many of those attending have a specific party political affiliation which significantly determines their evidence"¹⁶¹ and Professor Ron Johnston observed:

although you occasionally get the case where a local community will come forward and say, "You're breaking our local community", they are doing it in a non-political way - it happens - and very occasionally an individual will come up with some very interesting things to say, but the public inquiries are dominated by the political parties and they are using the rules obviously for promoting their electoral gain.¹⁶²

121. Professor Johnston also told us that many public inquiries had little impact on the Boundary Commissions' final recommendations: "Public inquiries often have no impact. Of the public inquiries last time half of them made no change and a lot of them only very, very minor change, one ward moved from one constituency to another or whatever."¹⁶³

122. Despite these reservations, many of our witnesses believed public inquiries serve a useful function. Lewis Baston of Democratic Audit, while acknowledging that proceedings can "sometimes become political theatre", told us:

The public inquiry, at its best, can be a forum for testing the strength of arguments for the provisional recommendations and alternative schemes under the Rules, and how they correspond with other (possibly less self-interested) representations from the public. Assistant Commissioners often take pains to discount self-interested pleading and ascertain which plan best fits the constraints and the realities on the ground...In terms of gaining consent and a sense of ownership of the proposals in the locality, the level of scrutiny of the broad pattern and local detail gained from a public inquiry is sometimes indispensable.¹⁶⁴

123. Robin Gray, a former Boundary Commissioner, while agreeing with Professor Johnston that public inquiries had limited impact on the final report, believed public inquiries enhanced the legitimacy of boundary changes for the public as they provided assurance that the "issues have been looked at, debated and an independent [lawyer] has come to a view..." and could produce "very good inputs from community groups and the odd individual. It is unusual but

¹⁶¹ Ev 155

¹⁶² Q 63

¹⁶³ Ibid

¹⁶⁴ Ev 143

you do sometimes [get them] and that is quite important.” Mr Gray also told us that the inquiries “reassure” the Commissions:

It is quite helpful to be reassured by hearing [the] evidence pored over, the cross-questioning between the main participants and so on, so that...when we are looking at the Assistant Commissioner’s report and making up our minds, [we] can say, “Ah, yes, we did more or less get it right”, or, and in one or two cases...we can actually reject the Assistant Commissioner’s recommendations and either stay with our original recommendations or alter them slightly because when we look at the transcripts of the inquiry and the evidence we think we need to do something slightly different.¹⁶⁵

124. The equalisation requirement together with the reduction in the number of Members of Parliament will mean that constituencies will cross county boundaries for the first time, as well as geographical and historic features. Professor Johnston, who generally welcomed the abolition of public inquiries, told us that the recommendations on which they made the greatest impact were when there were new constituencies being formed:

places where public inquiries had a big impact from what the Commission initially proposed to the final solution was where either a seat was being added to a county or being taken away and then everything was up for grabs and, not surprisingly, there was much more fighting over it. That is an argument against me because that is an argument for having public inquiries this time because you are drawing a totally new map with new constituencies and nearly everything will be different. In general terms the experience over the last three or four inquiries has been that public inquiries have been fine involving people but in the end it is really about the politicians seeking to gain their own advantage. This time you are going to have much more where the local people are going to be concerned because suddenly the pattern of representation is going to be very different from what they have been used to for a long time.¹⁶⁶

125. Hugh Buchanan, Secretary to the Boundary Commission for Scotland, told us it was unclear what the impact of the Bill’s provisions on the public’s response to consultation would be: “One of the great unknowns of a review under this Bill is what the public engagement will be. One of the challenges for ourselves will be in trying to encourage people to understand what the law allows us to do and doesn’t allow us to do. So I think the Commissions will want—as far as they can within the law—to reflect communities wherever they can, but clearly that discretion is reduced from the current position.”¹⁶⁷ Mr Buchanan also noted that political parties are vital to ensuring the public are both engaged and informed.¹⁶⁸ The Hansard Society expressed concern that the limits on consultation as result of the equalisation requirements and reduction in the number of MPs could result in voter disengagement: “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 clear direction in mind’”.¹⁶⁹

¹⁶⁵ Q 63

¹⁶⁶ Q 62

¹⁶⁷ Q 163

¹⁶⁸ Q 187

¹⁶⁹ The Hansard Society (VPR 05, para. 10)

126. A possible outcome of the proposed consultation process is legal challenge, by political parties or local cross-party or apolitical campaign groups such as Keep Cornwall Whole. The decisions of the Boundary Commissions are potentially subject to judicial review. Robin Gray told us that he thought “that what [the proposed consultation process] could lead to is more judicial review. We were only subject to one judicial review [in the last boundary review] right at the end of the process in West Yorkshire. I can see that in this sort of situation you could end up with a lot of people around the country applying for judicial review.”¹⁷⁰ Professor Ron Johnston agreed: “I can well see people using [judicial review] as a [means to] address the issues that they think they are not able to address because they are not having public inquiries.”¹⁷¹

127. The Deputy Prime Minister told the House of Commons at the Second Reading of the Bill that the reasons for abolishing public inquiries were primarily to do with the amount of time they take, as well as the dominance of them by political parties:

By having more frequent boundary reviews—one every five years—constituencies will be kept more up to date, reflecting changes in where people live. In order to make that possible, we are changing the consultation process. Consultation is, of course, vital, but as leading academics concluded in a report published just last week, local inquiries have become “the playthings” of political parties and have had, in practice, little impact on the commissions’ final recommendations, so we will abolish local inquiries. Instead, we will triple the time that people have to make representations to the commissions to have their say—from one month to three months.¹⁷²

128. The report referred to by the Deputy Prime Minister was the British Academy report co-authored by Professor Johnston which concluded that “most” inquiries have been “dominated” by political parties. As we note above, Professor Johnston told us that this boundary review is likely to see much more engagement with the consultation process by apolitical individuals and groups as, in many cases, long-standing constituency boundaries will be dissolved.

129. The legitimacy of the next boundary review in the eyes of the public is likely to be strongly influenced by their ability to participate effectively. A representation to change the boundaries of one constituency could well require further changes to other constituencies to keep each constituency within 5% of the electoral quota. It would therefore be difficult or impossible to make informed representations without access to detailed information on the number of electors within sub-ward divisions of constituencies across the relevant region and possibly beyond.

130. Members of the Committee have therefore tabled an amendment, which is intended to improve the quality of the consultation. This amendment would allow people to make representations to the Boundary Commissions on proposed constituencies other than the one in which they live and to provide for information on the number of electors within

¹⁷⁰ Q 66

¹⁷¹ Q 67

¹⁷² HC Deb, 6 September 2010, c 38

sub-ward divisions of constituencies to be made available on a nationwide basis. We commend the amendment to the House.

131. The Boundary Commissions noted the retention of their power to appoint an Assistant Commissioner to provide independent scrutiny of representations, commenting: “It may be that a Commission may still find it useful to ask an Assistant Commissioner to assess and evaluate written evidence submitted to the Commission.”¹⁷³ This would appear to be an answer to the apparent concern expressed elsewhere in their submission that: “Local inquiries, chaired by a person skilled in dealing with and assessing evidence, are a useful process for forming a judgement on the arguments presented. That task will now fall to the Commissions, and will take time to carry out thoroughly.”¹⁷⁴ Professor Ron Johnston also noted that the use of Assistant Commissioners avoided the impression that a boundary commission was “judge and jury in its own case”.¹⁷⁵

132. We welcome the retention of the Boundary Commissions’ power to appoint an independent Assistant Commissioner to consider written representations. The changes in the consultation process are likely to lead to written representations that are longer and more complex. Appointing an Assistant Commissioner will allow the Boundary Commissions to obtain independent, expert advice which will enhance the transparency and legitimacy of the process while giving them flexibility in their resourcing.

133. The prohibition on public inquiries means that representations must be written, although this is not stated in the Bill.¹⁷⁶ The Boundary Commissions told us: “The Bill does not specify the means of making representations. We believe it should specify written representations, to allow full and fair assessment of all representations.”¹⁷⁷

134. The House may wish to consider whether the Bill should be amended so that it makes clear that only written representations will be received by the Boundary Commissions, subject to the requirements of the Disability Discrimination Act 1995. The abolition of public inquiries is a hugely significant change in the process of boundary setting. Clarity in the changes to that process is vital if the consultation process is to be meaningful and so enhance the legitimacy of the Boundary Commissions’ decisions.

Executive power

135. Finally, we wish to bring the House’s attention to two provisions in the Bill which would preserve or increase the power of the Government over Parliament in a way that we consider to be unwarranted.

¹⁷³ Ev 155

¹⁷⁴ Ibid

¹⁷⁵ Q 65

¹⁷⁶ Parliamentary Constituencies Act 1986, new s 5(1)(b)

¹⁷⁷ Ev 155

Secretary of State's power to amend the Boundary Commissions' recommendations

136. Clause 8(6) of the Bill preserves the right of the Secretary of State to implement a Boundary Commission's report with "modifications". Boundary reviews can have highly party-political impacts, particularly in parts of the country where the votes between the parties are finely balanced. More than 90 Members were elected in 2010 with majorities of less than 5% of the votes cast.¹⁷⁸ A number of witnesses told us that the majority of public inquiries were instigated by political parties. Professor Ron Johnston of the University of Bristol, observed that "the public inquiries are dominated by the political parties and they are using the rules obviously for promoting their electoral gain". The Boundary Commissions told us:

The Commissions' experience is that while local inquiries have served a useful function, many of those attending have a specific party political affiliation which significantly determines their evidence...In practice, the main participants at inquiries have been representatives of political parties and local authorities.¹⁷⁹

137. As the Explanatory Notes to the Bill state:

The Commissions are independent, non-political and totally impartial bodies. They emphasise very strongly that the results of previous elections do not and should not enter their considerations when they are deciding their recommendations. Nor do the Commissions consider the effects of their recommendations on future voting patterns.¹⁸⁰

138. We asked the Minister why it was appropriate for the Secretary of State to retain the power to implement Boundary Commission reports with modifications. He explained:

There is a very strong convention that Ministers lay the Order in Council putting in place the recommendations of the boundary commissions without changing them. [the power to modify is]...to deal with the situation where Boundary Commissioners lay their reports and it turns out that there are errors or mistakes in them and there would be no other way of correcting them...It is not the intention of any Minister to make changes, and the wording is not a change in legislation—it just carries forward existing law. Ministers intend to be bound by the existing convention that the Boundary Commissioners lay their reports...and the Order in Council that Ministers lay before Parliament absolutely reflects them, on the same basis as in the past.¹⁸¹

139. Notwithstanding the Government's commitment to use the power to make modifications when implementing the reports of the Boundary Commissions only in response to mistakes that can be corrected in no other way, we believe that the power of the Executive to depart from the recommendations of an independent statutory body should have clear statutory limits to prevent abuse for partisan advantage. We recommend that the House should consider amending clause 8(6) to limit the Secretary of State's power to modify the implementation of a Boundary Commission's recommendations only to

¹⁷⁸ For example, Glenda Jackson, MP for Hampstead and Kilburn has a majority of 42

¹⁷⁹ Ev 155

¹⁸⁰ Explanatory Notes to the Parliamentary Voting System and Constituencies Bill para 18

¹⁸¹ Q 365

situations where this is with the agreement of the Boundary Commission in question. Members of the Committee have tabled an amendment to this effect, and we commend it to the House.

Size of the 'payroll vote' in the House

140. The House of Commons Disqualification Act 1975 limits the number of Government Ministers who can sit and vote in the House of Commons to 95.¹⁸² The number of Parliamentary Private Secretaries and the size of the Opposition front bench are based in effect on the size of the Government. If there were no proportionate reduction in the number of Ministers in a House of 600 Members, this would be very likely to mean that all 50 of the Members removed from the House would be backbenchers. On the face of it, therefore, reducing the size of the House would amount to reducing that part of the House involved in scrutiny of the Executive.

141. In March 2010 the House of Commons Public Administration Committee considered the impact of the steady increase in ministerial positions since 1900, despite the end of Empire, the introduction of privatisation and the devolution of powers to Scotland, Wales and Northern Ireland. The Committee concluded that the “payroll vote” “harmed” Parliament and recommended limiting the proportion of Ministers able to sit in the House to 15%, including unpaid and unofficial posts.¹⁸³

142. The Hansard Society has made the link between a reduction in the number of Members and the power of the Executive:

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 expense of the legislature by reinforcing the power of the frontbench in proportion to the overall size of the House of Commons.¹⁸⁴

143. In evidence to us and to the House the Deputy Prime Minister asserted that the reduction in the number of MPs would create “a House that is sufficiently large to hold the Government to account”. Mr Clegg did not accept that a reduction in the number of Members required a reduction in the number of ministers:

If we arrive at a parliament that is 600 rather than 650 we have the current number of ministers but in the next parliament a subsequent government should have an open mind about whether the number should be reduced...The cuts we propose will not take place this side of the next general election...if there is a link [between the number of MPs and the number of ministers] then that link...should be made in the number of ministers when the change occurs. It has not occurred yet.¹⁸⁵

144. Mr Harper told us that reducing the number of ministers in the House of Commons was not a “very simple mathematical question” because shrinking the size of the ministerial bench

¹⁸² House of Commons Disqualification Act 1975, s 2(1)

¹⁸³ Public Administration Committee, Ninth Report of Session 2009-10, *Too Many Ministers?*, HC 457

¹⁸⁴ The Hansard Society (VPR 05, para. 16)

¹⁸⁵ HC 358-i (2010-11) Q 63

in the elected house without shrinking the size of the executive overall could mean that more ministers would sit in the upper House instead. He assured us “we will have a serious look at that issue and I think that the Prime Minister and the Government will have to take a view about the size of the Government as a whole.”¹⁸⁶

145. It is self-evident that a reduction in the number of Members of Parliament will increase the dominance of the Executive over Parliament if the number of Ministers sitting and voting in the House is not correspondingly reduced. This is a matter of constitutional importance that goes to the heart of the relationship between the Executive and the House. That the Government claims that no progress can be made on this issue because no conclusion has yet been reached on the overall size and nature of government is ironic at best and hypocritical at worst, given the Government’s readiness to reduce at haste the number of Members in one House without consideration of the number of Members there should be in the other. Members of the Committee have put their names to an amendment to link the size of the House with the number of Ministers allowed to sit and vote in it, and we commend this amendment strongly to the House.

¹⁸⁶ Q 382

4 Conclusion

146. In an ideal world, reforms such as those proposed in the Bill would be brought forward on a cross-party basis. This is what the Government is attempting in its reform of the House of Lords and of party political finance. Given the partisan impact of some of the measures in the Bill, albeit that there may be principled reasons for introducing them, party political consensus was perhaps never going to be achieved in this case. Nonetheless, by not attempting to reach a consensus on its boundary reform proposals, the Government has strengthened the argument of those who claim that it is bringing forward the Bill for partisan motives, and made it more likely that future Governments of different political complexions may feel emboldened to bring forward other measures to their own political advantage without the benefit of cross-party support.

147. Given that both of the parts of the Bill would significantly affect how voters are represented in Parliament, it is also worth asking why voters are being offered the opportunity to go to the polls in a referendum only on reform of the voting system, but not also on reform of constituency boundaries. If, as the Government claims, equalisation is to the benefit of voters, they would surely support the proposal if it was put to them directly.

Conclusions and recommendations

Principle and process

1. The Government has declared that the Parliamentary Systems and Constituencies Bill is intended as a “major step” towards restoring people’s faith in Parliament. The Government’s failure to consult on the provisions in this Bill risks undermining that laudable intention. (Paragraph 1)
2. The guiding principle behind the Bill is political. Nonetheless, the reforms it proposes are substantial and worthy of close consideration. It is true that, if enacted, they are likely to work to the benefit of particular political parties, but it has been argued with some evidence that this would be a case of righting bias within the existing system, although it has also been argued that it amounts to an attempt to legislate for “gerrymandering”. (Paragraph 5)
3. We agree with the Government that changes to the parliamentary voting system, to the number of Members of the House and to the process of setting constituency boundaries are issues that must be got right. But the speed with which the Government is intent that the Parliamentary Voting System and Constituencies Bill should make progress risks undermining that aim. It is always regrettable, and generally leads to poorer legislation, when such an approach to timetabling legislation becomes a characteristic of any Government’s political reforms. (Paragraph 12)

Part 1- Voting system for parliamentary elections

4. We welcome the Government’s decision to hold a referendum on a change to the voting system rather than seeking to introduce a change directly through legislation. It seems to us entirely appropriate that the public should have the opportunity to make this choice, given the direct vested interest that politicians and the political parties have in the way in which Members are elected to the House. (Paragraph 15)
5. We note, however, that there is no government proposal to hold a referendum on parallel political and constitutional reforms considered in this Report and in our recent Report on fixed-term parliaments, despite the fact that these are also arguably “fundamental constitutional issues”. We do not offer a specific view on whether referendums should be held on the other political and constitutional reforms proposed by the Government. There is, however, no clarity as to whether any particular change requires this form of popular assent or not. Indeed, under present arrangements, a future government could, if it chose, ask Parliament to bring about further alterations to the electoral system through legislation without any requirement to hold a referendum. (Paragraph 17)
6. We have heard in evidence that “this kind of uncertainty...which is unsatisfactory from a democratic perspective – is a product of the lack of a codified constitution in the UK.” Similarly, the House of Lords Constitution Committee has noted that “a written constitution could provide a more precise definition of a ‘constitutional issue’, and

define which issues required a referendum before any change”. We will return to this issue. (Paragraph 18)

7. Different opinions have been expressed on whether a threshold should apply in the referendum, meaning that a reform would take place only if a given proportion of the registered electorate voted in favour. This is not an issue on which we intend to give a view in this Report. (Paragraph 19)
8. The Electoral Commission’s view is that the risks of holding the referendum together with other elections on 5 May 2011, clearly to a very tight timetable, can be managed if the rules for the referendum are sufficiently clear six months in advance. At the current rate of progress the Parliamentary Voting Systems and Constituencies Bill will be before the House of Lords in November 2010, but will by no means have completed its passage through Parliament. If the Bill is significantly amended in either House, the Government should reconsider the timing of the referendum. (Paragraph 39)
9. Provisions to allow the holding of combined polls are vital for the referendum to be administered successfully. We therefore welcome the fact that the Government will be bringing forward such provisions, but trust that it will get them right in order to avoid further significant change to the Bill at too late a stage for the referendum to be held safely on the date envisaged. (Paragraph 42)
10. Our overriding concern when considering the referendum question is that voters know exactly what they are voting for. The Electoral Commission’s duty to provide public information is vital to achieving clarity in the minds of the electorate. We accept the Commission’s conclusions on the wording of the referendum question and recommend the Government amend the wording of the referendum question as suggested. If the Government fail to follow the Electoral Commission’s conclusions we recommend the House scrutinise the reasons for that decision with particular care. (Paragraph 47)
11. Hasty drafting and lack of consultation appear to be responsible for the problems raised by the Electoral Commission with the way in which the Bill provides for the design of the ballot papers. We trust that these issues will be sensibly resolved at Committee stage, but regret that they were not resolved earlier. (Paragraph 50)
12. It is likely to be in the public interest for a free media to be able to comment openly and without restriction during the referendum campaign, and therefore to be exempt from the funding restrictions which apply to campaigning groups. Members of this Committee have tabled an amendment to this effect which we ask the House to consider. (Paragraph 56)

‘Reduce and equalise’

13. The Government proposes to reduce the number of Members of the House from 650 to 600 at a single stroke. This is a relatively modest reduction in numerical terms (although it represents more than a quarter of the seats in Wales), but it is unprecedented in recent British history: the last comparable fall in the number of Members followed the secession of the south of Ireland. The decision to make this reduction has not been prefigured by any public consultation on the role of a Member of Parliament, nor by any analysis of

the impact of the reduction on constituency casework. It has not been accompanied by any compelling international comparisons, nor by any information on what the Government proposes should be the size and role of a reformed upper House. The reduction would, on current plans, be made entirely from the backbenches, with no proposals to reduce the number of Ministers or of others on the Government payroll sitting and voting in the House, thus increasing the extent of executive dominance of Parliament. The savings that the Government claims, but has not proved, the reduction would lead to, would make no discernible impact on the national deficit, amounting as they do to around one millionth of the annual budget of the National Health Service. There may be a case for reducing the number of Members of the House to 600, but the Government has not made it. (Paragraph 70)

14. The principle that people's votes should carry an equal weight regardless of where they live is one with which it is hard to argue. It is worth remembering, however, that it is a principle that is most perfectly achieved through proportional representation. One of the advantages of a constituency-based system is that it allows local communities to be effectively represented in the national Parliament. It is essential that the Boundary Commissions should have sufficient freedom to design constituencies that have meaning for the people living in them and can be well represented by the Members elected to them. The House should ensure that the new rules as proposed by the Government would not draw the equalisation requirement so tightly that new constituency boundaries would take insufficient account of geographical considerations, local ties and local authority boundaries. (Paragraph 87)
15. We have not as a Committee attempted to determine the precise level of variation from the electoral quota that would be appropriate to achieve this goal: this is a matter for further political argument. (Paragraph 88)
16. under the Government's current proposals, however, the Boundary Commission for Wales could find that it is significantly more limited in practice in its scope for variation from the electoral quota than the Boundary Commissions for England and Scotland. (Paragraph 89)
17. We consider it important that the four Boundary Commissions should operate under the same constraints, and that each Commission should therefore have the same degree of flexibility in practice as regards constituency electorate size, to give them the same ability to take account of other relevant factors when drawing up constituency boundaries. Members of the Committee have therefore tabled an amendment to the Bill which would give each part of the United Kingdom a very slightly different electoral quota, to ensure that each of the four Boundary Commissions should retain the ability to vary the number of registered voters in a constituency by a full 5% in either direction. (Paragraph 90)
18. The review the Government is proposing will mean that every prospective parliamentary candidate, current Members of the House included, will not know until eighteen months before a general election in 2015 what the boundaries will be of the constituency they intend to contest, or if indeed they will have a constituency to contest. It is also not clear whether political parties have the necessary resources and resilience at a local level to

adapt successfully within this timeframe to contesting new constituencies across the whole of the country. (Paragraph 92)

19. We recommend that the Government and the Independent Parliamentary Standards Authority should consider the impact of the proposals on the ability of individual Members of Parliament to perform their duties effectively when deciding upon individual Member resource allocation. (Paragraph 93)
20. We recommend that the Government should assess thoroughly the likely impact of the provisions on party-political organisation, particularly at a local level, and explain what steps it intends to take in mitigation before the Bill is sent to the House of Lords. (Paragraph 94)
21. One possible way in which the impact of the measures could be made less stark would be to provide for a more gradual approach to the reduction in the number of constituencies and to the equalisation of their size than the current proposals intend, over a series of boundary reviews rather than over a single review. (Paragraph 95)
22. We acknowledge the grounds for making exceptions from the electoral quota requirement for the constituencies of Orkney and Shetland and Na h-Eileanan an Iar on the grounds of practicality. This will mean, however, that votes cast in these constituencies will have a proportionately much greater weight than votes elsewhere in the United Kingdom. (Paragraph 98)
23. The House may wish to consider further exceptions for parts of the United Kingdom where it is the wish of voters (expressed, for instance, through petitions) to be under-represented in Parliament, for reasons of strong local ties. (Paragraph 99)
24. If the first boundary review under the Bill is to be completed in good time for a general election in May 2015, as the Government wishes, there seems to be little option but to use data from this year's electoral roll, to be finalised in December 2010, as the basis for drawing up new constituency boundaries. This data is certain to be incomplete and inaccurate, and the extent to which this is the case will vary across the country, potentially with political repercussions. It is for individual Members to judge whether the flaws in this data are such as to undermine the principle of equalisation that the Government claims motivates its proposals. (Paragraph 113)
25. It would be desirable to identify a system whereby those eligible to vote could be automatically registered, and only removed from the register at their request. (Paragraph 114)
26. We ask the House to consider whether our proposal would increase the perceived legitimacy of the Boundary Commissions' decisions, and reduce the likelihood of local frustration and the possibility of legal challenge to the Commissions' recommendations. (Paragraph 119)
27. 130. Members of the Committee have therefore tabled an amendment, which is intended to improve the quality of the consultation. This amendment would allow people to make representations to the Boundary Commissions on proposed constituencies other than the one in which they live and to provide for information on the number of electors

within sub-ward divisions of constituencies to be made available on a nationwide basis. We commend the amendment to the House. (Paragraph 130)

28. We welcome the retention of the Boundary Commissions' power to appoint an independent Assistant Commissioner to consider written representations. The changes in the consultation process are likely to lead to written representations that are longer and more complex. Appointing an Assistant Commissioner will allow the Boundary Commissions to obtain independent, expert advice which will enhance the transparency and legitimacy of the process while giving them flexibility in their resourcing. (Paragraph 132)
29. The House may wish to consider whether the Bill should be amended so that it makes clear that only written representations will be received by the Boundary Commissions, subject to the requirements of the Disability Discrimination Act 1995. The abolition of public inquiries is a hugely significant change in the process of boundary setting. Clarity in the changes to that process is vital if the consultation process is to be meaningful and so enhance the legitimacy of the Boundary Commissions' decisions. (Paragraph 134)
30. Notwithstanding the Government's commitment to use the power to make modifications when implementing the reports of the Boundary Commissions only in response to mistakes that can be corrected in no other way, we believe that the power of the Executive to depart from the recommendations of an independent statutory body should have clear statutory limits to prevent abuse for partisan advantage. (Paragraph 139)
31. It is self-evident that a reduction in the number of Members of Parliament will increase the dominance of the Executive over Parliament if the number of Ministers sitting and voting in the House is not correspondingly reduced. This is a matter of constitutional importance that goes to the heart of the relationship between the Executive and the House. That the Government claims that no progress can be made on this issue because no conclusion has yet been reached on the overall size and nature of government is ironic at best and hypocritical at worst, given the Government's readiness to reduce at haste the number of Members in one House without consideration of the number of Members there should be in the other. Members of the Committee have put their names to an amendment to link the size of the House with the number of Ministers allowed to sit and vote in it, and we commend this amendment strongly to the House. (Paragraph 145)

Conclusion

32. In an ideal world, reforms such as those proposed in the Bill would be brought forward on a cross-party basis. This is what the Government is attempting in its reform of the House of Lords and of party political finance. Given the partisan impact of some of the measures in the Bill, albeit that there may be principled reasons for introducing them, party political consensus was perhaps never going to be achieved in this case. Nonetheless, by not attempting to reach a consensus on its boundary reform proposals, the Government has strengthened the argument of those who claim that it is bringing forward the Bill for partisan motives, and made it more likely that future Governments of different political complexions may feel emboldened to bring forward other measures

to their own political advantage without the benefit of cross-party support. (Paragraph 146)

Given that both of the parts of the Bill would significantly affect how voters are represented in Parliament, it is also worth asking why voters are being offered the opportunity to go to the polls in a referendum only on reform of the voting system, but not also on reform of constituency boundaries. If, as the Government claims, equalisation is to the benefit of voters, they would surely support the proposal if it was put to them directly. (Paragraph 147)

Formal Minutes

Thursday 7 October 2010

Members present:

Mr Graham Allen, in the Chair

Simon Hart
Tristram Hunt

Mrs Eleanor Laing
Mr Andrew Turner

Draft Report (*Parliamentary Voting System and Constituencies Bill*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 147 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the Report be printed, in accordance with the provisions of Standing Order No. 137 (Select committees (adjournment of the House)).

Written evidence was ordered to be reported to the House for printing with the Report, together with written evidence reported and ordered to be published on 7, 9 and 14 September.

Written evidence was ordered to be reported to the House for placing in the Library and Parliamentary Archives.

[Adjourned till Thursday 14 October at 9.45 am

Witnesses

Thursday 22 July 2010

Mr Peter Facey, Unlock Democracy; **Dr Martin Steven**, Electoral Reform Society; and **Dr Michael Pinto-Duschinsky** Ev 1

Tuesday 27 July 2010

Professor Ron Johnston, Bristol University, and **Mr Robin Gray**, former Boundary Commissioner for England Ev 27

Professor Patrick Dunleavy, Professor of Political Science and Public Policy, London School of Economics, and **Professor Justin Fisher**, Professor of Political Science, Brunel University Ev 42

Thursday 9 September 2010

Bob Farrance, Secretary to the Boundary Commission for England, **Liz Benson**, Secretary to the Boundary Commission for Northern Ireland, **Hugh Buchanan**, Secretary to the Boundary Commission for Scotland, **Edward Lewis**, Secretary to the Boundary Commission for Wales Ev 57

Dr Roger Mortimore, Head of Political Research, Ipsos Mori, **Dr Stuart Wilks-Heeg**, Senior Lecturer of Social Policy, University of Liverpool Ev 69

Tuesday 14 September 2010

Jenny Watson, Chair of the Electoral Commission, **Peter Wardle**, Chief Executive of the Electoral Commission, **Andrew Scallan**, Director of Electoral Administration, Electoral Commission, **Lisa Klein**, Director of Party and Election Finance, Electoral Commission Ev 81

Thursday 16 September 2010

Mr Mark Harper MP, Minister for Political and Constitutional Reform, Cabinet Office Ev 112

List of written evidence

1	Lewis Baston, Democratic Audit (PVSCB 01)	Ev 143
2	David Allen (PVSCB 02)	Ev 150
3	Keep Cornwall Whole (PVSCB 03)	Ev 151
4	Secretaries to the Boundary Commissions (PVSCB 04)	Ev 155
5	Supplementary evidence Secretaries to the Boundary Commissions (PVSCB 04A)	Ev 159
6	Professor Robert Hazell and Mark Chalmers (PVSCB 05)	Ev 161
7	Dr Stuart Wilks-Heeg, Executive Director, Democratic Audit (PVSCB 06)	Ev 167
8	Labour Campaign for Electoral Reform (PVSCB 07)	Ev 174
9	New Economics Foundation (PVSCB 08)	Ev 178
10	Rt Hon Denis Macshane MP (PVSCB 09)	Ev 181
11	Dr Graeme Orr and Professor K D Ewing (PVSCB 10)	Ev 182
12	Professor Michael Thrasher (PVSCB 11)	Ev 187
13	Dr Michael Pinto-Duschinsky (PVSCB 12)	Ev 189
14	Dr Matt Qvortrup (PVSCB 13)	Ev 203
15	Professor Patrick Dunleavy (PVSCB 14)	Ev 205
16	Nicola Prigg (PVSCB 15)	Ev 218
17	Lord Lipsey (PVSCB 16)	Ev 222
18	Hugh Bayley MP (PVSCB 17)	Ev 223
19	Chris Ruane MP, Clive Betts MP, Andy Love MP and Russell Brown MP (PVSCB 18)	Ev 225
20	Rt Hon Peter Hain MP (PVSCB 19)	Ev 227
21	Rt Hon Paul Murphy MP (PVSCB 21)	Ev 229
22	Electoral Registration and Returning Officer, Weymouth and Portland Borough Council (PVSCB 22)	Ev 230
23	David A.G. Nowell (PVSCB 23)	Ev 231
24	Fawcett Society (PVSCB 24)	Ev 236
25	Ipsos MORI (PVSCB 25)	Ev 238
26	Mr George Cooper, London Branch of the Association of Electoral Administrators (PVSCB 26)	Ev 244
27	AEA Southern Branch (PVSCB 27)	Ev 246
28	Dame Marion Roe D.B.E (PVSCB 29)	Ev 247
29	Electoral Commission (PVSCB 30)	Ev 253

List of unprinted evidence

The following written evidence has been reported to the House, but to save printing costs has not been printed and copies have been placed in the House of Commons Library, where they may be inspected by Members. Other copies are in the Parliamentary Archives (www.parliament.uk/archives), and are available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074; email archives@parliament.uk). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

Paul Howley (PVSCB 20)

P S Manning (PVSCB 28)

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010-11

First Report	Parliamentary Voting System and Constituencies Bill	HC 422
Second Report	Fixed-term Parliaments Bill	HC 436
Third Report	Parliamentary Voting System and Constituencies Bill	HC 437

Oral Evidence

Oral Evidence

Taken before the Political and
Constitutional Reform Committee

on Thursday 22 July 2010

Members present

Mr Graham Allen, in the Chair

Nick Boles	Mrs Eleanor Laing
Sheila Gilmore	Sir Peter Soulsby
Simon Hart	Mr Andrew Turner
Tristram Hunt	Stephen Williams

Witnesses: **Mr Peter Facey**, Unlock Democracy; **Dr Martin Steven**, Electoral Reform Society; and **Dr Michael Pinto-Duschinsky**, gave evidence.

Chair: Welcome, Mr Facey, Dr Steven and Dr Pinto-Duschinsky. It is very good of you to spend the time to inform the Committee of these very important issues at which we are looking. We are doing some rather speedy pre-legislative scrutiny or evidence taking on two Bills, the Bill which affects AV and the boundary situation and the Bill which impacts upon fixed-term parliaments. We expect both of those Bills to be published today and we would expect them to have a second reading in September, so we have moved very quickly as a brand new committee to try and get some ideas out there which will be informative for Members of Parliament as they deliberate on these issues very soon and also to inform the public debate too, so I am delighted that you have all been able to join us today. We have got your biographies and rather than have lengthy opening statements, I think it would be really helpful if we could get straight into questions. We have grouped the

questions into a number of groups: firstly, electoral systems, their merits and otherwise; secondly, the AV referendum; thirdly, boundary changes and a smaller House of Commons; fourthly, fixed-term parliaments; fifthly, the legislative timetable; and finally the purpose of the overall package of reforms. The way I will conduct this is I will call members to ask a question rather than make a speech or a statement themselves to try and get your views on the record. If you could answer as succinctly as you can that would be helpful. We did have the Deputy Prime Minister last week who was extremely eloquent, if I can put it that way! It would be helpful to get through these issues and as the exchange takes place I would like it to be conversational if at all possible. The first group is about electoral systems and their merits or otherwise and I will ask Sheila Gilmore if she would like to start us off on that.

Q1 Sheila Gilmore: The first question is perhaps particularly for Dr Steven and Mr Facey and it would be to ask what your preferred voting system would be.

Mr Facey: Our position as an organisation has always been that neither Parliament nor us should choose the electoral system; the best way of doing it would be for a citizens' assembly to look at the issues and decide. We preferred the model which was used in British Columbia and Ontario where citizens actually deliberated. My own personal opinion has always been that I would prefer systems which are proportional and increase voter choice, and that would include a number of systems including single transferable vote, AV-plus, AMS, et cetera, but I do not think that simply my choice of electoral system should be put to the electorate or for that matter politicians' choice but that there should be a deliberative process which chooses the exact electoral system which is put to a referendum.

Dr Steven: Historically the Electoral Reform Society has backed the single transferable vote as the system it considers to be ideal.

Q2 Sheila Gilmore: I think Unlock Democracy has said they particularly want people to have a choice of candidates. How would changing the electoral system achieve that?

Mr Facey: A number of electoral systems allow voters to actually have greater choice over candidates whether that be STV, which allows people to actually choose between candidates of the same party, particularly if there is more than one candidate for that party standing, or open list systems. In the case of the choices we have here, which if the legislation goes through will be between the alternative vote and first past the post, then voters will have a greater choice under alternative vote because they will at least between the candidates standing be able to vote according to their desire rather than simply voting negatively or trying to guess which of the two candidates are going to be the two front runners, which you have to do in first past the post elections, particularly where you have four or five parties standing in that election and you are not actually sure what order they are in in that constituency.

Q3 Sheila Gilmore: Can I just pursue this a little further, and anybody can come back on this. There seems to be an assumption made by many people advocating any change in the electoral system that it will make MPs more accountable and therefore there will be more change taking place. In the Scottish local government system of STV which was introduced last year it is not the case that people are necessarily ranking different candidates of the same party because parties tactically only run the number of candidates they think it is

reasonable run. I believe that is also the situation in the Republic of Ireland and has been for many years so, in fact, this desired achievement does not happen and, secondly, is there not a risk that within some of these systems you actually make the party candidate more likely to feel they have a built-in ability to win, that you are always going to get certain seats one Tory one Labour, in Scotland one SNP and so on, and so actually the MP may feel safer in certain respects.

Mr Facey: There are two things there. One is the choice we are going to be faced with here is between two single member systems, so whatever my preference may be we have a choice between AV and first past the post. Under AV, the reality is the number of seats which are going to be marginal will increase because, in effect, a candidate will have to get 50% of the vote and it will push more seats into being competitive, they will be better fought because parties have a chance of winning them and therefore there will be more accountability to the voters in that constituency. I accept that in Scotland under STV the parties were extremely conservative and actually there was evidence that some of the parties were too conservative because they lost out on the possibility of winning. Whether at the next election they will be as conservative I do not know. If you look in Ireland it is the norm for bigger parties to put up one more candidate than they think they can win. That is the norm in Ireland but also in Tasmania and Australia, et cetera, where the system operates. In Scotland we had a situation where the parties were overly conservative about their candidate numbers and some of them realised that they actually lost out as a result of that. Whether that will continue in future elections I do not know. It is also true that we have to bear in mind if you look at Scotland's local government before the change there were huge numbers of seats which were uncontested. If you compare

it to England now there are large numbers of local council seats in England which have no election because no party stands. Under STV in Scotland every single seat was contested so the voters actually decided, whereas in England in my part of the country for one of our counties the result was known before the election because there were not even enough candidates standing to challenge it. I think that STV in Scotland is a very clear example of something which increased accountability and increased the influence of voters compared to first past the post.

Dr Pinto-Duschinsky: May I say something about this. First, I would like to congratulate you, Chairman, because it is a very important Committee especially if we are going to second reading in September, which I think is completely premature and is going to cause huge difficulties, and I think is totally irresponsible myself, partly because of details which we will come to but also because of the completely false rhetoric such as we have heard now. The fact is that elections are not only to elect MPs, they are to elect governments and they are to dismiss governments, and under a system that is proposed by some, it is a wholly elite system in which electors have very little to do. The election is like an auction in which there is a ring of dealers and then they have the other decision after the auction is finished. You have the deal after the election in which the people are excluded and that is the whole essence of a proportional system, that you cannot get rid of certain governments and, in particular, you cannot get rid of certain political parties because of coalition arrangements. I think that the whole term 'proportional representation' is a misnomer because you can have proportional representation of numbers of legislators, and our system is not proportional on that, but you can also have proportional representation on shares of government office, and the whole point about the change to AV and

that then leading to a proportional legislative representation is that you will have a kind of 'chips with everything' form of coalition, in other words like spam and chips and chicken and chips, you will have Clegg and Labour, Clegg and Conservative, Clegg and something else. You can never get rid of the third party and you may then want to ask why it is that the third party wants this change.

Q4 Nick Boles: I want to come in because this is an important point and you made the argument very well that the point of elections is to change and to choose governments not just MPs. Are you absolutely sure that you know what would happen with AV because one hears so many conflicting reports that actually in some circumstances, for instance in 1997, it could have produced a more extreme result so therefore an even more effective booting out of a government? Are you absolutely sure that it would not produce what you want?

Dr Pinto-Duschinsky: The point about AV is that very few places have it for legislative elections. I was taken once to Fiji for a constitutional review there and it was very interesting.

Q5 Nick Boles: But Australia seems to kick the rascals out.

Dr Pinto-Duschinsky: Australia has it, Papua New Guinea has it; not many places do have it. We do not have enough experience of it and so I completely agree with you that this is something very untried. You could have a normal scenario and then an abnormal scenario. The normal scenario that you have is that Conservatives lose seats, Liberal Democrats gain seats, Labour is about the same, and therefore you have more likelihood of hung parliaments and therefore you have a two-stage process, AV first leading to full PR, and that I think is the design. You can have another scenario which is the sort of coupon

election scenario, where in a coalition the Conservatives and Lib Dems back each other and then you have Labour absolutely smashed. It all depends really on the kinds of deals that are put to the electors. That is why it is a system that again makes for deals rather than elections.

Q6 Chair: Are you saying, Dr Pinto-Duschinsky, that changing the electoral system is not the way to resolve the fundamental problem of having the executive and the legislature fused in one election?

Dr Pinto-Duschinsky: I think the way of solving a problem in a democracy and giving people power is the ability to throw the rascals out.

Q7 Chair: Is that an argument for directly electing the executive as most nations do?

Dr Pinto-Duschinsky: I think that a directly elected president or prime minister is an interesting idea and it does work in numbers of country. I think the problem that comes with that is that you can have an executive and a legislature that are of different parties and they have to have a compromise and so you do not have as definite an expulsion. In Britain when we expel we expel in an immediate and spectacular way. I have seen it happen in my own lifetime when I was taken with David Butler to interview Harold Wilson in office and then a few weeks later he had no home and we saw him at Dick Crossman's home because he never reckoned he could leave office. That is what I think democracy is all about. If governments and Members of Parliament feel that they can somehow wriggle out of the anger of the electorate, then democracy is weakened.

Q8 Stephen Williams: If I could direct my questions principally at Dr Pinto-Duschinsky. Would it be fair to say that

your defence of first past the post is largely for negative reasons, as to how you can throw the rascals out, "removal van" democracy as you say in your paper, rather like Tony Benn often says that the best advantage of the current system is that you put a cross on a piece of paper and throw out a government. Is that the main reason for supporting first past the post?

Dr Pinto-Duschinsky: I would admit that the first past the post system has been quite unfair to minor parties. In other words, in terms of representation in the legislature obviously it is disproportionate and it disadvantages minor parties or third or even fairly major parties but not the major parties if they are spread around the country. However, I think the larger problem is if you never could throw out a Government as a result of the election. I believe that the removal van aspect, what you say is the negative quality, is the central argument but I do not call it a negative quality because that is democracy. That is the people doing what they do not do in many systems of the world and it is a way of holding the executive to account better than anything else.

Q9 Stephen Williams: But for the record, Chairman, governments in Australia have lost elections. I remember John Howard being Prime Minister and then he was not. We have had Labour governments in Australia, Liberal (but Conservative really) governments in Australia, governments in Germany change their composition quite often, so it is not just first past the post that leads to the removal van turning up for the Prime Minister or the Chancellor.

Dr Pinto-Duschinsky: I think you have to look at the likelihood of this happening in different scenarios and whether a third party is likely to hold the balance of power. Often you do find - and I did this work 11 or 12 years ago, supported I may say by the Rowntree Trust to whom I am

very grateful - that the expulsion of governments happens about four times as often under the first-past-the-post system as it would under proportional systems, so although there are many ways you can look at it, there is a greater likelihood that you can have removal van democracy under first past the post than under other systems, but for the record I do accept what you say.

Stephen Williams: Would you characterise yourself as a duopolist or a pluralist?

Q10 Chair: You can have some time to think about it.

Dr Pinto-Duschinsky: I actually would define myself as a democrat. What I care about most is a system where people can make a difference in elections. What I really fear is having a succession of elections where you have votes and then there are deals afterwards that have very little to do with what the electors want. We have had a bit of a taste of this in the last few months and whereas I think it was a desirable change in the short term, if we always had that I think that our democracy would be gravely undermined.

Q11 Tristram Hunt: I just want to throw some of those critiques back to you, Peter or Martin, particularly this notion that if you take a minister such as Steve Webb who is the current Pensions Minister, who is currently tacking right but under a different Coalition might tack left, we vote out one government, we vote in a new government and he could well be in the same job in the same place without any sense of the checking of the executive under an AV system.

Mr Facey: Let us clarify something: AV is not a proportional electoral system. First past the post is a plurality electoral system; AV is a majoritarian electoral system. It has more in common with first past the post than it does with proportional systems. Let us also clarify that the connection between coalition government and an electoral system is not

as strong as my colleague Michael seems to imply. Canada has just had minority governments, hung parliaments in effect now, for the last three elections under first past the post. India uses first past the post and has coalition government as the norm. Australia has a majoritarian system, the alternative vote, and does not have coalition government; it has majority governments. There is something called the Coalition but that is effectively one party. It is the same as the Labour Party and the Co-operative Party effectively being one. There is no evidence for this idea that alternative vote is going to usher in this scenario that Michael points out. If you want to look at whether the removal van element of democracy works, if you are a fan of that, just watch the Australian election which is going to take place in about six weeks' time and look at whether or not that works. The reality is if you talk to your Australian colleagues I am not sure you are going to find people who live in this kind of world which is not competitive where politics is not operated in that kind of cut and thrust. John Howard is not some example of a weak centrist Prime Minister. He was a Conservative Prime Minister who had a very strong vision. We cannot start having a debate here about whether or not the alternative vote or first past the post is the best and then start saying, "Look at Germany, look at Ireland, look at Bolivia." The reality is that is not the choice we have. You may want to recommend to the Government that we have a different choice in the referendum. I would be interested to hear if you do that but if we are going to have a referendum on the alternative vote and first past the post let us have a debate about that and not a debate about things which have got absolutely nothing to do with it.

Q12 Chair: Can I ask Dr Steven to come in and give his view.

Dr Steven: There are a number of different points that have been covered and we have to keep them separate to the best of our ability because there have now been three or four different strands to this discussion. If I can deal with Tristram's point first, theoretically, yes, but the political reality, the practicalities of somebody like Steve Webb either changing the party to stay in government or, if you like, the Lib Dems having a permanent seat in the British government, I do not think there is any empirical evidence of that in the British context, if you know what I mean. There is that theoretical prospect but then the reality is there is no evidence of that happening comparatively. I can talk about other points too. In terms of throwing the rascals out, we have to be clear, if you look at British elections in the twentieth century there are four elections where basically the result was extremely tight and where three times out of four the result was wrong: Sir Ramsey MacDonald in 1929, Winston Churchill in 1951 and Harold Wilson in 1974. In 1964 the result was also very tight and the first-past-the-post system produced the right result and Wilson won. There is only one example, 1970, of a clear-cut wholesale removal van process whereby a party with a working majority was replaced by another party with a working majority. Every other parliament has ended with a minority government where the majorities have faded away and the party that has then come in has replaced that. If we are looking at the evidence - and I am not here as a campaigner, I am not here to make a case one way or the other, I am really here to try and give a view - there is no empirical evidence in the British context of first past the post consistently allowing the British electorate to throw the rascals out in the way that I think Dr Pinto-Duschinsky means, if I can respectfully say so.

Q13 Tristram Hunt: We are about to face some very damaging cuts in public services under the Budget and there is some suggestion that this change to the voting rule does not make a huge amount of difference. We are going to adjust and change the British system of voting to follow Fiji, Papua New Guinea and Australia. What would you say to the criticism that this is going to be a massive waste of £60 million to follow a model which is not followed by the rest of the world, it is rather a minority following, when if you look at the broader history of Britain we have had an incredible degree of political stability which has served us well and there is no other point to do this other than to fulfil a Coalition political stitch-up, say?

Dr Pinto-Duschinsky: May I comment?

Q14 Chair: Perhaps I can ask Mr Facey first.

Mr Facey: Nicely put but I do not accept that argument. Let us be clear, in some ways if you want to look at the longest running discussion on the British constitution it has been the electoral system. You only have to look at institutions like the Electoral Reform Society, they go back to the 1860s, and the debate about the British electoral system is the longest in British political history. It has come up again and again in periods of our history in terms of discussions. Also the reality is the existing electoral system has only existed since 1950. The myth which is around that it is this long-lasting one is not actually true. It was only in 1950 that we got rid of seats which had two or more MPs. It is only then when we had one electoral system because we used to have the single transferable vote for university seats. I think in a democracy, particularly at a time when there are major issues to be decided, how healthy our democracy is is an important debate. As already indicated, I would have preferred a more open process. I wish that politicians were

not so control freakish about it and we were not having the situation where the choice was between a majoritarian and a plurality system, but that is the choice and I still think it is a worthwhile choice. If you as a committee would like to be extremely brave and recommend that you open up the whole process and let citizens in a grand jury decide what the options are, I would applaud you for it. I may be doubting you but I somehow doubt you are likely to do that. Therefore if the choice is between the alternative vote and first past the post, I think that is a useful choice to put to the British electorate because at least it will mean that you sitting here will have the majority of your electorate and those of us who are voters will no longer have to have people on our door steps telling us, "You must vote for us because if you vote for the person you like this person you hate will get in." I am fed up of having that debate. I would rather have a positive debate about why voting Conservative or Labour or for that particular candidate is a good thing. I think that would be a positive change.

Chair: I am going to speed up just a little bit and ask colleagues on this side of the table to ask questions to try and elicit information from the witnesses as well as giving your own opinions about where we stand on all these issues.

Q15 Mrs Laing: You will recall, as some of us do, that Roy Jenkins, then Lord Jenkins of Hillhead, carried a very long drawn out, in-depth investigations into voting systems and presented a report in 1998. I recall being there when he presented it and he threw out AV saying effectively it was the worst of all systems. May I ask each of our witnesses: was he right?

Dr Steven: I do not think he was right. He proposed effectively an AV-plus system, you may recall, which was rooted in AV.

Q16 Mrs Laing: --- which was totally different from AV. It just happens to have the same letters at the beginning.

Dr Steven: I think probably there were more similarities between AV and AV-plus than you say. There are different ways of answering your question in relation to what is the worst electoral system and whether the British context is relevant. I could talk a lot about the worst system and the best system, but I do not think I agree in principle with that.

Dr Pinto-Duschinsky: I never thought that the Jenkins Independent Commission was very independent for various reasons I could go into. The experts advising were very carefully chosen. I think the whole issue of electoral reform is one of interest to an equivalent of train spotters and a real minority group that can give the train numbers because they have studied that kind of thing is not really of any interest to the general public and so I completely agree with Dr Hunt on this. The trouble is that we are only having this referendum because of the chances of electoral arithmetic and the way in which the Coalition deal was done. It is of no public interest at all, either in terms of interest or in terms of benefit, and I think that the danger is that what Professor Ian McLean has called the anoraky nerdy people can actually effect a change in the British system that will be totally undesirable and without the public really realising what has happened.

Q17 Chair: I will ask Mr Facey to reply also to that question with a caveat from myself: was it the inexperience of people dealing with coalitions which led to Mr Clegg perhaps selling himself and his bargaining short position and not going for something which was certainly more proportional than AV?

Mr Facey: Let me answer the question in terms of whether or not AV was the worst electoral system. I think even Lord Jenkins would agree with me that first past the post was a worse electoral system

than AV. What he was talking about and what his Commission's job was was to propose an alternative to first past the post, so in that case, if you are asking me to choose between AV and first past the post I think first past the post is a lot worse than AV. If you are asking me to say are there better systems than AV my record is well-known on the subject and I am not going to sit here and say that there are not, but that is not the choice which we are being given. I have already said I wish that choice had been more open. The reality is if Labour had won the last election we would still be having a referendum on the alternative vote because that is what was in the Labour manifesto, so it is not just the vagaries of electoral arithmetic here, it is that this outcome was not that predictable in terms of it. Whether or not the Liberal Democrats could have played their hand better and got a more proportional outcome is a really difficult one to answer. In some ways I will leave it up to historians to judge in terms of it. I think the reality is that Members of Parliament are extremely wedded to single member seats. I wish you were not. I wish you did believe more in competition and you believed that there was a more competitive style of politics but MPs are extremely wedded to their individual constituency, and therefore a referendum between two single member constituencies is not actually that unsurprising and it is not surprising that politicians when it came to it chose the two alternatives which were effectively both single member systems, which is why I do believe that it should have been the voters on a citizens' jury who decided on what the alternative was rather than politicians who have a self-interest in it.

Q18 Chair: I am going to wrap this piece up because we are using virtually all our spare time on this by asking two quick questions.

Mr Facey: By the way, I accept I am an anorak. I would also point out that Michael is an even bigger anorak with a longer history on it, but anoraks are useful when it is raining.

Chair: Simon and Peter, I will take both your questions together.

Simon Hart: May I go back to Tristram Hunt's point about the public appetite for this because if we take the 2010 election where there was a higher turn-out than the previous one, incumbents did better than everybody expected despite the climate that was surrounding politics, and you in your own paper talked about a wave of public opinion in favour of electoral change, it being popular with the public, if we are truly reflecting public need here, where is the evidence? The only party which did not have something about this in their manifesto was the Conservatives who ended up getting more votes than anybody else as it happened. Where is the evidence that supports your assertion that there is some great public movement and thirst out there? Surely that is what we should be reflecting? What the individual MPs want is irrelevant.

Q19 Sir Peter Soulsby: My question is specifically to Dr Pinto-Duschinsky: when you were describing earlier on your fears for the future you talked about AV leading to full proportional representation. That is the way in which you characterised it on a couple of occasions. That is not of course what we have got in front of us. What we have in front of us is a proposal (it may be many people's aspiration but it is a proposal) for AV as an end state. Do you have the same fears about the change to AV if it were to be an end state rather than as you have described where it is a step towards proportionality? It can be argued that many of the fears that you have expressed are a long way from the likely outcome and in fact it will make very little difference.

Mr Facey: At the last election only two parties had a manifesto pledge of supporting the current electoral system: the Conservative Party and the British National Party. All other parties in Great Britain, including UKIP, the Greens, the nationalists which have seats in this Parliament or in other parliaments, stood on supporting a change to the electoral system to some degree. If you want to add up the numbers of votes for parties which voted for reform and against I can say there is evidence there. Am I going to say that this is the most burning issue in the minds of the people in my local pub in a village in Cambridgeshire? I would not so claim. However, I do believe that there is an appetite for giving people more power and more control. As I said, I wish that process had been more open. We advocated a process whereby a citizens' jury would decide whether or not there should be a referendum on whether there should be change or not. That is not the option here. I think the fact we are having a debate about how you get to this place is a good thing for our democracy and it is something which is positive. We will see in the referendum whether or not there is a public appetite for it. We will be able to judge afterwards whether that is the case. We will see if you are right or I am.

Dr Steven: I would turn your question around slightly and say that there is real evidence of a fall in trust in politicians which actually predates the expenses scandal. The electoral turn-out generally has been in decline. Party membership has been spectacularly in decline. There are other indicators of quality of democracy in Britain which suggest that the average British voter's perception of the political classes is maybe not as good as it once was and the notion of public service is being replaced by career or self-interest and professional politicians. There is survey evidence that there is this sort of groundswell of public opinion about that out there. You can only judge

the effectiveness or the success of an electoral system by its own virtues. We can speculate until midnight about what AV might do or might not do but the one thing it certainly will do is involve more people. It will make it more difficult, if you like, for a single political candidate to get elected to office on the basis of a minority of votes, if you know what I mean - I am not putting that very clearly - so in terms of that specific point it passes, if you like.

Dr Pinto-Duschinsky: I do not think we should be naïve, and I am sure we are not. Labour did not have AV as a burning issue for itself until the very end when Labour felt that it would lose and therefore was reaching out for a possible coalition and therefore it was a deathbed policy and so to say that it was in the manifesto and therefore Labour is wedded to it is unrealistic. Similarly, I think it is unrealistic and naive to think that Mr Clegg loves AV. He wants it as part of a two-step process towards PR in the hope that it increases the chances of a second hung parliament, which it would do, and at that stage he would demand full PR. That is clearly what the scenario is and so I think to say that the issue in front of us is AV so let us ignore the real politics of it would be a great mistake, and, indeed, one of the things that I am frightened about, say, with the Electoral Commission, whose chair after all is a former member of one of Peter's organisations and so is not exactly neutral, is that they would want to present it in terms of AV without looking at where we are heading.

Q20 Chair: Finally, Dr Pinto-Duschinsky if we were to directly elect our chief executive, our Prime Minister by first past the post, would your antipathy towards a proportional system for the legislature be lessened somewhat?

Dr Pinto-Duschinsky: To be realistic about it I think that the idea of a presidential or prime ministerial direct

system is a very interesting one. It is not one that is before us now and so I have not really looked at that question so I would hope you would excuse me if I passed.

Q21 Chair: The traditional argument is that when you need strong government you need first past the post so therefore directly electing the Prime Minister on first past the post makes sense but deliberative chambers do not need that so much and a broader and a proportional basis can be used.

Dr Pinto-Duschinsky: I think you have a strong government if an executive can usually be assured of a majority in the House and you have a democratic government when they can then be thrown out, and so I think that the combination of strong government for a while but then the ability to throw them out is the British tradition of combining a strong executive with democracy.

Q22 Sheila Gilmore: How will the citizens' jury be elected?

Mr Facey: The way that it works in Canada was that it was random, it was a random selection of citizens, in the same way that a jury works in a criminal case. In British Columbia, they had 120 people, 60 men and 60 women, who were chosen by lot, effectively, from the electoral roll, who served for a year, who looked at the electoral system and came back with a recommendation which then went to a referendum of the voters in British Columbia, and the politicians in that case took the decision that they would keep their hands off what electoral system came out of it. The assembly/jury had a choice of simply saying there should be no change at all, so listening to Michael and saying to stay where they were, or, if there were to be a change, recommending a change were put to a referendum. I think that would be a fairer way because it would be those people who would not

have a direct interest in deciding on the electoral system, but that is not the option here. We tried to persuade the last Parliament to do it and your good selves decided not to listen to us and, therefore, we are where we are.

Chair: I am going to move on now to the AV referendum itself.

Q23 Mrs Laing: One very quick opening question, if I may. If there is a referendum on changing the voting system, is that changing the Constitution, or is it just incremental change?

Dr Pinto-Duschinsky: I think it is important enough to be considered a constitutional change.

Dr Steven: I am not a constitutional lawyer, so I am not qualified to comment.

Mr Facey: It is a very interesting question, and I am not trying to get off the hook.

Q24 Mrs Laing: You do not have to answer.

Mr Facey: The reason it is an interesting question is that, if you look at countries like New Zealand where they have entrenched a few things into their constitution, they entrenched the issue of having elections as constitutional, the fact that you have to have elections, but they did not entrench the issue of the electoral system. They said that that should be decided by voters through a referendum process, but that was not in the same order, so I think it is certainly constitutional that we have elections and that elections are run in a certain open way. Whether the question of the exact electoral system itself should be entrenched in our Constitution, I think, is one which would need further debate and discussion.

Q25 Mrs Laing: That is very helpful, thank you. If one accepts that changing the voting system is not the same process within our democratic system as choosing

between four or five candidates who will represent a particular area, is there not, therefore, a case for saying that it would be wrong to make a fundamental change like that if, let us say, only 15% of those who were entitled to vote took part in that decision and, therefore, should there not be a threshold which has to be crossed in order for this fundamental change to be made?

Dr Pinto-Duschinsky: Well, we have a problem in the British Constitution in that Parliament is sovereign and Parliament votes by ordinary majority. I am in favour of parliamentary sovereignty, but that is the one weakness of it, and that has allowed various decisions and changes to go through on the nod of basic constitutional significance without really having public information, let alone public consent. I do believe that it would be wrong to have this, or other fundamental changes in our democratic system, without real consent, so I would think that a threshold, such as the George Cunningham proposal, is absolutely appropriate on this, and I would note that, since there was a coalition agreement with a whipped vote to come on the AV referendum, I do not believe that that was the case for the threshold, so I think that that should be left for Parliament to decide. Were I a Member of Parliament, I would certainly vote for the threshold.

Mr Facey: I am a believer, unlike Michael, in popular sovereignty. I believe that sovereignty rests ultimately with the electorate, with our fellow citizens. I think the question about having super majorities, thresholds, all these things in referenda is that the reality is that you only have to look at Italy where they have such a threshold that, if I were a campaigner for the 'no' side, what it effectively means is that the best way of defeating this change would be to tell my supporters not to vote. I think that that type of mechanism in a democratic process is actually extremely undemocratic. Very few referenda now

work in Italy because what does happen is, if you are opposed to that change, you simply tell all your supporters, because it gets the threshold down, not to vote, so you end up having huge 'yes' votes, but actually no change. Now, if you applied the same rule to you, as parliamentarians, and said that you can actually change anything because you are sovereign, as a body, and we have had fundamental changes to our Constitution and our civil liberties, but you have to have at least 50% of your electorate, et cetera, then a number of you would not be sitting here at all. If you applied it to local council elections, we would not have any local councils at all. I am in favour of things which entrench the Constitution, but one of the triggers for change, I believe, is in referenda. I think in referenda you are going to the people who actually have the sovereignty, in my belief of things, and, therefore, they can. Now, I would like a higher turnout. I supported a referendum on the same day as the General Election when the previous Government was doing it because it would have been a higher turnout. I support a referendum on the same day as elections being held because it saves money, but also because it will give a higher turnout, but I do not believe that we should start imposing artificial ones in referenda because, effectively, that would be gerrymandering and the case of one side against another.

Dr Pinto-Duschinsky: I think that this whole language of gerrymandering and all that ignores the basic issue, that you need proper consent to a basic change. I do disagree with the view of 'we, the people'. Organisations, such as that which Peter represents, exist and are able to campaign in his case because he controls with his group the former funds of the British Communist Party, and the idea that he represents the British public on this is controversial, but I do not think that the rhetoric of 'we, the people' is actually apt in this because the method that is being proposed is one that would

actually take sovereignty away from the people and sovereignty can only be with the people if they can dismiss governments.

Q26 Chair: I think the concept of consent to change basic law, whatever you want to call it, constitutional law, is a good one, providing process is available in order to make the change. What we are finding today is that it is a fluke of parliamentary mathematics that has presented this opportunity, some may say, to make a change and it is actually quite difficult, even currently, to envisage a process by which people could make that flow, particularly in a quite rigid party system. I was thinking, Dr Pinto-Duschinsky, of you being a Member of Parliament, as you alluded to a little earlier, and I just wondered ----

Dr Pinto-Duschinsky: You are thinking that would be ludicrous, were you?

Q27 Chair: ---- how long you would survive the whipping system in the House of Commons, which some of us have sailed close to the wind on in the past! I shall leave that thought hanging, but bring Dr Steven in.

Dr Steven: I cannot comment on the constitutional dimension, but I suppose I can say briefly that there is, I suppose, a need to be consistent. Any threshold is arbitrary. A number of things that Peter said I would, I think, support. Once you break everything down, Parliament is sovereign, you are parliamentarians and there is no threshold for you to get in in terms of turnout, so I suppose I can only really comment about the consistency aspect, but I cannot comment about anything else.

Q28 Simon Hart: Just to go to the question about timing, you were supportive of referenda being held on the same day as other elections, in which case why is the Electoral Commission wrong

in advising against that, and why is it wrong in advising against holding subsequent elections on the same day, which might, as I put to Nick Clegg last week in Wales, actually mean two different systems on the same day over boundaries which, in some cases, do not overlap at all and, in other cases, overlap quite a lot? Why is the Electoral Commission wrong, in your eyes?

Mr Facey: They can speak for themselves better than I can. I said they were wrong for the simple reason, well, firstly, if you look around the world, holding multiple elections and referenda on the same day is a fairly normal thing for most countries to do. The ability of voters to answer a number of questions on the same day is perfectly possible for them to do, and in fact in this country we have multiple elections on the same day, for instance, local elections and European elections.

Q29 Simon Hart: But not by different systems. That is the point.

Mr Facey: Well, we do because we have local elections on the first past the post and we have a closed-list, proportional system on the same day and voters deal with it. I went to San Francisco at the time of one of their elections and a voter was being asked to decide on electing their local council, electing their local mayor, electing state representatives, federal representatives, state referendum issues and local referendum issues, about 50 issues. Now, I would not advocate that they do, but the ability of the voter to maybe make four decisions on one day, if you do not think that, I think you are underestimating the intelligence and the good sense of voters. I think there is a duty, particularly in a time of financial crisis, to do things in the most efficient way, and actually holding elections and referenda, in my opinion, effectively a form of election, an issue election rather than a council election, is actually cheaper and also guarantees that you have

more people participate. In response to the question about making sure that we have a higher turnout, which I passionately believe we need to have, holding them on the same day makes sense.

Dr Pinto-Duschinsky: My comment is that actually the same day/not the same day is a calculation of interest. I think that it is thought by the proponents of AV that they are more likely to get it through if it is put quickly and if it is put on the same day, and it is that calculation. I think all of the other evidence is secondary, if we are really frank.

Q30 Stephen Williams: Can I just challenge that because everyone in Wales and Scotland will be voting and 84%, I think, of the people of England will have the opportunity to vote in a local election so, therefore, the vast majority of people in England, Scotland and Wales will be voting. Is that not better than having a referendum on a different day when probably fewer people will vote?

Dr Steven: Yes, the Electoral Reform Society does not have a set-in-stone line on this, but it is very much what works and whatever is clearest in the circumstances with voters. I think, speaking perhaps personally, I would say that there is evidence that voters are able to vote in different elections and in different contexts at the same time, and there is comparative evidence for that from similar advanced industrial democracies. I think that is probably what I would say.

Q31 Mrs Laing: I certainly do not, and I have been accused of doing so, underestimate the intelligence of the electorate; of course the people who go to the polling station can distinguish between voting for one thing and another. However, is it not the case that, where there are national elections in Scotland, Wales and Northern Ireland, the turnout is

likely to be proportionately much larger than for local elections in 84% of England and, therefore, is it not likely that there will be, on this particular day that it is proposed, differential turnout and, therefore, a result which is, at best, challengeable as being fair in this referendum?

Mr Facey: I suppose, if you assume, and you are presuming effectively, that voters in Scotland, Wales and Northern Ireland are likely, therefore, to vote particularly one way or another in greater numbers ---
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Q32 Mrs Laing: No, I am not, but, supposing they vote 50% one way and 50% the other way, there is still a differential turnout that there are more people voting and having their say there. I know it is a question of choice, but, therefore, I will argue, the result of the referendum will be less watertight.

Mr Facey: What I would say is that we always have in elections differential turnout. The reality is that the voters of Liverpool, you can argue, because of their electoral system, tend to have turnouts in some of their seats which are way below 50% in a general election. I would not argue, and I do not argue, that the result of a general election is, therefore, illegitimate because you have differential turnouts in different parts of the country. I think that, if we are looking at ideal days to have referenda, and this is a point which we have argued way before we actually had this particular circumstance, we have always said, and we have said to the Electoral Commission that we disagree with the Electoral Commission, that holding elections and referenda on the same day is better because it means that you do get more. We know from the experience of local referenda on mayoral issues that, when you hold them on days outside the normal cycle of when people go to the polls, turnouts are considerably less, and I think that that is actually more

damaging than the problems which you are identifying.

Dr Pinto-Duschinsky: I think there is a completely different problem though, which is that, if you say that you want a referendum date that is fixed for May and if there is a certain amount of time before that which you need for the campaign, you then assume that the legislation can get through the House of Commons in a very short time. I think that we will find that there are enough difficulties, and I have brought up some with the funding rules for the campaign, that I do not believe that we can responsibly have our Parliament discuss all of this and pass the legislation in time for a referendum next May. It would require, I think, a fairly casual look at what are very real questions of process in order to do that, so I think the question of whether you want it on the same day or not is moot, from my point of view.

Chair: Can I just gently remind, or chide, my colleagues that we now know there will be a second reading on these bills in September, so we do not need to do our second reading speeches today when we are trying to get information from our esteemed witnesses!

Nick Boles: I could not be less interested in the timing of the referendum. What I am interested in is why you seem to think that it is likely that people will choose to answer the question posed rather than expressly looking in on something else completely different. Is it not the case that in referenda around the world there is lots of evidence that actually the voters take it as an opportunity to send a quite different message than the one that they have been asked?

Tristram Hunt: Very briefly, in your evidence to the Committee on Standards in Public Life, Dr Pinto-Duschinsky, you, first of all, make an interesting critique of the Electoral Commission in terms of its decision about where the £5 million grant is given to the campaigning organisations and, secondly, you say that there are

problems concerning the definition of 'foreign' and 'in-kind' donations.

Q33 Chair: I will ask a third question. I have been passionately interested over many years in pre-legislative scrutiny and I believe that, since legislative scrutiny does not work, we need to invent something that does, so we call it 'pre-legislative scrutiny'. Sir George Young, in a letter to the Liaison Committee yesterday, reinforced his view that every bill should receive 12 weeks' pre-leg scrutiny. We have managed, by forcing this issue, to get probably two, possibly three, weeks' pre-leg, and I know particularly, Mr Facey, that you urged that the second reading be held extremely quickly, so my question to you is: do you think this is denying the educative effect that pre-legislative scrutiny can have on Members of Parliament and the public? Finally, what do you think the question should look like on that referendum paper? There are four questions there, and I am sorry to take them all in a bunch, but comment on them as you wish.

Dr Steven: In relation to, yes, the common practice that referenda are votes to hurt the Government, that is going to be more complicated on this occasion because the coalition is somewhat split in terms of this, so it probably does not apply, I suppose. I cannot comment on the second or the third questions really. In relation to the question, it would probably be wrong of to make up on the hoof what I think the question should be in terms of the wording. There is no question that the Electoral Reform Society will be happy to make a written submission in terms of what they think the form of words should be, but I probably should not do that now.

Q34 Chair: Maybe some civil servants have already made it up on the hoof! It may be that that is so, so you should not

feel embarrassed about having a go yourself!

Dr Pinto-Duschinsky: To my understanding, there has been an agreement within the coalition about the wording, but in terms of pre-legislative scrutiny, I think I would absolutely back what you have said, that the whole Bill is very complicated and it would be a mistake to rush it through. I think the second reading in September, as I have said before, is certainly premature and we cannot look through all of the issues that need to be looked at during the recess in August, there is a lot of work to be done, so I think it would be very much against the public interest to have that in September. I was very grateful to Dr Hunt for looking in detail at several points to do with this Bill, and about the registers as well, which I have read with interest and taken very seriously his comments. About the Electoral Commission choosing the group, it is not my criticism of them. Sam Younger himself looked at that problem and it is an inherent problem there. On the question of foreign donations, I think, you have a ban on foreign donations and you also have a definition that a donation can be 'in-kind'. Now, what this means, for example, is that, if some foreign politician, say, they got somebody from Australia over, speaking would be an in-kind donation and, according to the definition, you have to count a service as a donation if it is done in office hours, so, for example, we would have to reckon whether, if an Australian was doing it, it was our office hours or Australian. The fact is that the law, the whole of that chapter of PPERA that was passed in 2000 which went against a number of the recommendations of the Neill Commission in 1998, it was just passed very, very quickly and I think that there are a whole lot of questions. When does the campaign period start? I read, and would have to go back to, the very admirable Oonagh Gay who wrote a

parliamentary note on this as to what happens. I think the laws on expenses will probably be unworkable and unenforceable, and really do, unless they just be a dead letter which is a possibility, need to be looked at very carefully before we move to second reading.

Q35 Tristram Hunt: We will give IPSA that job!

Mr Facey: You said something to me earlier which implied that I speak on behalf of the British public. I would not be so arrogant. I speak on behalf of our members and a few more than that. In terms of the question about referenda and whether people vote on the question, to be honest, it is a very difficult one to answer, but in general elections I am not sure they vote on the question either. There is not a lot of evidence that they vote on manifestos. Your smile is equally as important to a voter as the issue. I believe passionately, ultimately, that people are sovereign and I believe that people have the ability to take decisions on things, and I think that they are capable of doing it. Does that mean that everybody voting will vote with the same degree of interest or be as studious about it? No, and it is a fault of democracy, but I think democracy is a better system than any other we have and I think that, if you are going to change a voting system, voters deciding in a referendum is probably the best way we have, however faulty that may be. In terms of the Chair's question about pre-legislative scrutiny, I have two difficulties. One is, I absolutely agree with you, that pre-legislative scrutiny is extremely important, and we have said so on numerous occasions, and I believe that in this case it is equally important. Speaking as a campaigner, I need to know as soon as possible when the referendum is going to be, particularly as someone who first started planning a referendum on electoral reform back, as the questioner pointed out, nearly 15 years ago when we were first promised a

referendum and, as someone who has constantly been on tenterhooks as to when we will get it, you can understand my enthusiasm to actually have a date when I know that it is going to happen rather than simply a promise by politicians in a manifesto that it may happen because, unfortunately, so far my hopes about those promises have always been dashed and, therefore, I want to see the legislation.

Q36 Chair: And on the question?

Mr Facey: On the question, I am a great believer in Ronseal(?), that things should be as simple and clear as possible. The way the present system works is that the Electoral Commission itself will have to be consulted on the question, and I think it should be something as simple as, "Are you in favour of changing the electoral system for the House of Commons to the alternative vote?" but I accept, as someone who has declared an interest that I will be campaigning on one side, that maybe I am not the best person to decide on the question.

Chair: We now move on to boundary changes and a smaller House of Commons.

Q37 Mr Turner: I have 110,000 constituents, my colleagues have 25,000 or 35,000 and many, many colleagues have between 50,000 and 88,000, so there is a huge variety of single-Member constituencies. Does that matter?

Dr Steven: Does it matter that there are different sizes of constituency?

Q38 Mr Turner: Yes.

Dr Steven: Well, I was aware that you were going to ask this in advance and I have thought about it a little bit. There are really only 40 constituencies that are, if you like, outliers. Most constituencies are within about plus or minus 20% in terms of the average. There are really only about 40 constituencies, by my

reckoning, that are really incredibly big or incredibly small, so it is a question of whether the issue is significant enough to require attention.

Dr Pinto-Duschinsky: It matters in democratic theory because votes should have the same value, and we have not only one person, one vote, but, if theoretically you had a constituency, as we had before many years ago, of two people and another one of 50,000, then obviously the votes would have a different weighting. Now, we have got to a ratio of roughly four to one or five to one with the outliers, so it matters for that reason of theory. I think that it is accepted in some of the international conventions that you can go away from equality as long as that has no predictable party-political effect, but, if those inequalities do tend to favour particular parties, then the democratic process is being, in some way, skewed in an undesirable way. There is argument among academics as to how far the Conservative Party is damaged by the inequalities, and I think it is accepted that they do tend to lose out at the moment.

Mr Facey: I think it is desirable, if at all possible, that constituencies are approximately the same size, all things being equal. If you can achieve that, then it is something which will be a positive. I also accept that there are other considerations, not just simply the absolute number of constituents, in that nobody is advocating that we should have a seat which crosses the English-Scottish border as something which would be desirable and, therefore, I think there are other considerations which we have to take into account as well, but it is certainly desirable that they are approximately the same size.

Dr Pinto-Duschinsky: I think it is the case that your constituency is in a very special position, being an island and of having a number of voters that is very large, electors, in comparison, so we do have a dilemma because, if you divide it

in two, it is under quota and, if you leave it as it is, it is over quota. I think that the trouble is that it is really a one-off problem and the question that arises then is whether you give special treatment directly and say that the Isle of Wight will be an exception, and I can see some possible merit in doing that. I think the problem could be that, once you get into exceptions, and I think that there have been arguments in negotiations for 15 exceptions, then you start destroying the whole point of equalisation if everybody has the exception. I think it is the reality that the Isle of Wight has probably the strongest case of the over-populated seats, and I sympathise with it. Whether you then want to go down a road that actually destroys the whole scheme of equality is a difficult one, and I think that is the real dilemma.

Q39 Mr Turner: Can I suggest another way, and that is that we, all of us, all the Members of Parliament, cast, in my case, 110,000 votes and others 25,000 votes or 55,000 votes or whatever, and they go through the lobbies and zap the cards to say how much we have, and that seems to be sensible.

Mr Facey: I think it is a very interesting idea. I have to say, though, that I normally hear from advocates of proportional representation who argue that Liberal Democrat MPs and Green, because they have so many thousands more votes per those parties, should effectively be able to go through, tap in, and effectively a Liberal Democrat MP equals 12 Labour or Tory, so, if we go down that route, it is going to be a more interesting debate. One simple practicality would be that we would have to turn [this building] into a museum because we could not use the existing corridors and voting chamber and everything else, and we would have to move to Solihull and whatever else. The difficulty is that, as soon as you go away from the concept that effectively a

Member of Parliament has an equal value, you are having, in an extreme way, different types of parliamentarian in a way which is even more extreme than some of the complaints about Scotland or Wales or wherever else, and I think the better way of dealing with it would be to move to a multi-Member system whereby actually some of these problems would actually be less of a problem than they are under the single-Member system, but that is not an option which we have before us.

Q40 Chair: Should all the votes be cast in the same way of course? There may be different views in the Isle of Wight on a particular issue and they may be split through that system.

Mr Facey: That would be an interesting thing for parliamentarians to try to work out.

Q41 Chair: Dr Steven, any comment on that?

Dr Steven: Just given what I said in response to the last question, I would probably view it as being a sledgehammer to crack a nut and perhaps unnecessary. I can understand why it is more important for you, as I say, in the Isle of Wight and I am sympathetic to that. Jenkins actually discussed this in his report and he talked relatively in a passage about how the MPs with the biggest seats would walk around like prize bulls because they would have the most power. I suppose that does predate the swipe card where you just put it in. I suppose in that he was maybe making the serious point about the practical implications for how that would work.

Q42 Simon Hart: I am going to ask for an opinion rather than express one, you will be pleased to hear! What is your view on assessing boundaries on the basis of registered voters as opposed to constituency population? Is there an angle we have missed here which we

should be pursuing? Secondly, what, in your view, is a seemly timetable to review safely and reasonably 649 constituencies and reduce them to 600? What, do you think, would be a sensible timetable over which that process should be undertaken?

Mr Facey: Sorry, the first part of your question was?

Q43 Simon Hart: The distinction between registered voters in a constituency and the population.

Mr Facey: The reality is that our current electoral register is not fit for purpose, and let us be clear about that. There are huge numbers of people, particularly in some constituencies, and some academics estimate that that might be as much as 25%, who are not registered in some constituencies and, therefore, simply using the current electoral register, unless we are convinced that that register is completely accurate, as the sole mechanism for deciding constituency size, I think, is unwise, particularly when this Government, which I congratulated it on because I campaigned for the change, is committed to changing the way in which registration works. Therefore, to rush through a major change using what the Government itself recognises is an inaccurate electoral register as the sole mechanism to have for new boundaries could mean that we end up with equally unusable boundaries at the next election as a result of it. I think it would be better to use a number of indicators in terms of the constituency size, and population would be one of them, which would actually produce more accurate constituencies and probably constituencies would last longer in terms of having longevity.

Q44 Simon Hart: And the timescale?

Mr Facey: Maybe with the exception of pre-legislative scrutiny in relation to this Bill, as has kindly been pointed out to me, I am a great believer that, on the whole,

we need to have proper consultation and ability to actually scrutinise, and I am concerned that, if we try to rush this, we will have something which is worse than we have at the moment. I accept that actually we need fundamental reform in this area. I think the difficulty is that, if we get it wrong, we will find ourselves doing this again after the next election in terms of the shapes of the constituencies and I think it would be extremely traumatic for Members of Parliament, not that, I have to say, your trauma is normally my major concern, but I know that, when you have boundary changes and effectively are reducing 50 seats out of the current one, it will mean that every single MP will have to effect major changes. I also am slightly worried that, and do not know why, we have gone for 600 seats. I would have preferred a debate about what the function of the House of Commons should be and what the appropriate number of MPs should be for that function and then having the debate about the number of constituencies because that, for me, would seem to be the appropriate order of things, and I have a slight fear that we have put the cart before the horse, that we are simply saying that we cut the number and then we discuss afterwards what the appropriate functions are.

Dr Steven: This is not an electoral systems matter specifically, so the amount I can say about it is probably more limited, but the Electoral Reform Society has in the past written about, and researched, the importance of the natural quality of a boundary, so people feeling a sense of possession of where they live, so a constituency like Glasgow or (?), the people know what that means more than they know what Glasgow North means; there is a significance there. In terms of what you are alluding to, the idea of going down a more, I suppose, quasi-American model of almost making it more difficult to vote, and I know that is not what you are meaning, but sort of

tying the boundaries to, if you like, who actually votes, is probably not one that we would warm to. I could also say in passing that the American system has much more of a sort of equal quality and of course there is also evidence of gerrymandering there, so there are different issues which probably need to be separated out. I probably cannot comment on the seemingly timetable.

Q45 Simon Hart: I think the answer to the first part of the question has rather answered the second part actually.

Dr Pinto-Duschinsky: This is a subject that I have gone into quite a bit, so I can answer. First, the political reality of it is that there is a coalition agreement that the referendum and the equalisation are like two horses bound in a yoke, and I think it is probably right to say that the Liberal Democrat side would want to advocate what Peter Facey has advocated, namely to go faster on the referendum and to go slower, if at all, on the equalisation. It is interesting how contrasting his answers are on the speed of the referendum to being slow on the boundary changes. I think that my own thought is that it is all a bit too fast. I think that, as far as the boundaries are concerned, we have a system of redoing boundaries that is one of the slowest in the world, the Boundary Commission's, and the people who have studied this a lot, people like David Butler, Professor Iain McLean and others, are pretty well all agreed, and this is from different party families, et cetera, that the Boundary Commission's system has passed its time and that we ought to go to something else. Now, the Australian system, and we are not talking about the AV, but redrawing boundaries, has been strongly recommended and I understand that the British Academy Working Group is looking very seriously at this over the summer and will come in with recommendations in September. I think that, if you change the system whereby we draw up the boundaries, then the

experience of Australia is that it can be done in a year, and it is done in a year because you have periods of public consultation, but the timetable is set out and you have the authority that is then with an expert commission, and I think we need to look very carefully at that method. If we change the method to one that will allow the process to be faster, then we have a bit more time to discuss it. Now, let us come then to the question of how we go into the constituency boundaries. Now, the whole philosophy of equalisation must be based on the notion that you have a reasonably reliable and politically neutral way of reckoning what the population is and, if you had a reckoning of electorates that itself had an underlying political bias, then that would be as bad as the bias we have now for other means and, therefore, I did sympathise with what Jack Straw said in the House on 5 July and what Tristram Hunt has said in *The Guardian* more recently. I think, in practice, the problem is a bit less than they have made out because there are two problems with the register. One is people who are left off who should be on, and this is the problem of under-registration which Jack Straw mentioned in the House of Commons, but there is another problem which is of redundant names, people who are on, but should not be there, either they have moved, died or various other things. Now, the research that was done really the last time, and this is many years ago, showed that those numbers were roughly equal. Now, more recently, we do not have that research about the number of redundant names. Dr Wilks-Heeg has done some work with the Electoral Commission and I spoke to him about this. Some of his tables, and this is my conclusion from his work and not his, suggest that the places with most under-representation are also the places where there are the most redundant names, so the problem is somewhat less than it might be otherwise. Now, having said

that and having said that I think you should take both into account, that does not mean that there is not a problem, and I think that you then come to the question of: is there any alternative to the electoral register as a measure of population? Now, in Australia, they do use estimated population and that works there. My impression is that this is more difficult in Britain for technical reasons and this is because we have a population estimate each year by the Office of National Statistics that is based on the previous year, going right back to a Census with certain known adjustments, but those adjustments only go to local authority level, so, to come down to ward level, you would have to ask local authorities to tell you what was going on in the wards, so there is not any ready way of doing that, so the alternative that is available in Australia of using population statistics is probably difficult in Britain and that is why I added my paragraph 34 late last night. However, there are two other things that you can do with the register. One is to have a special scheme for encouraging registration in areas where the register appears to be bad, and I certainly think that you should do that, and the second is the question of using other forms of information for registration. There were some legal objections to that a couple of years ago, but I do think that, if there are other indicators, like a rent book or some others, which can make the register better, then we should use those, so I think that we could use the register, but we must use it in a very proactive and responsible way in order to take account of what are legitimate concerns.

Stephen Williams: I want to follow up what Andrew and Simon were questioning you on. I represent 82,728 electors in a city-centre constituency and I am second to Andrew around this table, but, because of the under-representation and because it is a cosmopolitan seat where there are thousands of asylum-

seekers, I represent rather more people than live on the Isle of Wight, I would say, because a lot of what I do here, what I advocate, is on their behalf and they cannot vote or they are not registered to vote, or they are on the register, but they have moved away a long time ago, so our register is not a perfect tool for evening up constituencies. I would like to tease out what Dr Pinto-Duschinsky was just saying which was very interesting. Given that there are various factors we could build together to have the building block of a constituency, there might actually be, and I am thinking off the top of my head here, different tolerance limits away from the register of electors as the building block in some seats as to others. I can imagine you are reasonably certain of who lives there in the same way as the electoral register, and Anglesey would be another example of an island, but in a city, and Stoke-on-Trent may be the same, you cannot be that certain, so maybe there should be different tolerance limits away from the 75,000 norm, within 5%.

Mrs Laing: This issue of the integrity of the register and the comprehensiveness of the register is one that has bothered many of us for a long time, but I will not make a political point. IVR is now coming in and that will improve things, or so it is generally accepted, unless any of you experts suggest otherwise, but this issue of the comprehensiveness and the accuracy of the register, is it not being overplayed because we have just fought the General Election on that register which has certain drawbacks, we know that there are people who are not registered, we know that, as Dr Pinto-Duschinsky has just said, there are people who are still on the register who are dead or who have moved away, we know that those inaccuracies are there, but nobody is saying that, because of those inaccuracies, the result of the last General Election is invalid, so how can it be argued that, because of those

inaccuracies, the boundaries cannot be drawn? Is that a reasonable argument? Should we suspend democracy entirely until we are sure of the exact accuracy of the register?

Q46 Sir Peter Soulsby: Accepting that the Boundary Commission is now perhaps cumbersome and the approach needs to be changed, do you accept that, whatever the system of reviewing the boundaries, there does need to be meaningful and effective local consultation, that this is the opportunity for local people to have an input into the shape of the areas and the constituencies that will come from those?

Dr Pinto-Duschinsky: Yes, and I think it is possible to have that very effectively without going through our current inquiries which actually, in practice, change very little. I think that you can have all of the benefits without the disadvantages of delay. I think that, as far as Stephen's point is concerned, remember that asylum-seekers may be something that are your responsibility, as an MP, but presumably they are not eligible electors, so that, I think, is possibly one of the weaker points for this debate. If we look at the register and the problems of the register, we know roughly where the problem areas are. For example, very much in inner London we have voter problems in certain conurbations, but in those areas one of the problems is that they do not spend money on follow-up canvassing, so, if we look, I imagine there would be about 50 to 100 constituencies that are potentially problem areas and that we could make sure that the Government, the Ministry of Justice, required them, as indeed it is entitled to do by law, to carry out a house-to-house, or other sufficient, inquiry in which it has not used its powers of direction before and, if there is any financial argument about their ability to pay for the canvass, that, I think, should be carried out. I think they can be given

assistance as far as the use of other data is concerned, which has been objected to by various people, including the electoral officials on other grounds when the Audit Commission wanted to do it. Therefore, I think that we can look for a practical answer that will make those registration exercises credible. I would prefer to have a year extra to do it and to do it on the next registration exercise, namely in 2011-12, but I think we can only do that, we can only afford to wait a year if we move to an Australian-type system of boundaries because then at the end of 2011 we could get, by 2012, to the new boundaries, so that is what I would prefer, to move to the Australian system, having the actual exercise carried out in a year and the boundaries ready in two years.

Dr Steven: I cannot comment on the first two questions as authoritatively as Dr Pinto-Duschinsky, so I am not going to. I can address Sir Peter's point, though, about the local consultation just very briefly and say that in the UK now we have basically multi-level governance with the European level, Westminster, the devolved and then local of course. I think again something the Electoral Reform Society has tried to flag up in the past is consistency. It is quite confusing, I think, for voters where, if you like, they basically live in the same constituency roughly for the purposes of certainly three of the four tiers, but they all have entirely different names, and I think that dimension is one which needs attention.

Q47 Stephen Williams: There is just one question I forgot to ask earlier. Do you believe that we should get rid of the dual franchise that some people have, and students in universities would be one example and holiday home-owners in Cornwall, say, would be another, where some people have two MPs and two votes?

Mr Facey: They are entitled to vote in two places, but they should not obviously have two votes because that would be a

criminal offence. Also, members of the Armed Services are in the same category because they can again also choose to do that. I am not sure, and I do not have a firm view on, whether or not we should actually change that. I think particularly for certain groups, like the Armed Services, it would actually be quite complicated and quite difficult if you simply went to one form of registration, but it is not something which I have given any huge amount of thought to. In terms of one of the areas of people, like asylum-seekers, we should bear in mind that, because we have one of the largest franchises in the world in terms of people who are eligible to vote, if you are an asylum-seeker from a Commonwealth country, so Sierra Leone, then they will be actually one of your voters because they would be eligible to vote because they would actually be here and they would then be on the electoral register, so it is not as clear-cut in terms of that. In terms of the accuracy, the question of whether that is a sufficient reason for delay, one of the difficulties is that I would have much preferred that this were two bills, the referendum on one side, which is a relatively simple piece of legislation actually in the last Parliament, and the question of the boundaries and the size. I understand politically why they are connected, I am not that naïve, but it does cause complications. I am not saying that we cannot have reform and I am not actually against more equalised constituencies or a reduction, but the difficulty, I fear, is that, if we rush this, we will have to do the same exercise again in the same way in a few years' time straight after the next election because, effectively, we will have as inaccurate constituencies as we now have. I just question whether or not in taking on this issue, because there are already lots of things in train, that we actually take a little bit more time on it. I accept that ultimately nobody is going to challenge, and I certainly would not challenge, the

results of the next election, if it is under new boundaries, on the basis of those boundaries, but I do have concerns that there is a lot of heat being exercised on this issue and, if I look at Parliament, there is probably a lot more heat on this issue than there is on the question about whether there should be a referendum on an alternative vote which is a fairly simple change. On the question of consultation, the Government is dutybound to have consultation on these sorts of issues. It is important that that consultation is actually meaningful. Now, one of the problems with consultation traditionally around constituency boundaries is that they actually have become political exercises between council groups, political parties, et cetera, and I think we need to look at how we do that so that we actually get consultation, not only with political parties, which is important, but also with actual voters in terms of that. Consultation needs to be meaningful and, for consultation to be meaningful, particularly with the electorate, it has to have sufficient time for that to happen, and that goes across all aspects of government and I would apply that equally to constituency boundaries.

Chair: Can we move on to fixed-term parliaments.

Q48 Tristram Hunt: In a sense, it is a rather simple question which is: when the majority of British parliamentary terms over the last 150 years been at around the four-year mark and when the vast majority of other international examples, barring quite a few exceptions, are at or around the four-year or below mark, what are your views on the five-year term as opposed to the four-year term?

Dr Steven: On the face of it, it is slightly incongruous from our comparative perspective and four years is the convention. I would imagine that it is linked to the fact that the precedent has often been five years in terms of, in

reality, how long British parliaments have run for, or I think five, but maybe not, I am just guessing, so yes, on the face of it, four years for fixed terms would probably be more obvious.

Mr Facey: I would prefer four years. I accept that, if we have fixed-term parliaments for five years, that is a progressive and a good change in terms of having fixed terms of parliaments, but, if you ask me the question as to five or four, I think it would make much more sense, in terms of local elections and devolved assembly elections and everywhere else we have fixed terms in the United Kingdom, that it is four in terms of our domestic legislation, that Parliament should fall in line with that, but I am not going to oppose the change because it is five rather than four.

Dr Pinto-Duschinsky: The legislation that we have had is for Parliament to last five years, but with an option for the Prime Minister to go to the Monarch to ask for a dissolution before, so that, I suppose, is why that was chosen. Clearly, in one way, fixed-term parliaments take away a certain prerogative, possibly an unfair one, of the Government of the day having a snap election, that it can know the best point for the economy and certainly the electoral economic cycle, which has been one that has caused problems in the past, so I can understand that argument and I think there is something in that. However, at the end of the day, a government has got to be able to govern in Parliament, so you can have a fixed Parliament, but, if it loses a working majority, then the logic is that you have an election and I think, even if you do have a fixed Parliament, if you were to reach a situation of deadlock in Parliament, then that would break down in practice.

Q49 Tristram Hunt: Is it your understanding that this, well, we will see the legislation this afternoon, that it binds further parliaments, which is a rather

constitutional innovation in terms of the British system?

Dr Pinto-Duschinsky: Well, the trouble is that we are going to have this question arising, say, on a sovereignty bill or anything to do with, say, European legislation, that, if a Parliament decides that it will bind itself, then under the doctrine of parliamentary sovereignty you only have to have another vote by an ordinary majority to unbind you. There is a certain sort of problem of logic there.

Q50 Chair: You are bound until unbound?

Dr Pinto-Duschinsky: Yes, so I do not know what is the validity. If Parliament says, "We will need a 90% majority" or whatever, if it then decides by an ordinary majority to repeal that legislation, then it repeals it by an ordinary majority.

Mr Turner: Can I just remind you of what happened in 2001. The General Election, which everybody expected to take place in May, took place in June and the reason was foot-and-mouth which was quite a significant problem in a minority of constituencies, but I do think that that was the genuine reason, and indeed they moved local elections to June for the same purpose. How do you see that affecting?

Q51 Chair: I was wondering whether I would answer that one. I have an answer!

Mr Facey: Your answer would be better than mine because, I have to admit, it is a question I had not considered. It is an interesting thing about the British Constitution that actually, though we are obliged to have an election, the actual date in terms of when the election is is not fixed. Parliament is fixed, but actually you can have an election a lot later, but you just cannot pass any new laws in that time. One of the problems in our system is that we do confuse a lot the difference between governing and legislating, so I do not see a problem where we cannot

pass any legislation for an extra month because we have postponed it, but actually Parliament cannot legislate for any new laws. At some times, it is actually helpful for us to think that we have two things which go on, one is governing and one is legislating, and they are not the same. Simply passing laws and more and more laws is not necessarily good governance, and actually you can be a strong government which does not actually pass more new laws, so I do not think in this circumstance, and I have not given it a huge amount of thought, that actually it should be a huge problem. President Obama governs, but does not actually pass laws; it is the job of Congress to do that.

Q52 Chair: I think we could go beyond five years with the consent of both Houses, using the 1911 Parliament Act. That would be my answer, but no doubt I am now going to be corrected by either Dr Steven or Dr Pinto-Duschinsky!

Dr Pinto-Duschinsky: Woe betide me! No, I do not think so. Clearly, if we have a fixed-term Parliament, then considerations, such as the ones you have suggested, would become more difficult to take account of, which I think is the point of your question, but I suppose again the issue is whether the advantage in terms of fairness of a fixed term outweighs certain other disadvantages. The way that I see it is that, of the three parts of this Bill, the fixed-term parliaments now is maybe the least contentious of those, apart from the question of the majority needed, and I do not see that as decisive because I think in those hypothetical events it would not be decisive anyway, but I do slightly disagree with Peter Facey because I think it is not that the referendum is simple and that the boundaries are complicated, but I do think we will find that we are not really prepared in the laws just for a referendum and that we ought not to take

for granted that the PPERA is actually in good shape, because I do not think it is.

Dr Steven: There is a certain consistency with looking at this and also looking at the other aspects because, if we are starting from the premise that there is a lack of trust or, if you like, the quality of democracy in Britain needs to be improved, then potentially taking the decision about when there is a general election out of the hands of one person, effectively, or the Government and making it more uniform or standard does have a certain integrity to it. Personally, and this is my personal view, I do think the reason why the previous Prime Minister was so damaged politically by his decision not to go for an election was not because he was perceived to be indecisive, but because he was perceived to be playing games and he was perceived to be self-interested, so I think any Prime Minister who, if you like, has that decision taken off him or her probably outweighs potential natural disasters or foot-and-mouth situations if you are going to weigh up the advantages against the disadvantages.

Chair: We are going to move on from fixed-term parliaments and we will come back to this with our other witnesses next week. I am going to move forward to the legislative timetable.

Q53 Sir Peter Soulsby: We have already said quite a lot about the timetable and heard quite a lot from the witnesses about the legislative programme for this, but what we have today is a single Bill being published for the referendum and for the number and size of parliamentary constituencies. Now, given that that is what we are getting, can I draw together the evidence you have already given us and just ask you to confirm that you are all of the opinion that there needs to be a timetable which allows for that Bill to have proper pre-legislative scrutiny and full debate before it is pushed through and,

notwithstanding Unlock Democracy's early enthusiasm for a second reading this side of the recess, actually, now that the two are linked together, they need to be given the time and the full debate that is necessary? I see Mr Facey is nodding to that.

Mr Facey: I want a referendum and I want a fixed date for it as soon as possible because of earlier experience, as I have said, but we have always argued that the process of making laws is important and that it needs to be given as much time as appropriate and, therefore, the same commitments to pre-legislative scrutiny have to apply in this case, even if that does mean ultimately that the referendum has to be moved back, but the whole point about these changes is to make governance better and you cannot do that if you start then shredding up the acts of good governance in that process. It is still really possible to meet the dates, but I do not think at this stage it is organisations like Unlock Democracy's job to say that, to get the change, we are going to cut corners in terms of the democratic process because that would be inappropriate and it would be wrong.

Q54 Chair: Had we, as a committee, not moved quickly, it is quite possible there would have been no evidence-taking or pre-leg scrutiny prior to second reading, which I think tells a story.

Dr Steven: The Electoral Reform Society was quite critical of the way in which this whole issue, well, certainly electoral reform, appeared to come up at the last minute and at the tail end of the last parliamentary session and in the so-called 'wash-up'. There was something unfortunate about that, I think. The other thing I would say is that, generally, if there were as much coverage and awareness of the way in which Parliament works in this setting, consensual, considered, cross-party, as there is about Prime Minister's Questions, I think the

public trust of politicians would be improved.

Dr Pinto-Duschinsky: As you will have gathered, my answer to your question is simply yes, that it is too early. I would add, though, that I think there is a genuine lack of preparation going from the side of the Executive in having answers to some of the questions. I think there are issues that really need to be looked at more carefully in order to avoid practical problems and in dealing with good government. You do have to look at the details in a responsible way, and we cannot do that by September.

Stephen Williams: I would like to ask the witnesses whether they think the Scotland Act 1997 and the Wales Act 1997 were botched legislation and that the Scottish Parliament and the Welsh Assembly lack legitimacy because the referenda were both held in September 1997, barely three and a half months before the recess in between of the Labour Government taking office?

Nick Boles: I would like to ask you a question, Chairman.

Chair: Of course.

Nick Boles: My understanding of the reason for the rush is the fear that the part of the Bill that matters to my Party, which is the equalisation of boundaries and constituency sizes, will take too long and will not be ready before an election. I think that Dr Pinto-Duschinsky has made a very eloquent argument and a very strong case that, if we change the boundaries in any way, it seems to be a nonsense and incredibly time-consuming and expensive, and we could then have more time. Would it be appropriate for this Committee to make that as a strong representation to the next Prime Minister that, whilst we are not trying to undercut the Government's desire to achieve those new boundaries in time for an election, there might be another process which would achieve better parliamentary scrutiny and the timetable that we definitely need?

Chair: If I can briefly interject before the panel, we have made representations, as the Committee has heard in its informal meetings and its formal meetings, that there should be adequate time without slowing down the actual referendum date, not to delay the legislation, but to actually incorporate within the legislative timetable sufficient time to do our job thoroughly.

Nick Boles: It is just the specific point of the change to the Boundary Commission unlocking that.

Q55 Chair: I would like to consider that and perhaps we can have a few moments after we rise, but perhaps we can quickly scoot across the panel who have been extremely helpful in their contributions today.

Dr Pinto-Duschinsky: On the last point that was made, I do believe that you can get constituencies and the reorganisation done earlier than the current timetable and still start later and that the big gap that is left is because of this outdated boundary system, so I feel that that is the key both to more scrutiny and making sure that the changes are made properly and of getting there early because MPs do need to know where they stand for their constituencies and constituency parties well before the next election. We want to change the boundary system anyway, so now is a very good way of doing that. I do feel, though, that this Committee has a vital role to play, as does Parliament, in making sure, not in the principles, but that the details are fully discussed, so it has been, for me, a privilege to be able to see this new Committee at work and to congratulate you and wish you well.

Q56 Chair: Thank you very much.

Dr Steven: The Electoral Reform Society does not have an official position on the legitimacy of the Scotland and Wales Acts. I think the second question is for the Chair and I cannot comment on that,

but thank you very much for inviting the Electoral Reform Society.

Mr Facey: I would definitely not say that the Scotland and Wales Acts were botched legislation; it would be very dangerous of me to say so to what is north of the border. There is something to bear in mind, though, particularly in relation to Scotland, that the legislation came out of a process which was actually a lot longer, so it is true that it was very quick legislation, but the idea that that legislation was kind of newly drafted in a few months is not actually the case in the case of Scotland. It is a lesser argument in Wales and elsewhere, but in Scotland there was a long process which produced that, and I know some constitutional advocates in Scotland who would argue that that process was one which lasted 100-odd years in terms of the changes, so you can have quick legislation which is good legislation, but there is a kind of rule of thumb which normally says that the quicker the legislation, the worse the law at the end of it, normally, and that, therefore, it needs to be considered. In the case of the referendum, it is something where actually in the referendum part of this Bill, and of course we have not actually seen the Bill, there was, effectively, a draft of that which was in the last Parliament, so that element again is not actually that particularly quick, but, on the whole, legislation does need to be scrutinised properly.

Chair: Mr Facey, Dr Steven and Dr Pinto-Duschinsky, thank you very much. We could have gone on for another hour. The answers you gave were extremely helpful to us and I will ensure that the evidence you have given is available to every Member of Parliament, not merely the members of this Committee. Thank you so much for coming.

Oral Evidence

Taken before the Political and
Constitutional Reform Committee

on Monday 26 July 2010

Members present

Mr Graham Allen, in the Chair

Nick Boles
Mr Christopher Chope
Sheila Gilmore
Simon Hart
Tristram Hunt
Sir Peter Soulsby
Mr Anderw Turner
Stephen Williams

Witnesses: **Professor Ron Johnston**,
Bristol University, and **Mr Robin Gray**,
former Boundary Commissioner for
England, gave evidence.

Q57 Chair: Good morning, Mr Gray and Professor Johnston. It is nice to see you. Welcome to the Political and Constitutional Reform Committee. As you know, we are looking at the Government's Bill pre-legislatively in an extremely short timetable, the Bill on voting and parliamentary reform. We are delighted that you can both join us here this morning. I know Nick has some general opening questions. Is there anything specific you would like to say initially or can we crack straight on with the questions?

Professor Johnston: I would just say initially I am agnostic about the issue of the number of MPs and in general accept what is being done with regard to revising the rules and giving equality primacy, but there are many other issues that follow from that.

Mr Gray: One thing perhaps I ought to say at the outset is although I was obviously a member of the Parliamentary

Boundary Commission for England, I am not here today speaking on behalf of them, I am very much here in my own right speaking as an individual. It would be silly not to say, of course, that the last two or three Boundary Commission Reports, the third, fourth and fifth ones, said that we had concerns about the rules. I also have feelings about the need to change the rules and some of the things that are being done are very much in accord with what we said in our recent reports.

Q58 Nick Boles: Good morning. I have just a couple of general questions at first. I am not entirely clear how the Boundary Commission is likely to go about this. In those seats which are already pretty close to what will be the quota, will you nevertheless expect that there will be significant change because they will be starting at one end of the country or will there be substantial numbers of seats that remain roughly as they are?

Mr Gray: It is a very difficult question. I suspect there will be massive change because if you are reducing the number of seats in England by roughly 30 constituencies, as it were, that means you are going to be doing a lot of shifting around particularly as if the provisions in the Bill are enacted you are going to be much closer to the electoral quota so you have got less room for manoeuvre. There is going to have to be, I think, a lot more movement. Even if it is done on a regional basis you are within those regions, without doubt, going to have to pair counties in a way that has never been done before. It has been done in London with the London boroughs and it has been done in the large metropolitan areas with the metropolitan boroughs but never with the shire counties. I do not see any way that is not going to happen next time, so I think there are going to be a lot of changes.

Professor Johnston: If you are the Member for St Ives or the Member for

Berwick-upon-Tweed you can be fairly sure that you will more or less have the same constituency, but if you are the Members for many parts of England you may find that very large percentages have gone somewhere else simply because of the size and the need to pair.

Q59 Nick Boles: Last week we had evidence from various others, including Dr Pinto-Duschinsky, and he made a very strong suggestion that the rush to timetabling this legislation was a result of the Boundary Commission process and was suggesting that we move to an Australian style approach to Boundary Commissions which would then give us a lot more time and would still be ready for an election in five years' time. What is your view of that?

Professor Johnston: The big thing that the Australians do not do is public inquiries and nor do the New Zealanders. Of course, New Zealand has politicians on the Commission so the deals are done before the proposals are made. In terms of the timetabling, if you have public inquiries they will take more time. It is still feasible to do it in the time, and Robin can say more about it because he has been in there doing it, but it will be very tight and will undoubtedly mean plenty of resources being given to the Boundary Commissions to do it. I do not think adopting an Australian approach would make that much difference to the timing.

Q60 Nick Boles: As you are probably aware the draft Bill does actually propose that there will not be any public inquiries.

Professor Johnston: It does, I know.

Q61 Nick Boles: Would that, therefore, move us much closer in terms of timeframe?

Professor Johnston: Indeed.

Mr Gray: The timeframe for this first review is going to be tight enough

anyway, two years and nine months. That is going to be tight even without public inquiries. In England, you are talking about reviewing 500 seats or creating roughly 503 seats. That is quite an undertaking in just less than three years.

Q62 Nick Boles: One final question, Chair. This is me probably being naïve but we are all very familiar with the American situation where you get these extraordinary shapes. I am not aware of a particular provision that says some sort of sensible contiguity of landmass, if you like, is a prime consideration. Is it?

Mr Gray: It is not a prime consideration but it is one of the considerations. The problem with the current rules is that we have had to consider a whole range of different rules in order to try and create sensible constituencies. There was not even, as you know, priority for equality of votes. It was a balancing act. That became even more so after the *Foot* judgment in 1983 where the Court of Appeal said that what the Commission had to do was try and come up with the most sensible solution taking all of the rules into account. There are some circumstances where there are some actually quite curiously shaped constituencies and that is probably because in those circumstances we were taking into account some of the other issues about community or breaking ties or whatever.

Professor Johnston: Rule 5(1)(a) says: "The Boundary Commission may take into account, if and to such extent as they think fit, special geographical considerations, including in particular the size, shape and accessibility of a constituency". So they are told if at all possible do not have a long thin one.

Q63 Tristram Hunt: What is your view in terms of the Bill of the taking away of local inquiries?

Professor Johnston: My feeling on public inquiries is in general, to quote a former MP, “far too elaborate about so little” for a variety of reasons. One is although you occasionally get the case where a local community will come forward and say, “You’re breaking our local community”, they are doing it in a non-political way - it happens - and very occasionally an individual will come up with some very interesting things to say, but the public inquiries are dominated by the political parties and they are using the rules obviously for promoting their electoral gain. If you have a longer period for submissions, and they are proposing 12 weeks rather than the previous four, you are going to get considered things put in in writing whereas what you previously got was, “Put anything in to show we are against it and then we have got a long time before the inquiry to come up with what we really want”. The change will focus minds on that. Public inquiries often have no impact. Of the public inquiries last time half of them made no change and a lot of them only very, very minor change, one ward moved from one constituency to another or whatever. Mainly places where public inquiries had a big impact from what the Commission initially proposed to the final solution was where either a seat was being added to a county or being taken away and then everything was up for grabs and, not surprisingly, there was much more fighting over it. That is an argument against me because that is an argument for having public inquiries this time because you are drawing a totally new map with new constituencies and nearly everything will be different. In general terms the experience over the last three or four inquiries has been that public inquiries have been fine involving people but in the end it is really about the politicians seeking to gain their own advantage. This time you are going to have much more where the local people are going to be

concerned because suddenly the pattern of representation is going to be very different from what they have been used to for a long time.

Q64 Tristram Hunt: So of all the boundary changes arguably this one should have a public inquiry most readily?

Professor Johnston: I can concede that there is a very strong argument.

Mr Gray: I have got a slightly different take from Ron. I agree in most respects. He is absolutely right about the impact that public inquiries had on the Commission’s initial recommendations. In a lot of cases there was no change. One of the things about public inquiries is even though you could argue that it is the political parties who play the major, and in some cases admittedly the only, role at public inquiries, they do actually provide some assurance for the public that the issues have been looked at, debated and an independent, barrister, solicitor, whatever, has come to a view about that. The other issue is that from time to time - not often - you do get very good inputs from community groups and the odd individual. It is unusual but you do sometimes and that is quite important. For the Commission it has also helped at times to reassure us that we got it right because when you are reconfiguring an area and creating slightly new constituencies on a different basis there are different options, we go one way but we might have gone another. It is quite helpful to be reassured by hearing that evidence pored over, the cross-questioning between the main participants and so on, so that we, when we are looking at the Assistant Commissioner’s report and making up our minds, can say, “Ah, yes, we did more or less get it right”, or, and in one or two cases we did last time, we can actually reject the Assistant Commissioner’s recommendations and either stay with our original recommendations or alter them slightly

because when we look at the transcripts of the inquiry and the evidence we think we need to do something slightly different. It does help the Commission, notwithstanding the fact that there is a mass of written evidence as well. One of the things that worries me about the way this is going in one sense is 12 weeks will mean probably, as Professor Johnston says, that the Commission will get more considered responses from the main players in the game but they will come in on the day before the end of that 12 weeks, they will not come in at the beginning. That means the other participants will not be able to know whether there are counterproposals being put in until after that. To give you an example in the new situation, and it comes back to the point you made, let us suppose the Commission in trying to work out what they are going to do in the south west decides to put Somerset, Dorset and Devon together and create seats from those three counties but one of the main players in the game comes up with a counterproposal that says, "No, no, we need to link Devon, Cornwall and Somerset and Gloucestershire with whatever", nobody will know that until those things come in. Particularly with this first round I can see there is a real need for public inquiries particularly to enable those who are interested, political parties and others, to actually argue this through because these are going to be big changes.

Professor Johnston: That is important. We are talking largely about England but it does apply in Scotland and Wales as well. If the Commission decides to group a particular grouping of counties there could be a case that it should consult on that before it then goes to the next stage otherwise if you have got people coming and saying, "We don't want Dorset with Wiltshire, we want Dorset with Somerset", that throws everything in the pot and it may affect Wiltshire in different ways as well. By making one

change you are making lots of changes which ripple through half of the country. There could be a strong argument for a two-stage thing, which in a sense is what has been done before by the Commissions because they changed the groupings of London boroughs from their provisional recommendation to their final recommendation.

Q65 Tristram Hunt: If we get rid of public inquiries we have got a 12 week consultation period and we are hoping in that moment to get lots of voices come up. Would you then expect, given also the two year and nine month timeframe, that there would have to be quite a sizeable increase in the budget of the Commission to make this run properly?

Mr Gray: Yes.

Professor Johnston: There is also the issue as to how the Commission handles it. At the moment an Assistant Commissioner holds the inquiry and makes a report. It is nearly always a QC, a sheriff in Scotland, who is independent of the Commission and looks at what the submissions have laid out alongside what the Commission has proposed. Is the Commission going to be judge and jury in its own cause, which could be the case if it just takes the submissions and says, "Yes, we accept what somebody has said" or "No". There is an issue of how the consultation is handled if there are public inquiries, which may not be an issue for the Bill, or it may be, but it is certainly an issue for how the Commissions operate.

Q66 Chair: Could I ask, to make this perhaps a little more succinct, the Deputy Prime Minister on the face of the Bill has said that this Bill does not in any way compromise the European Convention on Human Rights. If there is such a lack of due process, if there is no ability to see the representations that other people make, which having been through a Boundary Commission I found incredibly

helpful in mobilising my argument, are we in danger of actually denying due process here and infringing the ECHR?

Mr Gray: There is another issue there which I was going to mention in reply to Mr Hunt. I suspect that what that could lead to is more judicial review. We were only subject to one judicial review last time right at the end of the process in West Yorkshire. I can see that in this sort of situation you could end up with a lot of people around the country applying for judicial review.

Q67 Chair: Any consequences you see under the European Convention and judicial review, Professor Johnston?

Professor Johnston: I can well see people using it as a reason for addressing the issues that they think they are not able to address because they are not having public inquiries.

Q68 Chair: I am going to ask Members to be fairly sharp because we have our two witnesses until 11. If questions can elicit information and opinion from the witnesses rather than us giving our own.

Mr Gray: Could I answer the resource issue, Chairman?

Q69 Chair: By all means. Excuse me, I thought you had finished, Mr Gray.

Mr Gray: Through the last review the Commission never had more than 15 staff. At the previous review the government of the day asked for the review to be accelerated, and I hasten to add I was not there then so this is obviously a matter of report for me, and enacted legislation that brought the review forward. On that occasion they then increased their staff to 40, so it went up from 15 to 40 to enable that to happen. Effectively, even with public inquiries they carried out the majority of that review in two and a half years. There was a year and a half roughly before that where they were doing it, if you like, in

the normal way but if you look at that, by increasing the number of staff in that way, still running public inquiries, I am sure they could have done it in around about three years if they had been doing that at the outset. If the legislation is enacted in this new system, if we are going to have effectively a rolling review, once you are on that path then all the time you are going to be ready almost for the next one and you can publish your proposals much, much earlier than you can now. Even under the old system I actually think it would have been possible to have published things earlier. Even if you did not have the inquiries until later you could have published your proposals much earlier on and got the thing moving more quickly. I know that the Commission Secretariats across the four territories - I do not know what the other three are doing - had been talking about how you could speed up the process even before this Bill was put forward.

Professor Johnston: There is another resourcing issue and that is the size of the Commission. The Bill has made no reference to that so it has gone back to the 1958 Bill, which is that each country has in effect three Commissioners, a Deputy Chairman and two active Commissioners, because the Speaker is not active. My guess is that in Scotland, Wales and Northern Ireland that would be quite feasible but I wonder whether three Commissioners would be sufficient to do the job in England in the brief time at least the first time round. Last time they advertised for Commissioners they advertised it as a day a month job.

Chair: I am going to ask my witnesses to take pen in hand because I am going to take four questions from this side of the table so we can get everyone in. We have a lot of other things to ask.

Mr Turner: Are you saying that one area cannot be examined until the last one is sorted out, or something like that, or are you saying they can look at everywhere in England at one go? Secondly, is Northern

Ireland a further exception? Nick Clegg said in his letter to you dated July, “a difficulty which arises only in Northern Ireland owing to smaller electorates relative to the rest of the UK”. I understood that in Northern Ireland they have more than Wales, so what is this about?

Simon Hart: Just turning attention to Wales, where we are looking at a potential 25 per cent reduction in the number of Members of Parliament, so this may be our only conversation, there is going to be a decoupling exercise from the Welsh Assembly as I understand it. What difficulties do you think this poses the Commission in terms of delivering something which is in the interests of the voter rather than in the interests of the political parties?

Q70 Mrs Laing: Just going back to the issue of public inquiries and the point of public inquiries, given that there is a fundamental change that will come through if this Bill is passed that says for the first time the overriding consideration is the arithmetic and that having the size of the constituencies is the most important factor to be taken into consideration, why is it necessary to have public inquiries because both gentlemen have said that public inquiries tend to be dominated by the political parties presumably, one would say, trying to gain political advantage, because that is what political parties do?

Professor Johnston: Yes.

Mrs Laing: If political parties are to be left out and we are to concentrate only on arithmetic, why have public inquiries at all?

Sir Peter Soulsby: My question follows from that. I think you drew attention to the fact that local people have often in the past had some very useful things to say at public inquiries beyond the political parties and their input and particularly local councils on occasions have been very helpful in drawing attention to

anomalies, discontinuities, problems with communities and so on. If there is a case for some form of public dialogue, at least about the proposals, the fundamental question is whether including that in the process would still enable the timetable for the implementation of the review to be met, whether or not the Government can get what it wants in the time that it wants and include some public dialogue.

Q71 Chair: Okay, gentlemen, take your pick!

Professor Johnston: On public inquiries and why have them if it is only arithmetic, it is not only arithmetic because the new Rule 5 says there are lots of other things the Commissions can take into account as long as they are within that five per cent variation. There could be many possible variations which will produce a solution within that five per cent. I started working on this issue 30 years ago when a colleague and I wrote a computer programme to replicate what the Commissions do and we looked at Sheffield. In those days Sheffield had 27 wards and six constituencies. The variation that the Commission had allowed was ten per cent, so we allowed ten per cent and we found 15,000 different ways that they could do it. There would still be many, many ways in which you could do it and you could use Rule 5 to say, “This is why ours is better than yours” although both fit the size constraints. It is not just arithmetic although arithmetic is now being made the dominant feature. You are right, of course, local councils and others do make very good points. I once gave evidence for five councils and got the plan changed. I am sure it can be done with the resource if enough resources are there. That is really the issue. It is the size of the Commission itself and the amount of resource and staffing. The logistics of running some very big and complex inquiries will be much more than last

time. I am sure it can be done but the resource implications are clearly there.

Mr Gray: On that issue, as a Commission we did consider that in future one way of speeding up, irrespective of the current proposals, was to increase the number of Commissioners. The same Chair to ensure consistency but you have maybe six, maybe nine, and then do it regionally and you could speed it up that way because you would be looking at things concurrently rather than one after t'other.

Professor Johnston: On the question of decoupling, I guess the question is best asked of somebody from Scotland because they have done it. Electoral administrators in Scotland could tell you how difficult it is to run different elections in different constituencies, different units with different electoral systems. Also you would have this in Wales as well. I am sure the electoral administrators will not be very happy. It will make it more difficult for parties and candidates if you are campaigning in the same area for different units at the same time where boundaries cross over. Joint campaigns will be much more difficult for the parties too. It presumably does work in Scotland but the alternative of not doing the decoupling is you will have a much smaller Welsh Assembly because that is what the law currently says.

Q72 Simon Hart: Can you just repeat that last bit?

Professor Johnston: At the moment the number of first-past-the-post constituencies in Wales is the same as the number of first-past-the-post constituencies for the House of Commons. If Wales goes from 40 in the House of Commons to 30 there can then only be 30 first-past-the-post constituencies in the National Assembly of Wales.

Q73 Simon Hart: That will not happen. It has been completely separated.

Professor Johnston: I am telling you what the current situation is. Unless the decoupling happens which is in this current Bill the Welsh Assembly will go from 60 to 45 AMs. Northern Ireland will go from 108 to 90 and there is nothing in the Bill on Northern Ireland, which I can only assume the Northern Ireland parties are content with otherwise it would be in the Bill. I was not quite sure about your point on Northern Ireland. Northern Ireland currently has 18 constituencies and will almost certainly go to 15, which is half the number that Wales will have. The argument about Northern Ireland being a special case is Northern Ireland is entitled to 15.2 seats and the point two of a seat is around 10,000 voters, shall we say, which spread out over 15 constituencies is quite difficult. England is entitled to 493.2 and you can easily lose 10,000 extra voters in 493 seats. It is going to be slightly harder for the Northern Ireland Commission to keep within the size constraints because of their small number of constituencies than it is for the others, which is why Rule 7 in the Bill is difficult to read. If you cannot get a fit in Northern Ireland, everything within five per cent, you can have a little bit more elasticity.

Q74 Mr Turner: So there is a different rule for Northern Ireland?

Professor Johnston: Only if the main rule does not produce a solution.

Q75 Mr Turner: They could do the same on the Isle of Wight.

Professor Johnston: You may well say that, I could not comment.

Q76 Chair: I think we were all there before you!

Mr Gray: Can I answer the other question, if I understood you correctly, on would we have to leave it until the last

area had been agreed in England before publishing anything. Was that what you were saying?

Q77 Mr Turner: You can only do them one at a time or a small number as you go round the country. You cannot do constituencies up there as well as constituencies down here because when you get to the middle it will be a mess.

Mr Gray: If you do it regionally ---

Q78 Mr Turner: But they are not going to.

Mr Gray: If it was done regionally then that would definitely be possible.

Q79 Chair: Are the orders going to be placed regionally or, as in the past, will there not be one order for the whole lot?

Mr Gray: It will be one order but that does not mean you cannot be doing ---

Professor Johnston: The Commission may say, "Here are all our recommendations for the north east".

Chair: You can do the work but unless it is put in front of Parliament separately you will still have a blockbuster order at the end of this process, which will be cause for another debate no doubt. Has everybody got their question answered in that round? I will move on to some of the other issues and take Stephen first and then Chris and then Tristram.

Stephen Williams: Robin Gray said that this will be the first time a review has considered crossing county boundaries, which may historically be true, but I wonder whether it really matters. Looking round the table I have to deal with only one unitary authority and if you are in a unitary or a met that is probably the case, but Sir Peter Soulsby, for instance, who is also predominantly an MP for a unitary authority, also has Oadby and Wigston and presumably ---

Sir Peter Soulsby: No, they are coterminous.

Q80 Stephen Williams: There are other examples around the country where Members of Parliament already cross unitary and other boundaries or, indeed, if they are in two-tier districts have district councils and county councils to deal with. Does it really matter?

Mr Gray: The point that we were making was that this is a big change. They may be used to it in London and they may be used to it in the major metropolitan areas, but they are not used to it in Cornwall, Lancashire, Essex, Northumberland or wherever. That is going to be a big issue. It is going to happen everywhere in future rather than just in the big metropolitan areas.

Professor Johnston: The issue is whether it is important particularly for administrators and for parties and MPs, and I am sure it is, because the fewer local authorities you have to deal with the better. Rule 9(3) of the Bill for England only includes some of the types of local authorities. It has gone back to the old wording of the previous Bill and only the boundaries of counties and London boroughs shall be taken regard of. Why not take regard of the unitary authorities as well? Why not take regard of the metropolitan boroughs or principal authorities? It seems to me that the Bill is deficient there and I wonder if that clause was not written in haste simply taking something from a previous Bill and it would be better to reconsider that. Wherever possible give an MP as few local authorities to deal with as possible.

Q81 Stephen Williams: The second question, Chairman, is on what evidence you look at in order to comprise a constituency boundary. Professor Johnston may well be familiar with the last Boundary Review in Avon and Bristol. When I gave evidence I pointed out that because of all the building works that are going to take place in the city centre of Bristol the recommendations they were proposing at the time would be

obsolete within a couple of years, and that has proven to be the case. Are we not in danger of having exactly the same outcome again if we only use the December 2010 Electoral Register rather than looking at other data that is available to us? By the time we get to 2015 the boundaries will be out of date and we will have many variations away from the five per cent that is proposed as a rigid figure in the Bill.

Professor Johnston: Part of the response to that is in the election you have just been elected on they were ten years obsolete.

Q82 Stephen Williams: They were obsolete in 2005 as well.

Professor Johnston: Now we are going to have them every five years so there will not be so much obsolescence perhaps. The answer is it would be desirable but how do you do it. Both Robin and I have been members of the Boundary Committee for England with local government re-warding where they do try and take account of proposed changes and it is extremely difficult. Local authorities come up with all sort of data about, "There is going to be a massive growth there and we need to take that into account" and more often than not the growth does not happen. The problem would be if you say there is going to be change in here there are two things: firstly, how sure can you be it will happen; secondly, what knock-on effect is that going to have. It seems to me, desirable though it is, it would be almost impossible for the Commissions to do it. It would be open to much more challenge and I can imagine three more days at your public inquiry if you were discussing the likelihood of Wimpey's building that estate. All I can say is with a review every five years it is not going to be anything like as bad as it was in the past. You may have to live with some variation which comes in within the five year period but it is not going to be anything

like what we currently have with adjacent constituencies in London, one with 88,000 voters and one with 61,000. You are never going to have that again.

Mr Gray: The old Local Government Commission, just before it was subsumed into the Electoral Commission - I know it has come out again now - commissioned some research into the five year electorate forecasts they are required to take into account in creating local wards. With one honourable exception every one of the authorities that the research looked at from the mid-1990s proved to be highly overoptimistic. Also in terms of the Parliamentary Boundary Commission, when we were going through the last review, the Fifth Review, we were pilloried in a number of places for not taking account of local forecasts of population and electorate growth. That was stated in Ashford in Kent because of the Channel Tunnel and Milton Keynes, Telford, Basingstoke and places like that come to mind. Just before we published our final report in 2006 we actually did a check back to see whether those forecasts that we were being told about by local people had in fact come to pass and they had not. There is a real problem in terms of looking too far forward in trying to guess what is going to happen.

Q83 Stephen Williams: What Robin Gray has just mentioned about local boundary reviews leads me to my final question. At the moment we have Parliamentary Boundary Reviews and we also have Local Government Boundary Reviews that take place at different periods in time and then lead to other anomalies. For five years I represented bits of different wards around the edges of my constituency. Would it not be better to join up these processes in future so you settle ward boundaries and parliamentary boundaries at the same time so you have building blocks that work?

Mr Gray: Yes.

Professor Johnston: In an ideal world, yes, except given the constraints that this Bill puts on parliamentary constituencies it may be that in some places the ward boundaries would come after the parliamentary constituencies and not before.

Q84 Chair: Mr Gray, in your previous existence as a Boundary Commissioner if I had asked could you get the number of Members of Parliament down from its current level to 600 over a period of several Boundary Commissions, would you have been able to deliver that had Parliament asked you do that without this timetable?

Mr Gray: Without question. Without doubt, yes.¹⁸⁷

Q85 Chair: On an incremental basis using existing criteria and using existing local inquiries?

Mr Gray: We might have been able to do it quicker than you are proposing, I suspect. With the resources and a will it could have been done. The big issue would have been England coming down from 533 to 503. It could be done.

Q86 Chair: You could have done this on at least as fast a timetable as the one the Government is proposing?

Mr Gray: Not faster than the Government is proposing. Timing is

clearly key here. It could have been done more quickly than under the old arrangements.

Q87 Chair: Certainly, yes. I am trying to get to the point of it being one Boundary Commission cycle or two, or possibly three. If I had said set a ceiling and just keep reducing that ceiling until you get to 600, would that have been a couple of cycles?

Mr Gray: Two at the absolute outside.

Q88 Chair: So we could, and may still if the Bill is amended, get there without the pain of all this dislocation and changing historical means by which these things are decided?

Mr Gray: You could do it quicker, yes.

Q89 Nick Boles: You presumably would not have been able to achieve equalisation?

Mr Gray: That is the issue in a sense, what rules you are operating under. You could have got closer without question.

Q90 Chair: As close as the criteria in the Bill, which is five per cent around the mean?

Mr Gray: Yes.

Q91 Mr Turner: If we were going for equalisation without reducing the number of constituencies how much quicker would that process be?

Professor Johnston: I am not sure it would be that much quicker because many constituencies would be affected. In most parts of the country you would still have most of the seats having something done to them.

Q92 Mr Turner: Have you any insights into why the Conservative Party manifesto said we were going to reduce the number of seats from 650 to 585 and that has now been changed to 600? Can I

¹⁸⁷ *Witnesses clarification:* Reading the transcript, may I just clarify what I said I in answering Mr Allen's question about reducing the number of MPs from the current level to 600 to a different timetable (question 84 et seq.). I stand by what I said about the ability to get down to 600 quickly as long as the resources were made available, but my comments were made on the assumption that the Bill was enacted at least in respect of a fixed upper limit on the number of Members of Parliament. Without a legislative upper limit, and therefore some changes to the rules, it would not be possible to reduce the total because the current rules have the effect of ratcheting up the number of Members of Parliament in England at each review as long as there has been growth in the electorate nationally. The question of a fixed percentage either side of the median to achieve greater equalisation is a separate issue which would also require legislation. The point I was making is that it is undoubtedly possible to complete reviews to a faster timetable, even with public inquiries.

ask another question and that is in the old days when we had devolved government in Northern Ireland and Stormont we had higher quotas for electors in Northern Ireland because the elected MPs did not have to take responsibility for domestic legislation. Do you think that was a sensible idea? Do you think that should be included in this Bill in relation to Northern Ireland and the other devolved administrations?

Professor Johnston: Of course, there was some recognition in 1998 with regard to Scotland and that was why Scotland went from 72 to 59 in 2004. I am not sure how you would come up with any formula that in any way rigorously represented the nature of the devolved powers because, as I understand it, they differ between the three territories which means you cannot have an overriding rule that applies necessarily to Scotland, Wales and Northern Ireland and therefore how would you put in a differential. It would have to be an ad hoc set of decisions. I cannot think of anything that would implement it in a rigorous way. On the political issue of whether it should be done anyhow in that so much of what happens in Scotland is irrelevant in the House of Commons and so forth, I have to sit on the fence I think.

Q93 Chair: You are not able to give us an insight into the Conservative manifesto? I am very surprised about that, Professor Johnston!

Professor Johnston: All I can say is until Mr Clegg made his announcement in the House of Commons three weeks ago it was my understanding that it was 585. It went to 600 overnight, I believe, and I do not know why.

Q94 Mr Chope: You say you do not know why but there must have been some reason for that. It has been suggested, for example, by my political opponents that this is being done because reducing it

from 600 to 585 would disadvantage the Conservative Party compared with sticking at 600. Have you any evidence to suggest that would be so?

Professor Johnston: I have no evidence to suggest that is the case. I am not quite sure how they would have worked that out. It may be the case that they have done some clever simulations and come up with that conclusion but I have not. It is believed that the major gain from equalisation will be a reduction in the bias that the Labour Party has in how the system operates because in general Labour electorates are smaller than Conservative electorates and whatever number you went down to that would be reduced to some extent. It seems to me it would always be slightly in the Conservative interest to reduce the number of seats and equalise. It is equalising that really is the point of removing that Labour advantage. As I understand it, reducing the number of MPs was part of the response to the expenses scandal, "We're proving to the country we can work harder with less money".

Q95 Chair: Can I ask you about building constituencies on sub-ward divisions. How will wards be subdivided? Is that information available and is it accurate to build those sub-wards?

Professor Johnston: That is the biggest problem the Boundary Commissions face, that we have no areas of any statutory importance below ward level. There are polling districts but there is no mapping for them, certainly outside Scotland, and they are changed by electoral administrators for their own purposes and also for political reasons as well sometimes. You can assemble the data at any one moment for the number of electors in each polling district. You can assemble the number of electors in each postcode, but they are changed much more. They do not observe ward boundaries or anything. It seems to me

that the Commissions will be in great problems in some parts of the country. I will give you the simple example I have used before of Sheffield. Sheffield will almost certainly be entitled to five constituencies under the current reduction. Sheffield has 28 wards. That would be three constituencies of six wards, which would be too big, over the five per cent on one side, and two of five wards which would be below the five per cent on the other side. You would have to either split wards in Sheffield or somehow around the Barnsley/Rotherham interchange manage to create constituencies which cross the boundaries all of which were within five per cent. I very much doubt that is feasible because wards in Rotherham are about the same size as wards in Sheffield anyhow and there are some hills in the way before you get to Barnsley. They are going to have to split wards, I have no doubt about this. The Scottish Boundary Commission, when they produced their new constituencies for the Scottish Parliament in March this year, did split wards. They did not use any existing smaller areas. They just drew a line on a map and then they fitted the electoral data from the postcodes into that. They were able to do that because the Scottish have a national single database. England and Wales, and I believe Northern Ireland, do not have. The Scottish Boundary Commission had created mapping for those areas which they shared with the political parties. I gather the software did not work that well but they were able to do it. There is plenty of software out there in the United States you could do it with but you do not have the small areas. When the Commissions publish their recommendations for any area they always publish the electorate of each ward so that if somebody wants to come up with an alternative configuration they can do the sums. That would mean they would have to publish the electorates for all the polling districts, or whatever areas

they used, in a city that they were subdividing. Think of the answer I gave you of 15,000 different ways of doing it for Sheffield for 27 wards. Think of how many thousands of different ways you could do it for Sheffield with 100 polling districts. The task becomes massive. Yet it cannot be any other way if the five per cent strict rule is there, and it is.

Mr Gray: There is a big difference between Scotland and England, 59 as opposed to currently 533 constituencies. Scotland has had more of an opportunity to try and cleanse their database as well, this single database, and work with postcodes. As Professor Johnston says, the problem is that for electoral registration you need to be able to map this and at the moment the Ordnance Survey have got this digitised mapping system boundary line which they relate to wards. You could eventually do that because the geographic information system, the GIS, is improving all the time and, as Ron says, in the States there are some packages. The problem is that we know from research that Southampton University has done there is a one to one and a half per cent error rate in postcodes in England. Over constituencies as a whole, if you like, over the electorate as a whole, one to one and a half per cent is not huge, but a lot of that is going to be focused in major urban areas where it will not be one and a half per cent, it will be a lot more, which could lead to big error rates and problems. Postcodes are not so straightforward in England. The Post Office change postcodes as well and do not always tell their local councils that they have done it when a new estate is built or a cul-de-sac is put in or whatever. It is a problem. They are not ideal. Eventually if a big effort was put in you could one day use postcodes as they have in Scotland to sub-divide wards. You cannot use parishes because they are not available in major urban areas. You cannot use census output areas because they are out of date and they are on

population not electorate. It is a problem. The only solution may be where if the current Commission did get into problems in a particular area of getting close to the arithmetic without splitting a ward they would have to just do it on a case-by-case basis and say, "Right, we will sub-divide that ward".

Q96 Chair: The Government starts from the premise that 600 is a magic figure and I have yet to hear any justification of why it is 600 or ten less or ten more. Your traditional mode of operation was organic, that is it might go up sometimes, it might go down sometimes. In your experience, Mr Gray, as a Commissioner of the Boundary Commission were you ever given an indication from government about an optimum figure?

Mr Gray: Never.

Q97 Chair: How long did you serve on the Boundary Commission?

Mr Gray: Ten years.

Q98 Chair: How long were you associated with the Boundary Commission before service, familiar with the area?

Mr Gray: Certainly a few years before that because I was a Local Government Boundary Commissioner for about three years before I became a Parliamentary Boundary Commissioner, so I knew a little about it.

Q99 Chair: In your experience no government of any political complexion specified a number or direction of travel in the numbers?

Mr Gray: No.

Tristram Hunt: To follow on from the Chair's question and your answer to Mr Chope, do you regard this Bill as a partisan measure?

Chair: Before you answer that can I bring Sheila in.

Sheila Gilmore: I have got three questions. One is whether the arrangement within the Bill for dealing with the fact that Scotland has two very small constituencies preserved is the right ones? If it is not the right one is there a better way of doing it? Secondly, you touched on what I would almost call the dog's breakfast of electoral boundaries that we now have in Scotland. Might it not have been sensible to have reviewed how that is working before embarking on something similar for Wales and potentially other places because we not only have different boundaries for the Scottish Parliament and Westminster but also local government because it is now on a multi-member ward basis. As I say, it is a bit of a dog's breakfast. Thirdly, will equalising the constituencies have the impact that Government says it wants, which is to remove the electoral bias it perceives?

Q100 Stephen Williams: I come back to this point of building blocks. Given that polling districts exist at the moment, is not the answer if a polling district is used to draw up a parliamentary boundary that thereafter that polling district itself cannot be changed if it is around the borders of a constituency which would take away the discretion of an electoral registration officer to change it arbitrarily, which is what happens at the moment? Is that not a clause that needs to be inserted in the Bill?

Mr Gray: If that were to be done it would be an immense help. At the moment there is no proposal to do that. Obviously our concern is that you cannot use something that is liable to change just before you have a review or at the time when you are doing a review.

Stephen Williams: So that would be a good amendment to the Bill you are saying?

Q101 Chair: That is called leading the witnesses!

Professor Johnston: On bias, on which I have written too much in the last 30 years, the operation of the British electoral system has been very biased over the last five elections and has very much favoured the Labour Party. This is for a number of reasons. One is, yes, Conservative constituencies have tended to have more electors than Labour constituencies and therefore there has been an advantage to Labour in that you need fewer votes to win a seat. There has also been a very large advantage in terms of turnout because the Labour constituencies tend to have much lower turnout on average and so, again, it takes fewer Labour votes to win a seat. There has been some advantage, although it has not been very large, which has come about because of the varying impact of other parties on the Conservative and Labour success rates. Finally, there has been what is called the efficiency of the vote, how well it is distributed. In general until basically the 1990s Labour lost out on that because they tended to have lots and lots of votes in the coalfields and in the industrial areas and the Conservative votes were more widely spread and did not have these very big safe seats with 80 per cent of the vote or whatever as you would find in a place like Hemsworth. The coal mines have gone, the industries have gone and the Labour vote is no longer spatially concentrated. In fact, over the last three or four elections the Labour vote has been more efficiently distributed. You asked if this is a partisan Bill. The Conservative Party has been aware the system is biased against them. After all, in the 2005 election if the two parties had got the same percentage of the vote, about 34.5 per cent, Labour would have won 112 seats more than the Conservatives. You understand why they are worried about it. It is very difficult to tackle some of those sources of bias that I have just outlined. The one that you can

tackle is the size difference and the size difference is what this Bill is about. The reduction to the number of 600 is a separate issue I think. What the impact of removing the size difference between the two parties will be is to remove that advantage that Labour had, but it will not remove all of it by any means. The advantage to Labour this time when, let us say, the Conservatives got 36 per cent and Labour got 28 per cent, if we halve it they each got 32 per cent in the election this year, Labour would still have got 54 more seats than the Conservatives. That is because turnout variation is much more important than size variation. Bias in the British electoral system is a very complex thing. This Bill will reduce a large part of a small part of it.

Q102 Chair: Mr Gray, would you like to round up, as it were?

Professor Johnston: I am sorry, I did not answer the other thing about Scotland and whether it would have been a good idea to review how well it works before we move on and create the same dog's breakfast in England. I think that was your term. The answer is possibly yes. There is now a constituency for the Scottish Parliament called Edinburgh Southern which comprises of the parts of six wards, there is no whole ward in that constituency. I guess it will take a few years before whoever becomes the MSP next year and for the electoral administrators to work out exactly how it will work out. There are going to be complexities of operating for the parties, for the administrators and for you as MPs.¹⁸⁸

¹⁸⁸ *Note by Witness:* There was a further item about Scotland that I failed to respond to in the oral evidence – whether the method of dealing with Scotland's two very small constituencies is the right one. This is quite difficult: certainly those two constituencies present particular difficulties for their MPs in terms of accessibility – both to them from Westminster and within them. A strong case can be made that they are very particular cases and that no other parts of the UK present the difficulties to the same extent. In effect, their special position is creating one additional constituency for Scotland and one less for England than might otherwise be the case, which I do not think is too high a price to pay for recognising their

Sheila Gilmore: And for the voters, of course.

Professor Johnston: And for the voters.

Q103 Sheila Gilmore: It will be quite differently constituted.

Professor Johnston: Particularly if the elections are on the same day. You might have a referendum on the same day as well, but we are not here to talk about that.

Q104 Chair: This proposal seems to emanate from a desire to make sure that MPs are more worthy of the position they hold, that there is a limit and there are spending reductions which accompany that. If it dislocates electors from known constituencies do you feel that it might actually erode the connection between Members of Parliament and electors?

Professor Johnston: It could do, yes.

Chair: This has the feel of trying to do the right thing, rather like IPSA, Government imposing something on Parliament and not quite thinking through all the machinery and the data processing and the rest of it and ending up with more unexpected consequences for Members.

Nick Boles: That was a very partial view that you put.

Q105 Chair: It is a question to the witnesses. Would that be your view?

Professor Johnston: I think the more complicated you put the situation before the voters the more difficulty they will

have in responding to it and you may therefore find they are less likely to participate. Most voters now, if they want to, have a clear notion of what constituency they are in. Whether they know who their MP is is less clear in some cases. If you are going to say for something you have got to go to the local authority and you go in that way with those people if you are promoting something for your area and if you are promoting something for your area at a different level you have got to go that way with your MP or MSP you are creating complexities and most people do not put as much time into that aspect of their lives as we do and they may well recoil from it and say it is too complicated to control.

Mr Gray: Two quick things, one of which relates to what Ron has just said. What I think everybody has been trying to do in recent years is to secure more public engagement in political affairs and things and, whatever happens, what needs to be taken account of in this review is that what you are not doing is actually discouraging people from being interested and engaged. The other point I was going to make earlier on and I forgot, so I will just do it now, is electorates at the moment are volatile. What I mean by that is because electoral registration officers first of all went through a major period of cleansing electoral registers in taking people off who had not replied to the annual return they are now engaged in trying to encourage as many people as possible to get on the register. Being on the electoral register is becoming increasingly more important for every one of us because so many things now you will not get unless you can demonstrate that you are on the electoral register, whether that is a loan or being on this or that. They are volatile and it will affect what happens in these future reviews. It does not automatically mean when we go through this first one on the new basis that it is going to be plain sailing

particular character. I also think that the proposed resolution of the problem of very sparse populations in other parts of northern and western Scotland is a sensible one since it does not further increase Scottish over-representation; instead it means that if one or more constituencies of 12,000 sq km are created with electorates below the size constraint (i.e. more than 5% below the UK quota) the remaining Scottish constituencies will have an average electorate slightly above the UK quota. These are 'special geographical considerations' as they have always been understood and previously the four Commissions have all been able to exercise their discretion to create constituencies with relatively small or large electorates. That is now not possible, and it could be argued that all Commissions should be given some discretion that could be applied in particular situations (such as Ynys Mon and the Isle of Wight).

thereafter, I think there will continue to be quite a lot of changes.

Chair: Final impartial word from Nick.

Q106 Nick Boles: As impartial as yours were, Chairman! The first thing I would like to say is that I represent a constituency where I have a split ward. Are you aware of anyone, other than a political anorak, in any way being remotely interested or affected or even really aware of that fact? I certainly am not. My second question is, is it not the case that a clear majority of the Members of Parliament were elected on manifesto commitments to reduce the size of the House of Commons actually by rather more than is currently proposed so the idea that this is being imposed on Parliament by the Government is wrong?

Professor Johnston: Certainly the latter is my understanding, that the reduction in the size of the House of Commons was part of the main parties' manifestos.

Q107 Nick Boles: On the previous point, are you aware of anyone other than political anoraks who really cares about being in a split ward between constituencies?

Professor Johnston: I had a student some years ago who did some local work in Bristol who found that when a ward was split a lot of the ward activists drifted away. They had lost their rationale to represent this place, this place no longer existed, it was in two parts and political activity declined.

Q108 Chair: Last word, Mr Gray?

Mr Gray: Nothing to add.

Chair: Professor Johnston, Mr Gray, thank you very much for an extremely helpful session. Thank you for sparing the time to see us this morning. Thank you very much.

Witnesses: **Professor Patrick Dunleavy**, Professor of Political Science and Public Policy, London School of Economics, and **Professor Justin Fisher**, Professor of Political Science, Brunel University, gave evidence.

Q109 Chair: Welcome, Professor Fisher and Professor Dunleavy. Sir Peter Soulsby and Mr Williams will begin the questioning. I just wondered if there were any general things you wanted to say to start us off?

Professor Fisher: Yes.

Q110 Chair: We have received your evidence, thank you very much.

Professor Fisher: Firstly, just to say that I am agnostic on the AV system but I would emphasise that it represents a relatively minor shift from first-past-the-post, contrary to some of the evidence that was presented last week. Secondly, in terms of a referendum, I think it is worth bearing in mind that we are on almost entirely new ground for holding a referendum following the Political Parties, Elections and Referendums Act. There has only been one referendum held under that Act in 2004 in the North East, so we can learn something from past experiences in this country but we need to be wary of the relatively new legislation. Thirdly, to emphasise a point that has been picked up in the first part of this session, to look at the Government's reform process more broadly and that is that there are knock-on effects for other pieces of legislation which need to be borne in mind. I am thinking in this case of fixed parliaments, which is not something in this Bill but I think it is something that is worth raising to flag up. Finally, whilst I take Nick Boles' point about the manifestoes at the last election, it does seem to me that if it is deemed sufficiently important to have a referendum on AV, it is arguably sufficiently important to have a

referendum on reducing the number of MPs by such a large amount given that this would be the largest reduction since the elimination of Irish MPs in the House of Commons in the early 1920s. I have no particular view on this but it does strike me that this is an issue which has not attracted the sorts of discussion that we might expect.

Q111 Chair: Professor Dunleavy?

Professor Dunleavy: Thank you. I am a strong advocate of making the minimum necessary change to increase the proportion of MPs, in fact to get all MPs to have local majority support. I do think the measure is highly desirable for the reasons that are set out in my evidence. I also think if it was not to be approved there will be a continuing problem of fewer and fewer MPs having local majority support, and that is very unlikely to go away. However, I think the Government has perhaps skipped a stage, a rather crucial stage, and it comes out of the need to do a coalition agreement rather quickly which does mean that we have a proposal for the referendum which in my view is ambiguous because it seems to be offering voters either a whole class of electoral systems or one system. It is not clear to me which of these is being proposed. Alternative Votes means that you are electing a single office holder but you are using an instant runoff form and that you are looking at multiple preferences. As my evidence sets out, there are three or four existing versions of that system you might want to use and the Government has in mind the particular version that is currently used in Australia but that was not the version that was used for many years in Australia and it has certain advantages and disadvantages. Because there has not been a little commission or a royal commission or an investigation, except of course by your Committee, I think there has been a bit of a stage missed out. Election systems are not cast in stone, they are not

implemented in the same way everywhere. When you take a new election system into a country you always tweak it. Sometimes you tweak it deliberately and sometimes you do it inadvertently because you have made a mistake. For example, we have a very distinct kind of additional member system in this country which is very specific to this country and is not found in any other use of additional member systems, so the British one has more local MPs and fewer top-up MPs. That came out of the Scottish constitutional convention and was used in London and Wales as well. There is a whole set of tweaking and very detailed decisions. Voters need to know in great detail what exactly it is that the government means when it says, "Do you want to replace first-past-the-post by the Alternative Vote". There is this ambiguity between basically two versions of the Alternative Vote, one of which allows people who are placed third, fourth or fifth in the initial ranking of votes to win office and another one, the London version, which really creates a kind of runoff between the top two.

Q112 Chair: Could I ask you, just to start you off, whether you feel it is helpful or unhelpful to link in one Bill the issue of electoral systems and the issue of the number of Members of Parliament?

Professor Dunleavy: If you were going to introduce AV-plus it would be helpful to be reducing the number of MPs because you would be redistricting anyway because you would need to create top-up MPs. I do not see any clear connection between AV as a class of system very closely related to first-past-the-post so I do not see any virtue in linking it but I do not see any particular disadvantage either.

Professor Fisher: I think it is a risky strategy. I do not see any particular problem with linking them, but there is a danger if one half of the Bill gets into difficulty then the whole Bill may fall. In

that sense it is risky for the Government but I do not see a problem in linking them together in one Bill.

Q113 Sir Peter Soulsby: Professor Fisher, in your introduction you talked about a change to AV as a relatively minor issue. Professor Dunleavy, you talked about it as an overwhelming public interest case. Those are rather different ways of describing it. How significant do each of you feel it will be were we to adopt it in terms of the outcomes it would achieve and public perception?

Professor Fisher: The only evidence that you can really use is evidence based on survey work. If you have simulations based on aggregate data there are an enormous number of assumptions which are not terribly helpful. The work that was done by Patrick in the 1990s and more recently by the British Election Study shows firstly that people's first preferences tend to be fairly similar, particularly for Conservative and Labour, but the outcome tends to amplify the national mood. If you take the 1992 election, when there was a simulation done then, rather than being a small Conservative majority, there was a Conservative minority. If you run the simulation in 1997 the Labour majority would have been rather larger than it was. If we are looking at the effects, it is fair to say that it probably amplifies very slightly what you get under first-past-the-post. The general principle of electing one person to serve in a constituency seems to me to be not a huge departure from where we are currently.

Professor Dunleavy: I think my view is not totally distinct from Justin's. We did a lot of work in simulating when Labour was changing the electoral system in Scotland, Wales and Northern Ireland. Basically the changes in behaviour which took place were much more extensive than those that we had envisaged. In particular I think if you are introducing a numbering of preferences - one, two,

three, four, five - I would expect that support for smaller parties will go up. I would expect that, depending on how you design the system, in the London AV you are only given the first and second preference so that restricts your expression of preferences. If you go one, two, three, four, five at least a substantial proportion of voters may begin to cast multiple preferences, so more smaller parties may tend to get first preference votes and the first preference support of the winner will tend to decline. When we were advising Nick Raynsford on the London mayoral system, one of the reasons why he and the government at that time went for the restricted expression of preferences to first and second was to try and avoid having large numbers of candidates. On the whole I think that has been quite successful, the number of candidates for London Mayor went up to ten but it has not gone up continuously. I would think there would be a slight danger that the AV system might conduce to a fragmentation of the votes further. If everybody expresses a complete preference set so that they number all the candidates you still have MPs with majority support but if you get a fragmentation of the votes and then people expressing only a few preferences then the winning candidate may not have majority support. I think there are a lot of dynamic things that you have to take into account. You have to think what will the ballot paper look like and I have included in my evidence a couple of versions of the AV ballot paper. You have to think how will the candidates and voters behave when they are confronted by a different ballot paper with this different task that you are asking of them. You have to think what is the trend of political party activity in the UK and it is overwhelmingly towards increased fragmentation. For example, there were no constituencies at all in 2005 or 2010 with two party contests and there were almost none with three party contests.

We are heading in a very different direction. There are a large number of other parties bubbling under that might be encouraged or fostered by particular choices that are made on the voting system.

Q114 Sir Peter Soulsby: Why do you think the AV system is so rare? Is there any example of it having led to increased public satisfaction with the outcomes?

Professor Dunleavy: AV has been used in Australia more or less since its foundation. Initially it was used in a version where people had to number all the parties but as the number of parties increased the Australians moved to a system where you do not have to number all the choices. That is quite a big difference. It is not used virtually anywhere else in the world. It has been used in some Canadian provinces.

Professor Fisher: It is not something that is unique to AV; it is something that you find with preferential systems. STV, for example, is only used in a relatively small number of cases. One of the issues with that is firstly that AV is not proportional and a number of democracies have opted for a more proportional system. Secondly, there can be a danger with preferential systems, particularly if, as was the case in Australia, you have to rank every candidate. You can experience something called donkey voting where people simply vote for the candidates in the order that they appear on the ballot paper. It is the same principle that is suggested if you go in the *Yellow Pages* you will have lots of Aardvark plumbers but very few Zoo plumbers, if you see what I mean. There are some dangers with that. I do not think they are insurmountable. Through administrative techniques you can override the effects, such as reordering the ballot paper in different districts and so on. The general trend has been not to move from a plurality system to a majoritarian system but often to move

towards something that is more proportional.

Q115 Sir Peter Soulsby: Some of the proponents of AV see it as a step towards a proportional system of some sort. Do you yourselves see it as an end state or a step toward something different?

Professor Dunleavy: In my evidence in part three I pointed out that general elections are very often held on the same day as other elections, that in particular the Government will be announcing plans in January, I understand, for the new constitution of the House of Lords. We do not know what timetable that is on but that is likely to require the House of Lords election takes place on the same day as the general election. It is common for general elections and local elections to take place on the same day and we have had instances of general elections and European Parliament elections on the same day. There would be a risk also of Scottish Parliament, Welsh National Assembly and London elections possibly coinciding. When you are making a voting system decision like this you do need to take into account how consistent or inconsistent is the new voting system with the ones you have already, particularly for voters. There are small problems for administrators. In particular most of our existing voting systems use X voting and moving to numerical voting will create problems in having the elections on the same day and would also tend to mean that if you move to numerical voting for Westminster perhaps there will be more pressure for STV for the House of Lords as one of the three possible big systems coming there. Perhaps there will be more pressure for STV for local elections because that way you would be able to recreate consistency. I certainly think if AV in the Australian form was introduced you might need to make some consequential changes in how the London Mayor is elected and other English mayors. People

have complained already about a bewildering variety of electoral systems in use in the UK. I do not think that really matters very much to voters but I do think the thing that matters is if they are being asked to do X voting and numerical voting on the same day. We have had one case of this in Scotland and it was a very searing problem for Scottish voters. The Government should be careful and should indicate how this is going to become possible for the future.

Professor Fisher: I have to say I do not really buy this Trojan horse argument. It strikes me that particularly because the decision on whether to adopt this will be based on a referendum it would be very difficult for a subsequent government to hold another referendum or simply change the decision. One of the advantages of a referendum is that it embeds the will of the people. Patrick may be right with other levels of government but it strikes me that for Westminster elections the idea that a party propping up a coalition could in effect demand a further change is perhaps unlikely.

Q116 Stephen Williams: Before I ask the question on AV which I do have, Professor Fisher said something interesting in his opening remarks that perhaps we could have done with in the previous session. He said the reduction of the House of Commons by 50 was the biggest change since the Irish or the Southern Irish left in 1922. The difference between then and now is that responsibility left as well. Westminster is no longer responsible for Dublin, Limerick, Cork, et cetera. Can either of you think of another instance in the democratic world where an assembly has had its numbers reduced without some transfer of sovereignty or devolved power somewhere else?

Professor Fisher: I do not know of any.

Professor Dunleavy: The UK House of Commons, to put it in perspective, is one

of the largest legislatures in the world. Apart from the Chinese and Supreme Soviet there are not many that are bigger than the UK. UK constituencies are quite small. It is not massively over provided with MPs but it is certainly not short of MPs at the moment compared with other countries.

Professor Fisher: I think that is an important point. There may well be international examples. I am not aware of them but it is important that the idea of what works in a particular country is retained. My point about whether or not there should be a referendum on this, if it is deemed sufficiently important to have one on AV, is that whereas there has been a reasonable amount of discussion about the potential impact of a certain electoral system, it strikes me there has been almost no discussion about the potential impact of a reduction of MPs even to 600 as opposed to 585 which stems, it seems to me, from a rather populist response to the expenses crisis. Given that we know constituents use their MPs more than they ever did, given that we know that people value local representation, I am not sure that the argument has been put to people that, effectively, increasing constituency size by an average of 10% is necessarily what the voters want. I do take the point that it was in the manifesto, and that seems to me a perfectly legitimate argument, but I go back to the point: if it is deemed legitimate to have a referendum on AV then it strikes me that this change is of a similar magnitude, and therefore might be worthy of further consideration.

Q117 Chair: May I just ask a question of political theory? By what right does a government, an executive, reduce the numbers, powers or composition of a legislature in the UK?

Professor Dunleavy: The UK is in a rather unique situation because we have a concept of Parliamentary sovereignty instead of a concept of constitutional

sovereignty. So I do not think that this is inconsistent. The size of the House of Commons has gone up and down in the past; this is the most dramatic change, but I do not see it as a constitutional change.

Q118 Chair: Let me be clear: you see the exercise of executive power as an exercise of Parliamentary sovereignty?

Professor Dunleavy: I think the justification that has been given is a mandate doctrine justification. It is a stretching, certainly, but I would not say it was quantitatively a constitutional change.

Q119 Chair: Do you regard it as legitimate?

Professor Dunleavy: It is not something I am terribly keen on, but ---

Professor Fisher: Let us be clear: there is no existing practice about when one has a referendum. It is not set in stone that it is about constitutional change; it is often for purposes of convenience of government. So I go back to my point about AV; there is no particular need to have a referendum on AV - one could do without one - and indeed I think I am right in saying that had Labour won the election it would have been introduced anyway. My point is simply that if you are embarking on this road we are differentiating between two different fairly significant changes in the way in which people are represented. Whereas there is an acceptance that you should have a referendum on one, it strikes me that the other issue has not been discussed in such depth.

Q120 Stephen Williams: We come to AV now. Bristol West is still a marginal seat and in previous General Elections it was a three-way marginal seat, so voters have been treated to leaflets from all parties with competing bar charts and claims about: "If you vote for this candidate someone really nasty will win",

etc. Does AV eliminate tactical voting considerations from our electoral process?

Professor Dunleavy: The answer is, in theory no but in practice yes. Essentially, what AV will tend to do, I think, for all MPs, is it will encourage them to reach out beyond their immediate party supporters and to appeal to supporters of other parties, and they will particularly tend to do that, I think, through contacts with interest groups and local associations, and so on. If you look at the London Mayor elections both of the candidates who have been elected in the three elections - Ken Livingstone and Boris Johnson - have been very savvy candidates who have actually managed to represent the City in a much better way and get a lot of enhanced legitimacy because of that change. So some of my colleagues will draw you fancy diagrams or construct hypothetical situations in which tactical voting is still possible in AV, but tactical voting can occur under every electoral system. The thing that will tend to swamp all of that and to dominate is: does the candidate read out and project beyond their own party and get second preference votes from other parties?

Professor Fisher: The limited evidence that we do have of campaigning under different electoral systems, particularly the Scottish local government elections and the European elections, suggests that regardless of the system in place parties tend to campaign in almost exactly the same way. So whereas in Australia you find that there are voting instructions, effectively, issued by parties to encourage tactical behaviour, we have not yet in this country - London perhaps is a slight exception here - seen the widespread behaviour such that parties reach out beyond their own party and, perhaps, encourage people from other parties to back them, and vice versa. This could be a cultural thing and it could take time to bed in, but the argument that parties will suddenly campaign in a different way -

perhaps form alliances - is not borne out by the limited evidence that we have to date.

Q121 Stephen Williams: So there is no evidence that parties chase second preferences as an alternative to tactical voting?

Professor Dunleavy: If you look at the first London Mayor election, the Labour candidate was Frank Dobson, and he was asked what would he advise people to do with their second preferences. He said, well, he was not giving any advice. If you contrast that with, let us say, Ken Livingstone, he advised people how to cast their second preferences and appealed for second preferences. He said: "I would advise them to vote Green". The reason he said that was because he wanted to get the Greens' second preferences. If you look at Mr Dobson's campaign, it was fairly lamentable; he came a very poor fourth; a large proportion of his voters did not cast any second preferences and quite a large proportion of them voted for him twice. So it is very important that the candidates should actually respond to the change of our election system, and of course subsequent Labour candidates have responded to that. It does take a little bit of time, but most MPs already reach out in hustings, in their leaflets and in their contacts with constituents to people from outside their own party. The personal vote has been increasing as an important element of MPs being elected. It is definitely worth about twice as much as it used to be.

Q122 Chair: Which is what?

Professor Dunleavy: It is about 3,500 votes, 4,000 votes now, whereas most people would say it was only about 2,000 votes. That is partly because MPs do a fantastically much more vigorous job as representatives of their constituents than they did two decades ago.

Q123 Chair: So it is up from 3 or 4 to 8 or 9%?

Professor Dunleavy: It is up to about 4,000 votes, one would say, which would make a big difference to an MP. I think the sitting MP will always be reaching out anyway, and the serious candidates will be reaching out. I think it will have a very big and transformative effect and it will have a much bigger effect.

Professor Fisher: It is important to point out that the London Mayoral elections are rather different from constituency elections. While Ken Livingstone was standing under the Labour flag Boris Johnson stood to a slightly lesser extent under Conservative flag. They are not as tied into the party machine as you can see at constituency level.

Stephen Williams: A final question on ballot papers. As Professor Fisher mentioned there is a risk that people do 1, 2, 3 and this allows me to plead to Professor Dunleavy not to use (a fictional, I presume) Stephen Williams as a Conservative candidate in demonstrations of ballot papers in the future! If you think there is an argument for doing away with the traditional practice that candidates should be listed in alphabetical order, certainly a multi-member ---

Chair: I take exception to that!

Q124 Stephen Williams: Certainly, Mr Allen, in multi-member council elections, just by observation it is fairly obvious that often people will vote for the party candidate who is Allan or Bones or something first and then, perhaps, not find their way down to a Williams or a Young at the bottom.

Professor Dunleavy: I think there is a very strong rationale for introducing 1, 2, 3, which does sort of tend to suggest an ordering to people, otherwise to randomly rotate the order of candidates, and that is what the Australians in the end ---

Q125 Stephen Williams: The Australians do that?

Professor Dunleavy: Yes, you still get the people at the top getting more votes but at least it is sort of random.

Q126 Stephen Williams: Your ballot papers are in alphabetical order.

Professor Dunleavy: Absolutely. That has been the sort of standard UK practice but I do think if you were going to numerical voting then if you are saying to people 1, 2, 3, it sort of suggests an order to people, and then I think you would need to really compensate by going for random ordering of candidate parties.

Q127 Simon Hart: Can I just go back to the international comparison discussion earlier on, a number of witnesses in previous sessions have in a sense justified whatever proposal it was we were discussing on the basis that it worked well in another country or indeed another area. Does it automatically follow that a system that works in Papua New Guinea (which was one such example) would also work with just as much ease in Pembroke Dock, for example? It strikes me that we are sometimes a bit flippant in just assuming: "It works there, therefore it will work here". I do not have the answer which is why I am asking the question. The second part of the question is in relation to your model ballot paper. This is a bit of a bugbear of mine, but projecting yourself forward to 2015 and a General Election, which will coincide with a Welsh Assembly election, I would be quite interested seriously to see a ballot paper which accounted for the fact that there would be two languages, two different boundaries, two different systems and two different Parliaments together on the one ballot paper in a way that serves the voters' interests rather than the political parties' interests. If you could do that then I will wind my neck in.

Professor Dunleavy: On international comparisons, it is very important to not imagine that the way a system like AV works somewhere else will work in the same way. If we look at Australia, for example, we have a very strong dominance of two main parties. There are other parties in Australia but they tend to be quite small and they have not developed in the way that the British party system has developed. The British party system now is becoming increasingly a standard West European liberal democracy with six or seven parties that range all the way through from Greens through to anti-foreigner parties on the right. So we have three parties on the right in the UK - Conservatives, UKIP and the BNP - and we have a couple on the left - Labour and the Greens - and then we have the nationalist parties in Scotland and Wales who sit in the middle and create extra dimensions. So I am absolutely completely convinced that if you are thinking about how AV is going to work out and you are trying to project it forward do not assume it is going to work in the same way as the Australian way; in particular, we are much more of a multi-party system than the Australians and we are heading that way much more rapidly than the Australians. So things like: do you get more candidates; do you get more fragmentation of the vote - these are serious issues to think about. I am sorry -

Q128 Simon Hart: Complicated ballot papers, basically.

Professor Dunleavy: Yes, complicated ballot papers - 2015. It would be particularly interesting - I do not know whether there are any local government elections also due then.

Q129 Simon Hart: I cannot remember.

Professor Dunleavy: It is very, very hard to ask people to do X voting and

numerical voting on the same day. I would say that wherever possible you should avoid that. The way to do that is that if you are very committed to doing numerical voting then you have got to probably do numerical voting a lot more. The other lesson from Scotland is do not put them all on the same ballot paper; so have separate ballot papers, separately coloured, and so on. If there is a Welsh Assembly election on the same day or a Scottish Parliament election on the same day that would be a real problem.

Professor Fisher: My view of international comparisons is that they are useful for information but I would completely agree with Patrick that you cannot simply transplant one to another. If we look at it the other way, in the way that Britain exported first-past-the-post to much of what was then the Empire, it was successful in some places and not in others. So wholesale transfer, I think, is ill-advised. In terms of confusion of the voters, I think one can overstate this. There are already examples of people having to cope with this. It was clearly done badly in Scotland last time around, but I remember, in 2000, I voted with three different systems in the same booth with three different ballot papers, in London, voting in the European elections, SV for the London Mayor and AMS for the London Assembly.

Professor Dunleavy: The reason for that, with respect, is that these systems are all very carefully designed to be consistent with each other.

Professor Fisher: Crosses and numbers.

Q130 Simon Hart: The point of my question was that in the Welsh Assembly election, in our area, 7% of postal ballots were incorrectly completed as a result of confusion, and in a result which only had 100 votes between first and third that definitely affected the outcome.

Professor Fisher: Therein lies the folly of postal voting.

Q131 Chair: Can I just clarify London and the three ballot papers, Professor Fisher? You are saying that they were confusing, Professor?

Professor Fisher: No, no, they were not confusing.

Professor Dunleavy: I think you are thinking of 2004 when there was a London election and a European Parliament election on the same day. The Mayoral ballot paper for London has two Xs; the Assembly election has two different X components and the European Parliament is a single X. So actually, five election votes were cast on the same day, and there were some extra problems there, but nothing like what you might expect if you are mixing them with numerical.

Professor Fisher: My point was that the problem can be overstated.

Q132 Mrs Laing: I would like to come back to the perceived fairness or otherwise of the AV system. Would it be fair to say that some people's votes count twice or even three times? You said just a short while ago that one of the expected changes that would occur if we have AV instead of first-past-the-post is more votes for minority parties. Is that likely to occur because people feel that instead of saying: "I have only one vote and actually I cannot stand the Conservative candidate - I hate Margaret Thatcher - therefore I have got to vote Labour", they might say: "Oh no, actually I really want to vote BNP but my vote will not be wasted because of AV so I will vote BNP and then I will vote Labour second", in which case that person has two votes whereas someone who is just voting for the Liberal Democrats has only one vote?

Professor Dunleavy: It is quite complicated to think about how AV operates. Basically, the first thing you have got to think about is a disjuncture between if somebody has majority support; in this case we are just going to count up the first preferences and as soon

as somebody reaches 50%+1 we are going to say they are elected, so we are not going to look at any second preferences in that set up. However, if nobody has 50%+1 we then look at the second preferences. There is a difference really between the Australian AV, where you carry on looking at preferences however many you have expressed, and the London AV, where you will only look at second preferences for the candidates who are still in the race - the top two candidates. So, basically, you only have first or second preferences expressed in a London AV, whereas in the Australian AV you go 1, 2, 3, 4, and 5. It is perfectly likely that one of the reasons why vote fragmentation will increase is, supposing I am a BNP supporter but I do not want Labour to win, I might be voting Conservative, but now I can vote BNP 1, UKIP 2, Conservative 3, and I can still be confident that I am going to influence the result. So there will be some voters, particularly voters who express a lot of preferences, particularly voters who express a lot of preferences for small parties that then get eliminated, where we will be counting down past their first preference, past their second preference and to their third, fourth and fifth preferences, and you might object on equity grounds that it is not fair to be counting third, fourth and fifth preferences of some voters only. However, the system is designed so that your preference only makes a difference to the outcome, allegedly, once, but in fact with small parties, if you have got a lot of preferences, you will have more influence.

Q133 Mrs Laing: That is very helpful. If somebody has expressed a fourth preference then that would suggest to me that they do not really want that person to represent them, if they have put them fourth. Yet that fourth preference could actually change the outcome of the election.

Professor Dunleavy: I think we can certainly tell that British voters would like to have multiple preferences, because wherever they have been given the opportunity to cast two votes, in Scotland, Wales and London, they have taken it up with great enthusiasm.

Q134 Mrs Laing: That is quite a sweeping statement.

Professor Dunleavy: In the sense that a lot of people split their votes in these elections when they do not need to, and they have also done that quite regularly when they have local and general elections on the same day. We can expect that the number of preferences people express will decay quite quickly. So maybe three-quarters of people will give a second preference; 60% a third preference, less than 50%, maybe, a fourth preference. This is a political theory argument that I cannot resolve. You certainly could make the argument that fourth preferences should not be weighted as much as first or second preferences.

Professor Fisher: I concur with Patrick there. It does not seem to me to be an immense problem and something that you could design out. To go back to your initial point - do some voters effectively get more say than others - we cannot force people (well, you can force people) to do all the preferences but it strikes me as undesirable, but it strikes me as being no different, really, from offering people the opportunity to vote or not to vote. As things stand, if people choose to take advantage of that they have more say than people who do not. So I do not think there is an insurmountable problem. Patrick raises an interesting way of looking at that. In practice, it is very unlikely that preferences below three will make any material difference to the outcome.

Q135 Mrs Laing: That is very helpful, thank you. Can I go back to that issue about voters, as Professor Dunleavy, I think, said, that voters show enthusiasm for (I cannot remember the exact word you used - forgive me) for multiple preferences. Do you mean by that that when they get to the ballot box and they discover that in front of them they have to place not just an X but they can do 1, 2, 3, 4, 5, and in those circumstances they do, at least, 1, 2 and 3 rather than just 1? Is that what you mean by that rather than that they are more enthusiastic and actually go to vote? That actually there is a greater turnout because there is a preferential system?

Professor Dunleavy: We have not got experience of numerical preference ordering in voting except in Northern Ireland and in Scottish local government. So I could not comment on turnout in relation to those. In Northern Ireland I think there are particular reasons why you might not go too far down your preference order. So I think really, outside of Scottish local government, we do not really know how people have responded to numerical. In the Additional Member Systems we have you have two votes; you have a vote for a local MSP or Assembly member and you have a top-up vote. People have split the top-up vote; they quite commonly will give one vote to the Conservatives and one vote to somebody else or one vote to Labour and one vote to somebody else. In the sense that even when people are quite committed they tend to want to express preferences, multiple preferences.

Professor Fisher: The point you made about voters turning up at ballot boxes is an important one. When Scotland introduced the Additional Member System for elections in the Scottish Parliament the use of both votes was widespread. When it was done in London there was no public education programme as there had been in Scotland, and there were a large number of people who either

did not use the second part of the SV ballot or the second part of AMS. So if a different system is going to be introduced there has to be something done as successfully as it was in Scotland rather than as unsuccessfully as it was in London.

Q136 Sheila Gilmore: There has been some discussion of tactical voting and the suggestion that there is less of it with AV, but it seems to me from what you have said that there is actually just as much potential for people to campaign for the least worst. Would you agree with that? In terms of the electoral systems, it is slightly disappointing that the turnout in Scottish Parliament elections has actually been less good than for Westminster. I do not think that is what we anticipated, and I do not think that is necessarily to do with electoral systems. Would you agree that the main problem with the 2007 Scottish system was not so much that people had several different things to vote for but that they had three different things they were supposed to be doing?

Professor Dunleavy: I agree; there were three different things that voters had to do on the same ballot paper as well.

Q137 Sheila Gilmore: There were two ballot papers.

Professor Dunleavy: There was one with two ---

Q138 Sheila Gilmore: There was indeed. That was a very badly designed ballot paper, which shows how important design can be.

Professor Dunleavy: Design is very important. I think the Scottish Parliament elections have been very successful. It is incredibly hard to set up a new institution and get to a high level of voting; it very rarely happens. The new institutions often take a long time to sort play themselves in and Scotland has had very high turnouts, I think, considering its role.

Although Justin is right that turnout is a little low in London, it has tended to grow over time as familiarity with the systems grows.

Professor Fisher: At the risk of making international comparisons, where you have systems other than first-past-the-post, turnouts in general tend to be higher, but they are falling everywhere so we should not see an electoral system as a quick fix to arresting declining turnout.

Q139 Chair: If we were in this country to elect our own chief executive or prime minister, as most Western democracies do, which system do you think would be best to do that to complement other changes?

Professor Dunleavy: If you are electing a chief executive, you might want to go for the London AV system because you might want to make sure only someone who is in the top two on the first preference count would be elected, so I would strongly recommend the London AV system.

Q140 Chair: Is that like the French presidential elections?

Professor Dunleavy: It is the instant run-off version of a dual ballot. The difference is that in a dual ballot you have a first round in week one and everybody can look at all the votes and then you have the second round in week two and you shrink the number of candidates in week two. But obviously it would be very chancy to ask British voters to come back a week later, so I think you would have to go for an instant run-off version!

Professor Fisher: If you were to go for something as alien as electing a chief executive

Q141 Chair: Alien to?

Professor Fisher: Alien to the British political system.

Q142 Chair: Not to the rest of the Western democratic system.

Professor Dunleavy: We do it in London.

Professor Fisher: It is an important point. Different political cultures mean that different systems work in different ways around the world. This is going back to the point about international comparisons. If you were to go with that, I agree with Patrick, SV would seem to be the most sensible option. The two-round election, although it has the advantage that people can be voting for a second time in the light of seeing what has gone on previously, strikes me as being a slightly risky system, as indeed happened in France in the early 2000s.

Q143 Chair: Le Pen?

Professor Fisher: Yes.

Q144 Mr Chope: Can I come back to the question which is being put in this referendum if the Bill goes through unamended? You are implying, in fact saying, that the question is ambiguous because it is talking about the AV system. How would you seek to have that question altered to refine and clarify the choice available? Do you think there is any scope in a referendum for having essentially a whole series of questions so that people could express a preference as to which of the alternative systems they would like, whether they would like London AV, STV, first-past-the-post? So in a sense they could experience what it would be like to engage in an AV system when they were putting down their preferences for the voting system. What you are saying at the moment is that you think any referendum based upon the existing proposed question is going to be flawed because of the ambiguity, and what I am inviting you to say is what would you put in its place?

Professor Dunleavy: You cannot put very much in the referendum question.

There would certainly need to be at least a footnote which explains what alternative voting explicitly means. In the past, when we legislated for the London Mayor for example, the legislation just said the supplementary vote, but that was a special made-up label which designated one system, whereas I think Alternative Vote designates a whole class of systems – single office holder, multiple preferences, instant run-off. So you need to have a footnote possibly, or a clarificatory memo or something of that kind, in the booklet which goes to voters and possibly available in the polling booths for people to check what exactly it is they are voting for.

Professor Fisher: I think having the range of choices would be catastrophic. I think Patrick is right to draw our attention to the variants but I think it is the job of the House to decide which is the most appropriate one before putting it to the voters.

Q145 Chair: If I can just switch questions for a moment and ask how campaigning funding rules will work in a referendum on AV. What is your take on how effective that is going to be?

Professor Fisher: The rules in terms of spending are laid out by PPERA, such that the Electoral Commission needs to designate each side, the yes or no campaign - which is not without difficulty, as seen in the North East referendum, where there can be competing sides - and each side is permitted to spend £5 million. In addition to that, there are sums available for political parties to spend provided that the political party takes a unified stand. This strikes me as potentially problematic because there is an interest for a party in taking one stand and therefore allowing them to spend a certain amount of money, which is determined by the share of the vote, they enjoyed at the previous general election. So the Conservative Party will have an advantage here as the only party

which exceeded 30 per cent in May. So there is a potential issue, not an insurmountable but one which needs to be borne in mind. Then other participants can register, they are allowed to spend half a million pounds, and then if you do not register up to £10,000. One of the key issues which was raised in Professor Ewing and Dr Orr's paper is that there is a potential anomaly in the Political Parties, Elections and Referendums Act in respect of third party campaigning, ie whether you are a registered participant or not. Whilst in general election campaigns it explicitly excludes the newspapers from these third party considerations, in the part of the Act which deals with referendums it only explicitly excludes the British Broadcasting Corporation and one in Wales. Professor Ewing and Dr Orr's paper suggests there potentially could be a case whereby newspapers would have to register as participants in order to take a position on the referendum. This strikes me as almost certainly an oversight in the Bill. Mistakes happen but in the passage of this legislation there ought to be some amendment, otherwise you could find yourself in a position where the newspapers would be hamstrung from taking a particular view.

Chair: We are collecting quite a few amendments as a Committee as we go along. I was going to ask questions about pre-legislative scrutiny and pretty much you are it. We have been allowed three sessions, which is wholly inadequate, and of course one of those sessions is taking place now today, at the very same time as most of us would want to be on the floor asking the Deputy Prime Minister questions. That is just by way of a comment to underline, hopefully on behalf of all colleagues, there are some fundamental flaws in this process which we feel need to be addressed pretty quickly. Eleanor and then Simon?

Mrs Laing: I am seeking to clarify exactly the way in which AV works. It

might be that people in this room understand it, because we pay attention to these matters, I would suggest it is important that the majority of people not in this room should understand it. You have referred, Professor Dunleavy, to the London AV system and then you have both referred to the differences between AV and STV and to the Australian system, et cetera. Having examined what is in the actual Bill and the way it is set out in the Bill, how does the system in the Bill differ from those other systems that you have described?

Q146 Simon Hart: Just on the subject of explanation, you were talking about the role of the media in explaining what all of this means as we run up to the great date. Bearing in mind that it will coincide with a very party political election in somewhere like the Welsh Assembly, how can the broadcasters on the one hand act as a public service explaining what people should do but stop short of falling into the trap of inadvertently supporting one party or another? To be able to square that circle strikes me as being quite difficult for the broadcasters.

Professor Dunleavy: I think the Bill, as far as I understand it, is offering voters the choice of the Australian version of AV, what is called the Australian version. That means that voters can express as many preferences as they like by numbering, if nobody has an outright majority on first preferences we begin to eliminate candidates from the bottom and we inspect their second preferences and transfer them to the candidates who are still in the race. We carry on doing that elimination of candidates from the bottom until somebody has majority support or has more than half of the votes and there are only two candidates remaining.

Q147 Mrs Laing: So the candidate who comes sixth has his or her votes redistributed?

Professor Dunleavy: Yes, to candidates still in the race.

Q148 Mrs Laing: To any candidate still in the race not just the top two, but the candidate who comes fifth does not have his or her votes redistributed? I understand it, I am just trying to get this point straight. So for the people who supported the candidate who comes sixth, their votes count twice, but for those who supported the candidate who came fourth or fifth their votes do not count twice, if, after one distribution, 51 per cent appears – 50 per cent plus one?

Professor Dunleavy: That does get to a really acute point, that in many, many constituencies whichever is the third or fourth party, it is quite likely that you may never count their second preferences under the Australian version of AV. In a way that is very limiting for MPs because the winning MP will no doubt have had a convincing majority. If you look at the London system, it will tell you that Ken Livingstone or Boris Johnson both won 58 or 60 per cent of the vote, so they have strong legitimacy as the voice of London because we have counted all the second preferences and we know where those second preferences went. But in the Australian AV system, it is very likely you will never count up Liberal Democrat votes across the country. If a Conservative or Labour person gets to 50 per cent plus one, you will stop the counting.

Professor Fisher: There is no easy answer, we are in completely new territory holding a national referendum under this piece of legislation. The Electoral Commission is charged with producing information which is deemed to be neutral, and outside of the 28 day period before the referendum - I believe this is correct - the Government can also issue some guidelines. But given the Government itself presumably does not have a position in this particular case ----

Q149 Simon Hart: It has two positions actually!

Professor Fisher: Quite! It is inevitably problematic and we will have to see how it plays out. To go back to the point made at the outset, this is completely new ground because no referendum of any size in this country has been fought under the regulations introduced at the beginning of 2001.

Chair: Professor Fisher, Professor Dunleavy, thank you very much indeed for your time this morning and for your contributions. It has been fascinating.

Oral Evidence

Taken before the Political and
Constitutional Reform Committee

on Thursday 9 September 2010

Members present

Mr Graham Allen, in the Chair

Nick Boles
Mr Christopher Chope
Sheila Gilmore
Simon Hart
Tristram Hunt
Mrs Eleanor Laing
Catherine McKinnell
Sir Peter Soulsby
Mr Andrew Turner
Stephen Williams

Examination of Witnesses

Witnesses: **Mr Bob Farrance**, Secretary to the Boundary Commission for England, **Ms Liz Benson**, Secretary to the Boundary Commission for Northern Ireland, **Mr Hugh Buchanan**, Secretary to the Boundary Commission for Scotland, and **Mr Edward Lewis**, Secretary to the Boundary Commission for Wales, gave evidence.

Chair: Welcome Ms Benson, Mr Buchanan, Mr Farrance and Mr Lewis. Welcome to the Political and Constitutional Reform Committee. I would like to start the questioning straight away so that we do not delay you any further; I appreciate you coming, in some cases quite long distances. Steve Williams?

Q150 Stephen Williams: Thank you, Chairman. Could I begin by referring to your written evidence? In paragraph 10 you say that the changes to the total

number of constituencies and the tighter limits on the number of electives in each constituency will result in a complete redrawing of constituency boundaries. What do you think the level of disruption to existing parliamentary constituencies will be? Will every single constituency effectively need to be changed?

Mr Buchanan: To speak for Scotland, yes.

Ms Benson: Yes, and to speak for Northern Ireland, yes.

Mr Lewis: To speak for Wales, yes.

Mr Farrance: Likewise.

Stephen Williams: So, there is United Kingdom agreement on that.

Chair: To clarify, every constituency will be impacted.

Mr Buchanan: With the exception of Orkney and Shetland and Na-h-Eileanan an Iar.

Q151 Stephen Williams: There are two reasons why I ask that, Chair: first of all, is that quite different to previous reviews? I have only taken part in two reviews in my lifetime and quite a lot of constituencies were left more or less the same, or in fact completely the same, and only a limited number were completely altered or abolished whereas this time you are saying every constituency will change?

Mr Farrance: Yes, I think that's correct. The effect of setting a parity target, as well as a reduction at the same time, leads to the inevitability of widespread change across the whole of the country. On previous occasions there was no target set, nor a strict parity target, which made it possible to retain some of the existing constituencies whole, with one or two local changes.

Q152 Stephen Williams: Given the human resources and technologies that are available to you at the moment, and

the fact that there needs to be a big bang change to all 600 if that is what happens as a result of the Bill—all 600 constituencies will be substantially different to what we are used to now—is that physically possible, or do you need many more resources in order to deliver the objectives of the Bill?

Mr Buchanan: I do not think that the number of changed constituencies is a significant driver to complexity and cost of the review. You embark on a review, you assess every constituency—within your area of responsibility—you publish proposals, you take representations, etc. So a review is a quantum of work, the fact that every constituency changes, or a small number of constituencies change, has a very big impact on yourselves and your party organisations but less of an impact on our organisations.

Q153 Stephen Williams: In the criteria that's laid down in the Bill there isn't anything about the level of disruption to the existing pattern and fabric of constituencies that we are all used to, journalists are used to and our electors are used to. At the moment you have the concept of making minimal changes, or changes that are only absolutely necessary to a constituency boundary. Do you think the Bill is flawed in any way by not allowing that minimum disruption?

Mr Farrance: I wouldn't say it's flawed in that sense. I think it's a case that if you reduce the number of constituencies by any degree you are going to create change. It's absolutely necessary. At the same time, the introduction of a United Kingdom electoral quota will see a marked change in the number of electors in each constituency. Those factors drive the change I would say, rather than any flaw that may be in the Bill.

Q154 Stephen Williams: Just a technical question about methodology now. As I understand it, the four different

commissions may be using different methodologies to find the building blocks to build up the new constituencies. Some of you are going to use postcode data, which I think the Ordnance Survey may be helping with, and some of you—I think in Wales—are going to be using existing council wards. Should you not agree between you a uniform approach?

Mr Buchanan: That would require uniform local government across the United Kingdom, which as you know isn't the case. The solutions that we're proposing to developing constituency proposals in each of our countries reflect the circumstances that we find in each of the countries. I think one of the reasons why there have been separate Boundary Commissions in each of the four countries for the last 65 years is to reflect those local differences and to allow local factors to be properly built in to the process.

Q155 Stephen Williams: What I am curious about, Chairman, is that I think most of us—certainly in England—when we went through the boundary review 10 years ago, will have been used to wards being used and not postcodes. To me—correct me if I am wrong—while a postcode will tell you the number of households in a particular area you don't necessarily know how many individuals are within those households. More importantly in the context of a political number, you don't know whether all of those householders are electors, which is the basic building block. So, how do postcodes work in this context?

Mr Buchanan: I think there are two points there. First point is that we're not using postcodes as a building block. We're using postcodes as a means of counting electors, so that where we have to divide a ward in Scotland, we then look at geography and look at major topographic features—rivers, railways, roads, areas of housing—patterns that

suggest division or unity. We design constituencies around those, but when we have done so we then need to know how many electors exist and that is where the postcodes come in. What we're doing is we're taking the electoral register where each entry in the register contains a postcode. That allows us then to aggregate and say, "For this postcode there are this many electors," and that allows us then to count electors at a very small level of aggregation.

Q156 Stephen Williams: I am guessing by the accents—checking the names—that that is the practice in Scotland. For the English Boundary Commission this will be a new way of doing it though, won't it?

Mr Farrance: The English Boundary Commission has used local government wards since about 1974. The reasons for that are set out in its previous reports and I think are clearly well documented. More importantly than that, they are backed by statute, they're made by statutory instrument, and the electorates for each ward are readily available from the Electoral Registration Officers. So, there is no argument about the unit or the electorate. Clearly the Commission is at a very early stage; it has only met once since the Bill was published. It will meet again in October 2010 and has much policy consideration to go through. We have done some modelling earlier in the year, based upon the proposals as they were emanating from the Conservative party, and it appears possible to allocate the correct number of constituencies using wards. However, it may be necessary to use a geography below ward level. I think the report from the academics that was published the other day covers that in some depth and does so quite clearly, and highlights the difficulties associated with it in the English sense. Scotland have started from a different position in terms of their GI

solution and, therefore, they take quite a different approach.

Q157 Stephen Williams: Chairman, the only structure we will all be familiar with that is lower than the ward level at the moment are the polling districts, which are drawn up entirely by local government Electoral Registration Officers. I asked this in the previous evidence session to the academics: do you think there should be some statutory protection for a polling district so that an Electoral Registration Officer can't come along at a later stage than a boundary review and re-jig the polling district boundaries?

Mr Farrance: My view on that would be very much a case of, if it were given that statutory backing and appeared in the boundary line data set issued by Ordnance Survey of administrative boundaries, it would be most helpful to use that. As you quite rightly say, the registers are based on the polling districts; the electorates, again, are readily available. It's a digital data set on the mapping that is not available at the moment.

Mr Lewis: If I could comment about Wales. First of all I should say we do not have wards for the principal authorities, they are electoral divisions, and it's important that you are aware that there is a different term used. We have an advantage also that all of Wales is divided into community areas, equivalent to English parishes.

Q158 Stephen Williams: Including Cardiff?

Mr Lewis: Including Cardiff. Many of the communities have their community councils or town councils, and some of those areas are subdivided into community wards for electoral purposes, so it is possible to get down to a fairly small area. A place like Cardiff would

only have community councils on the rural periphery and not in the centre.

Ms Benson: If I could say from a Northern Ireland point of view, in rural areas we have town lands, which are unique to Ireland. In fact, rural wards are amalgamations of town lands. So in rural areas we possibly would use town lands as the sub ward unit where we have to split a ward. In urban areas the town lands don't have such significance so we would probably look to something else, like postcodes or census output areas.

Q159 Stephen Williams: This is the final question I will ask, Chairman.

The Bill proposes that these reviews take place much more frequently—every five years—but we know that local government reviews will also need to take place on a periodic basis, and that is not specified at the moment, and I hope we will have an elected second chamber at some point very soon as well. Do you think it's going to be sustainable in the future to have three different boundary reviews taking place over a decade? We might be permanently giving evidence to boundary reviews.

Mr Farrance: The English experience has been very much that the last two reviews have been conducted against a background of change in local government boundaries. The last review, which was criticised for the amount of time taken, followed the periodic electoral review of the Local Government Boundary Commission which was establishing new wards across England. So, therefore, the Commission's timetable was set by those new boundaries. It saw no benefit in submitting a report that was three quarters based on new ward structures where the other quarter was ignored. So I think the answer is: we will get on and conduct a review, whatever is happening in the background, but it's helpful if there is a settled and stable

pattern of local government when that is happening.

Mr Lewis: I could say, from Wales, that under the Local Government Act 1972, as amended, there is a requirement upon the Local Government Boundary Commission to conduct reviews of electoral arrangements every eight to 10 years, so there are regular reviews. The advantage we have, of course, is that the secretariat supports both commissions so we have a very good idea of what is going on in local government and in parliamentary terms. So we do have an advantage from a common cause standpoint.

Mr Farrance: Yes, on that very point, the English Commission is purely set for parliamentary work. There is a separate Local Government Boundary Commission, although I do speak very regularly with my opposite number, so we're very aware of their work programmes.

Ms Benson: The same goes for Northern Ireland; we have two separate systems.

Chair: Simon Hart?

Q160 Simon Hart: Can I just pick on the point Mr Buchanan said. He used two words, "division" and "unity", as being factors you take into account when reaching your conclusions. If the overriding and dominant feature of the legislation is a numerical one, 75,000 or 2% or 3% either side, to what extent does the division or unity factor apply?

Mr Buchanan: To the greatest possible extent within the parameters set down by the law.

Q161 Simon Hart: Can you say anything more about that?

Mr Buchanan: No I can't. This will be the first time we will have been conducting a review with an absolute numerical limit to the number of electors in each constituency. So whereas, in all

previous reviews, a Commission has been able to set for itself what is an acceptable deviation from electoral parity by saying, “Well, it really doesn’t make sense to divide this town or this community and, therefore, we will accept a rather larger electorate than we have anywhere else in order to retain that unity.” The Commission loses that discretion under the legislation proposed by the Bill.

Q162 Simon Hart: So, does that lead us automatically to the conclusion that you are going to be—I am not putting words into your mouth obviously—forced to make decisions which might divide areas which your instincts, as a Commission, suggest should not be divided?

Mr Buchanan: In the first part of my answer I said that we would reflect unity to the greatest extent possible, whatever the case.

Q163 Simon Hart: With the greatest respect that could be fairly meaningless, couldn’t it? If you are bound by the numbers you can have a willing stab but you might not make much progress.

Mr Buchanan: I hope it’s not meaningless. One of the great unknowns of a review under this Bill is what the public engagement will be. One of the challenges for ourselves will be in trying to encourage people to understand what the law allows us to do and doesn’t allow us to do. So I think the Commissions will want—as far as they can within the law—to reflect communities wherever they can, but clearly that discretion is reduced from the current position.

Q164 Simon Hart: Thank you. Can I just turn the spotlight to Wales, for obvious reasons, as it is an area that interests me. I have one of the relatively few seats, in Carmarthen, which straddles two local authority boundaries and, of course, there is 1,000 years of historical cultural

difference between the two counties, which is very difficult to square, so whatever might happen might be advantageous, you never know. Could you just suggest what you see as the problems facing your task in Wales, in particular bearing in mind the Welsh Assembly boundaries which are going to be decoupled, we understand, as a consequence or as part of this legislation. I think that would be helpful to get that. Also, if the Bill does become an Act and you do start your work relatively soon, what are you going to do and what can you do before the Welsh Assembly elections in May 2011?

Mr Lewis: Well, we will be doing nothing in respect of the Assembly elections except, under the legislation, we will still have the power to complete the interim reviews. We have commenced several interim reviews in Wales in order to correct some of the anomalies that we have between parliamentary and Assembly constituency boundaries. The advantage is not for parliament, of course, but will be for the Assembly because those anomalies will be put right. I now understand that the Wales Office are looking at what happens next if the decoupling takes place. I believe that Ministers are now considering that there should be arrangements made for separate Assembly constituency reviews. I think this obviously relates to the referendum in Wales, in May 2011, as to whether there will be additional powers to the Assembly. Then Ministers will have choices to make as to whether, if there are additional powers, there will be additional Assembly members to be appointed and then what the basis should be for that. If there are no additional powers as a result of the referendum, then it becomes even more important for the current 40 constituencies to be maintained so that we avoid any demographic drifts taking place there.

Q165 Simon Hart: That is most useful. What are the concerns, as you see them? There may be none but I just wondered, for the record, if there are areas of this process that apply specifically to Wales that you think need to be highlighted?

Mr Lewis: I do not think that we have any particular concerns, in that I suppose the legislation brings advantages in that at the present time we have the issue of the preserved counties in Wales in which we have to try to fit the parliamentary constituencies into those boundaries. On the fifth review we took two preserved counties together, which was Gwynedd and Clwyd, and in the south Mid Glamorgan and Gwent, in order for North Wales to avoid the reduction of constituency in that area, and in South Wales to avoid a wholesale realignment of constituencies. The preserved counties for parliamentary basis wasn't a very good idea, so I think the Welsh Commission are pleased that that doesn't apply, or may not apply, for the next review.

Q166 Chair: Is there a limit currently on the number of constituencies there could be? If you guys decided you want to pump it up to 750 across the UK, could you do that?

Mr Buchanan: The current legislation gives us the current number of constituencies in our territory as a starting point and rules that result in nearly the same; perhaps a little bit more.

Chair: And, Mr Farrance, in England?

Mr Farrance: Yes. I think it comes down to the term, doesn't it, "At the start shall not be substantially greater or less than 613", which may exercise a few legal minds as to what "substantially greater" means.

Q167 Chair: So, you are a bit over target at the moment at 650 collectively?

Mr Buchanan: 632, because that is a GB target.

Chair: I see. So, 632 is a bit over optimum 613.

Mr Farrance: In comparison, yes.

Q168 Chair: So, there is an acceptance that there should be a limit, even if it is a rather rough and ready one currently. Setting a given specific number is not such an outrageous thing for the Government to propose. It is well precedented. It's in the field in which you have been working but it's none the less a very precise number. So, you could achieve 600 if that were set for you, collectively, without too much difficulty providing you had the time to do it. Presumably—if you were told by Government 600 was the number—you could get to that in two, three or four Boundary Commission reviews relatively comfortably?

Mr Buchanan: In your scenario, I'm not quite sure what is changing and what is remaining the same.

Chair: What is changing is the number from—

Mr Buchanan: And everything else is remaining the same?

Chair: Yes. You could collectively get to 600 incrementally without any great difficulty.

Mr Buchanan: I don't think there would be any particular advantage in doing it incrementally; if you wanted to make the change then get it over with. The pain would be just as great, because every constituency would probably need to be amended if you were going to retain the consistency that we seek in constituency design.

Mr Lewis: One of the problems, Chairman, is that under the current rules there is effectively a ratchet effect in the number of constituencies and we would need new rules to do what you suggest to bring things down. If I can refer to the

fifth review; the Welsh Commission had a situation where there could have been a 41st constituency in Wales because the numbers were quite close, but the Commission took a view that they would stay at 40. If they had gone to 41 that would have meant that there would have been an extra Assembly constituency and there would have been an impact upon the regional membership of the Assembly as well. So that was quite a challenge for them. I think new rules would be needed to achieve a downward trend.

Mr Farrance: I think also if you were to adopt an incremental approach in reduction terms, I think it has to be recognised that every review will see a large degree of change because of the 5% parity targets. Also, as the electorate of England grows—if it continues to grow—and others stand still, there may be redistribution between the four parts of the UK. So, with that comes great change.

Q169 Chair: Where I'm trying to get to is that if you kept the current process of local inquiries and basing constituencies on community, geographical boundaries and natural phenomena, that would be a less painful process than going straight to 600 from 650, but you are saying, "No, if it needs to be done it can be done quickly," although, presumably, it can only be done quickly if the local inquiries and the criteria are amended or abolished?

Mr Farrance: The experiences I've picked up from the last two reviews in England are that people do not like change in whatever form it comes. They object to change. We experienced it where the actual number of constituencies increased by five at the fourth review and four at the fifth review. So, if you are reducing you will receive the same degree of complaint I would imagine. It's about change—people don't like it.

Q170 Chair: You started by saying every constituency will change. I don't

suppose you have any sympathy at all for the MPs that are going to be fighting each other to the death over the next three years.

Mr Buchanan: *Ultra vires*.

Chair: I don't expect you to answer that. However, the fact that all four of you smiled I think is probably adequate. Eleanor?

Q171 Eleanor Laing: Yes, I think you should say that that's *ultra vires*.

Q172 Before I come to my questions, just following on from what the Chairman has just said, would it be right to say that if the principle is that the number of Members of Parliament is to be reduced to 600 then, as Macbeth said, "If it were done when 'tis done, then 'twere well it were done quickly." Might I suggest that there is no point in prolonging such a process over, say, four boundary reviews, which would take several decades, and that there would then be uncertainty ongoing in every single constituency? I know you cannot comment on the policy but you can confirm that if it can be done incrementally it can also be done immediately?

Mr Farrance: Immediately after the fifth general review that the English Commission undertook it had a look at how the review had gone and also sat down and talked about the aspects of the rules and the legislation which perhaps should be changed. The one thing the members then said—and we have a completely new makeup of the Commission now—was, "If you're going to make change do it in one big bang rather than incrementally".

Eleanor Laing: That is a very important point. Thank you for that answer.

Mr Buchanan: I think the other thing I would say is that the rules as drafted—and Bob [Mr Farrance] referred to this before—will mean that there will be continuing change. If we look back at the

situation in Scotland over the last 10 years, then it leads us to think that every five years, i.e. at every review, the number of seats in Scotland will be one less than before.

Q173 Eleanor Laing: Is that because of population change?

Mr Buchanan: It's largely because of electorate increase in England, and therefore Scotland's proportion of the total has been decreasing steadily over the last 10 years. If that continues then at each review the Scottish Commission will face the task of designing a different number of constituencies. If you have a tight parity target and a changed number of constituencies, then a lot of constituencies have to change to accommodate any change in overall number.

Mr Farrance: Before we came here today I had a look back and, between February 1976 and 1 December 2009, the electorate of England has grown by just over 4 million.

Q174 Eleanor Laing: Is it correct that even in the last 10 years it has increased from 37 million to 38 million?

Mr Farrance: Yes. Across the period of time I described, if the Commissions had given full rein to that, it would have produced an extra 60 constituencies at 4 million. England's electorate is changing rapidly, and that will affect the degree of change at every review with a 5% parity target.

Q175 Eleanor Laing: Just for the record can I ask Mr Buchanan what is the current electorate in Scotland?

Mr Buchanan: Around about 4 million.

Q176 Eleanor Laing: Thank you.

Can I come on to the actual arithmetic of the equalisation? We have had debate in parliament this week, and there was some criticism of the arithmetic being supreme. I think it is a perfectly reasonable point to take that the arithmetic should be supreme. Can you confirm that—sorry, I shouldn't lead the witnesses. Does the 5% variation give sufficient flexibility to allow your processes to work on, let us say, ward boundaries rather than having to divide up wards if there was no variation whatsoever or a 1% variation? Is it the case that the arithmetic would only be achievable if the unit being used was smaller than a ward, but if you have a 5% variation does that give sufficient flexibility?

Mr Farrance: I would say that the more you screw down the electoral parity target the more difficult it becomes, particularly if you're using wards to build constituencies. At the fourth and fifth reviews the Commission, if you like, tightened its own screw and brought more constituencies closer to the electoral quota. The earlier conversations about recognising community of course make hitting a target difficult because no community is the same size. If you take the Isle of Wight, for example, what parity target could you achieve to keep the Isle of Wight intact or other communities around England, be they 20,000 or 70,000 in size? So, it's a difficulty whatever target you choose, but the more you screw it down the harder it becomes.

Q177 Eleanor Laing: Some of us would suggest that the Isle of Wight is an exception. Just in normal constituencies within a large county like Essex, for example, if you have a 5% variation you can pretty well keep communities in their natural form?

Mr Buchanan: Well, you mentioned "communities" there but in your earlier question you mentioned "wards". Let us

be clear, in Scotland wards will be divided.

Q178 Eleanor Laing: Is that because wards in Scotland are larger, as it happens, because of the way local government is constructed?

Mr Buchanan: That is one of the factors, yes. In Scotland, for the Scottish Parliament review that the Commission recently completed, there was no absolute parity limit, but the Commission still took the view that it was preferable to divide wards and seek other boundaries of social or physical geography in order to define constituencies.

Q179 Eleanor Laing: So, that precedent has already been set?

Mr Buchanan: It has in Scotland.

Q180 Eleanor Laing: And would you say that it works in practice?

Mr Buchanan: Let us find out at the Scottish Parliament elections.

Q181 Eleanor Laing: Thank you.

Can I go on to the actual boundaries, just following on from that? Again, there has been some criticism of the possibility that county boundaries might have to be crossed and that possibly city boundaries might have to be crossed. In your estimation, would it be correct to say that instances where county boundaries or city boundaries would have to be crossed, in order to achieve equality within a 5% tolerance, would be very few, and that in most cases of the 600 constituencies that will be created there will be no need to cross county or city boundaries?

Mr Lewis: Most boundaries for local authorities in Wales will be crossed but, of course, you have to put that in the context that up until now we have been using the preserved counties—that is, the

former county council areas that no longer exist except in law and for the ceremonial purposes. There is also, if you take a long-term view, the possibility that local government itself will change over a period of time and there could be fewer local authorities and, therefore, and you would have new boundaries there. So I don't think it's a huge issue of having to cross boundaries by local authorities.

Mr Farrance: The English experience is that, at the fourth review, the English Commission started to cross boundaries for the first time in the London boroughs. At the fifth review it needed to do so in respect of the unitary authorities in many areas. Some it could observe. The easiest way to look at is: what is the electorate of the area, divide it by the electoral quota, and you get its theoretical entitlement to seats. That may not be, and in most cases isn't, an exact number. Therefore, as soon as you apply a parity target the chances of having to cross the local authority boundary become much greater.

Q182 Eleanor Laing: But if there are 600 seats would you estimate that that might happen in maybe 20 seats or 50 seats, but it wouldn't be 300 seats, would it?

Mr Farrance: It's very hard to gauge at this stage how many seats would cross the boundary between two authorities, without doing the modelling on the figures.

Chair: Eleanor, I am going to have to stop you just to get a few more questions in. Tristram?

Q183 Tristram Hunt: In terms of this suggestion that one would take account of history, identity, geography and sense of place as much as possible but yet, ultimately, it comes down to the raw utilitarian numbers, can you give us a sense of that balance of how you are

going to try to take account of those competing forces?

Mr Buchanan: They are not competing, in the sense that one has an absolute position in the Bill and the other is entirely discretionary.

Q184 Tristram Hunt: So, this would be absolutely clear that if this Bill passes you will be under the straight legal obligation to go for this raw number and if we cross rivers, we cross mountains, we divide communities, you have a statutory obligation to do that and it doesn't come into your remit if that is divisive of traditional communities or identities?

Mr Buchanan: When you do constituency design there is almost always two ways of doing it, two or more options. You start with this absolute requirement that electorate must fit within a target range, but then you will probably have one option that crosses that river and another option that doesn't cross that river. So you end up weighing up two solutions that are satisfactory or unsatisfactory, to different degrees and in different ways, and the Commission will form a judgment on which of those it views is preferable, publish that as provisional proposals, listen to people's responses, which will often be positing the alternative that the Commission has already deliberated on, and then take the process forward from there.

Q185 Tristram Hunt: Will this involve a cultural change within your organisation, such that you now have this utilitarian impulse?

Mr Buchanan: No, because parity has always been there in the rules. It's just given primacy in the Bill in a way that hasn't been the case before, but it has been in the legislation.

Q186 Tristram Hunt: When you suggested that you would hope the public

would try to understand the process that you are going to go through and make their voice heard, what resources or what capacity is needed so that the public do get involved? There is this implication in your evidence, and in some of the evidence we have seen, that nasty political parties get involved and try to make you think things you don't want to think, whereas now we want the public to come and express their views. How is that going to happen?

Mr Farrance: Well, I would say that the Commissions have always wanted the public to express their views. I don't think it's a new thing.

Q187 Tristram Hunt: Now you have a longer time frame for them to do so, as I understand it, within the Bill. So, how are you going to encourage this? Do you have the resources to do that, or do you just hope it's going to happen?

Mr Farrance: No. At the last two reviews in England the Commissioners put together an information booklet to inform about the process, what the rules would require. I would anticipate a similar booklet for this forthcoming review. I would also expect the news releases that all Members here have probably received from the Commissions over the years in respect of reviews, to be as full as they ever were, giving explanations, again, about how the review process works. Of course, all of that information will be online.

Mr Buchanan: I think the other thing to say is that the Commissions don't see themselves as acting alone here, that the Commission's primary task is to carry out the review but the communication is often done through political parties. So, I think the onus comes back to politicians, and your organisations, to inform and to prompt people to make appropriate responses, responses that can be accommodated within the law rather than emotive responses that cannot,

unfortunately, be accommodated within the law.

Q188 Tristram Hunt: Finally, are you in charge of the naming of constituencies?

Mr Buchanan: Yes.

Tristram Hunt: Could I suggest to you that constituencies that have names “northeast”, “southeast”, “southwest” and “northwest” are very boring and do not promote identity or affection. You might want to draw on some of the historical and geographical affection for places. I would like to be MP for The Potteries rather than Stoke-on-Trent Central.

Chair: We will take that as an advance plea there. Naming constituencies after members of the Political and Constitutional Reform Committee will also be acceptable. Catherine McKinnell?

Q189 Catherine McKinnell: I wanted to follow on a little bit upon the line of questioning that Tristram was starting with there. I know you have explained that, in your view, or certainly there has been evidence to show, that change of this magnitude should happen in a big bang approach as opposed to incrementally. Do you have any concerns about the time scales that you are required to undertake this operation?

Mr Lewis: I don’t think the time scales for Wales are going to be too challenging. I think the reality is England, being the biggest area, has the biggest task, but for Wales certainly there is not going to be a difficulty.

Catherine McKinnell: So, can I direct the question to England?

Mr Farrance: The difficulty is what is unknown and that is the level of response. At the fourth general review the Commission received in the region of 40,000 representations. At the fifth general review it’s in the region of 29,000. We don’t know which way it will go next time. It may be that the public are

not as fully engaged as perhaps we would wish; it may be they find it difficult to put forward solutions that are different. A lot will depend on that. Taking a potential worst case scenario, based upon what is in the Bill in front of us, the initial view of myself and the Commission is that the timetable is achievable.

Q190 Catherine McKinnell: You explored with Tristram that you would probably also give the public information, but I imagine extending the period of consultation to 12 weeks and changing the format of it quite significantly will require much different, and probably much greater, resources in terms of dealing with written correspondence. Are you confident that those resources will be made available to enable you to do that?

Mr Farrance: Yes. We’ve been working closely with the Cabinet Office, the sponsor of our body, and we have a programme director who is assisting in terms of identifying the staffing levels we will require and the skill set. So, at this moment, we’re confident that we will be able to acquire the resource that we need. Time will tell.

Q191 Catherine McKinnell: Also in terms of time scales, the changes are going to be based upon the electoral register as at December. Your own reports have suggested that there are potentially 3.5 million voters missing from the registers. It’s not an Electoral Commission report that suggested that, but there have been reports that suggested that there are a significant number of potential voters missing from the registers. Is the Electoral Commission taking any steps at this stage to try to increase voter registration?

Mr Buchanan: An Electoral Commission question not a Boundary Commission question.

Catherine McKinnell: Boundary Commission, sorry; apologies. Obviously the two issues are linked, in terms of the timescales in which you are required to undertake the boundary changes based on an electoral register that is incomplete, but presumably this is not an issue that you given any consideration to?

Mr Buchanan: No. In that sense we're very much servants of Parliament and if Parliament tells us to use the electoral register from a particular date we will carry on and happily do so.

Q192 Mr Chope: Can I just ask Mr Farrance a quick one on the regional boundaries. Will there be any need to cross regional boundaries in England as far as you can tell?

Mr Farrance: At the moment it's not possible to say. In terms of regional boundaries you're referring to the boundaries in the 2002 European Parliamentary Elections Act?

Mr Chope: Yes.

Mr Farrance: Those of you who represent constituencies in England will be aware that the Commission has previously worked on a county by county basis and other allocated constituencies in that way. The legislation, as it will be amended, will require them to allocate three constituencies across the piece. I think if you do the mathematics, if you gave each county or London borough its entitlement, you wouldn't arrive at 503; you would arrive at quite a different number. So I suspect the Commission will want—in the first stage—to allocate constituencies on a regional basis. Once it has done that I would expect it to try to allocate constituencies to authorities independently—counties, London boroughs. It's at that stage that the Commission may identify a need to pair, i.e. where it will create a constituency across the boundary. I would imagine that will be the process but that doesn't necessarily mean that you have to create

constituencies across the regional boundary. But the Commission would not be blind to that possibility.

Q193 Mr Chope: Because of the absolute parity being required in terms of numbers and the constraints that is going to impose—just asking about England—have you worked out how many constituencies, by the time we get to May 2015, would exceed the parity boundary which would have been set based upon the registration figures for October 2010?

Mr Farrance: I cannot look in that crystal ball, I'm afraid. I would need to see the figures to be able to tell you, for each year from 2010. It's not possible to guess.

Q194 Mr Chope: So, that is something you would only be able to do in retrospect?

Mr Farrance: In retrospect, yes.

Q195 Mr Chope: At the moment, if my understanding is correct, it is possible for a Boundary Commission for the evidence to be taken that, for example, there has been decanting that has resulted in a depopulation of one ward, when the houses are refurbished and people move back, and there is planning permission being given for 1,000 houses and so on—those issues can be taken into account at the moment, is that right?

Mr Farrance: Yes. At the moment the Commission is not blind to growth or decline since the year it starts its review. However, many of the claims made have proven to be without foundation in the past.

Q196 Mr Chope: Finally, have you considered how this Bill might be amended to try, as far as possible, to accommodate the desire of the Government but at the same time to give you a little bit more flexibility?

Mr Buchanan: I don't think we would view it as being our place to set the policy in the Bill.

Q197 Mr Chope: For example, you could say that the absolute figure should be modified with these possible exceptions. Would that not be a possible reason?

Mr Buchanan: I think that is for you to decide and not us.

Q198 Chair: Final question from me is: it is strange at first sight that we measure constituencies by registered electors rather than people. Would it present you with enormous difficulties to base constituency boundaries on the number of people who are represented by the Members of Parliament? Members of Parliament—I have to speak from personal experience—probably have more casework from people who are not on the register than those that are.

Mr Buchanan: I think there are significant practical problems. One of the things that this country does not have is a precise and continuously updated register of population. Our electoral register is continuously updated and spring cleaned or autumn cleaned once a year, whereas our population is only precisely counted once every decade.

Chair: The same with Mr Farrance?

Mr Farrance: I wouldn't disagree with that answer.

Chair: I am very sorry. I have every colleague in fact indicating wanting to come back in to ask more questions. What we will do, if we may, is drop you a line with some follow-up questions from colleagues. If colleagues will now write down what was so desperate that they had to get in, we will do that. Thank you so much for attending today. We really appreciate your time. Thank you all.

Examination of Witnesses

Witnesses: **Dr Roger Mortimore**, Head of Political and Electoral Research, Ipsos MORI and **Dr Stuart Wilks-Heeg**, Executive Director of Democratic Audit, gave evidence.

Chair: Dr Mortimore and Dr Wilks-Heeg, nice to see you. Welcome. I think we are probably going to focus primarily on electoral registers in the 50 minutes that remain, and I am going to ask Sheila Gilmore to start off.

Q199 Sheila Gilmore: My question to begin with is about the unreliability of the registration system, and in particular the under-registration that there is of certain groups in certain places. It has certainly been my experience—and I have been involved in elections over a large number of years—that this seems to have become substantially worse, ironically at a time when some ways of registering yourself have become easier—you can go online and register at home. I don't think I have ever found it quite so bad as I have found it this year, in terms of going to some streets, some areas, where out of a block of eight flats there are perhaps only two households registered. This is a serious problem, so do you have any views about how we could take steps to deal with this, and how long it might take to resolve that problem?

Dr Wilks-Heeg: I'll take that first. There is no doubt that there has been a long-term decline in registration levels going over several decades. It probably started in the 1970s. There were two issues with the registers then and it's important to separate them out: one is the issue of the completeness of the registers and the other is the issue of the accuracy. Those two things often mirror one another but they are conceptually quite distinct. What we do know—from what we can piece

together, because there is a complete lack of research for the period between the late 1990s and about 2005—is the biggest drop happened in that period, between 2000 and 2005. Since then there has been some recovery. The registers have certainly stabilised, in terms of their completeness and to take into account population growth and the growth of the eligible electorate. They're not getting back to where they were in the late 1990s, however. So there does seem to have been this overall decline and we also know, very clearly, that the pattern of there being a big contrast between different parts of the country has continued and probably, although the evidence is difficult to really interrogate, the differences between areas has grown in terms of the completeness of the registers.

I think it is also important to add, though, that the registers decline in quality, in terms of accuracy and completeness, over the lifecycle of a register. So whenever you do an estimate, depending on the point you are at in the life of the register, you're going to get a different figure. The one thing that has helped with this problem is rolling registration, which has not been taken up by as many electors as it should be, but certainly that is an improvement relative to where we were before the changes introduced in 2000.

Dr Mortimore: I agree with all of that. I think the biggest single factor in terms of the register is simply outdatedness, that when people move house they don't always get on to the register very quickly. Although rolling registration has improved that, it is clear that a lot of people aren't aware of it and a lot of those who are aware of it are not taking advantage of it. Those who have recently moved are not getting round to filling in the forms every time, so they're still off on the second year, and you can see that the longer people have lived at their present address the more likely they are to be on the register. That is the biggest part of it. I guess part of the decline is the

social change that people are getting less and less prepared to fill out all the forms they get through the door every year and possibly, also, the ways in which social changes have made it more difficult to make sure that the councils have delivered the forms to every household.

Q200 Sheila Gilmore: Do you have any suggestions as to ways in which we might take steps to improve this then, preferably in a short space of time rather than a long one?

Dr Mortimore: Certainly not in the very short term. One of the clearest things is that the biggest driver behind why people do bother to register is either that they are politically engaged or that they feel that they have a duty to do so—they believe in the democratic electoral system—and that is something that has declined over the past few decades. In particular, if you look at whether people feel they have a duty to vote, that is almost universal in people above middle age. It's much less universal in people from the age of 40 downwards. That is clearly tied to people who, even if they're not interested in a vote, if they feel they have a duty to do it will still feel they have a duty to make sure they're on the register. For those who don't feel they have a duty—and that is probably not something that's going to change—it is all about engagement, about seeing the point of elections and why it is worth while being able to vote, and the wider problem of how you get people interested enough in elections to want to be on the register is the long-term point of it.

The other problem we haven't mentioned yet is that quite a lot of people who aren't on the register simply don't know they're not on the register. That's always obvious when it comes up to an election, you suddenly get people registering at the last minute; you get a lot of people turning up at the polling station and finding they can't vote. Clearly, there is a possibility

of at least a minor improvement through information campaigns, getting that message across, more effectively, that you need to check that you are on the register and you need to check regularly and you need to fill out the form every year to stay on the register.

Dr Wilks-Heeg: I concur with much of that. I don't think there is very much that can be done in the very short term to improve the register, if we mean by December 2010. It's too late. We're in the middle of the annual canvass and some local authorities are very advanced in that process already. It would be difficult to do anything at this very late juncture. However, we do know, very clearly, from the research that exists—particularly that from the 1980s and 1990s—that there are particular practices which Electoral Registration Officers can follow, which if they all follow, virtually to the letter, will maximise the annual canvass return, which is crucial, which then in turn maximises the completeness and accuracy of the registers.

In the 1990s that research was done annually and then was disseminated back to EROs to advise them very precisely how they should be undertaking the task. That very rapidly corrected the problem of the loss of electors which was associated with the community charge or poll tax in the early 1990s. So we know that things can be done. Times have changed since then, forms of electoral registration have changed slightly since then, but many of those lessons still apply. They are still very much embedded in the Electoral Commission's advice and guidance to Electoral Registration Officers and also in the Electoral Commission's performance standards framework. So those principles are still there. However, it would seem that there are certain local authorities where perhaps not all of this best practice is being used, but that is certainly, in terms of future canvasses, a key area to focus on.

Q201 Chair: I don't know if you heard my question earlier to the witnesses from the Boundary Commissions about why we register electors rather than people, since we are electing Members of Parliament, and Members of Parliament represent all people, regardless of party, registration, and indeed nationality, and I argued that in my own case, certainly, I had more casework from non-registered people than registered people, and I have checked on that. Why do we do register voters rather than people? Does that make sense?

Dr Wilks-Heeg: I think this is an important issue to raise. I would agree with the answers from the Boundary Commissioners. There is a problem using population figures because we don't have a population register and we obviously only get the accurate figures every 10 years—and there are questions about the extent to which the census captures the population. I think there could be a way—this would involve fairly significant changes to the Bill, I would imagine—of trying to at least take account of differential populations which MPs serve and which the new constituencies would comprise. If you look at the moment, there are some constituencies with well over 100,000 people in them, as many as 125,000 in some of the London constituencies, so in terms of casework that's a significant difference to what we would see in some of the smaller constituencies. So I do think there are grounds to look at this more closely, given the practice which has grown up over several decades of MPs—I don't need to tell you—taking on more and more casework and finding that this is a growing part of their role.

Chair: Andrew?

Q202 Mr Turner: Sorry, could I follow that up, because I wasn't quite clear what

you meant by your answer. The number of non-registered people presumably who should be registered, not those who should not be registered? We're not talking about Somalis?

Dr Wilks-Heeg: Well, clearly, Somalis can still go to their local MP, and I'm sure they do, and add to an MP's casework burden, but you're right to distinguish, yes. There is a difference between people who are eligible to be on the electoral roll and aren't, and then people who are simply living somewhere and not eligible to be on that roll. So yes, there is a distinction that needs to be drawn. At the moment we don't really have the data sophisticated enough to estimate the difference between those two groups of people. Hopefully, with some of the changes with some of the 2011 Census questions we'll be able to do that much more precisely.

Dr Mortimore: It's a particular problem in terms of information. We know exactly how many registered electors there are. We know, with some degree of accuracy, what the total population is, from the census and from the ONS estimates, but there are no figures at all for people who are qualified to be electors, in other words British Commonwealth and EU citizens. Those figures are just not available.

Q203 Mr Turner: One of the points you raise—it was Dr Wilks-Heeg who said this—the highest concentration of under-registration is most likely to be found in metropolitan areas; smaller towns and cities with a large student population; and coastal areas. Now, some of those are people who are bad at getting registered and some of them may be registered somewhere else. Is that a reasonable distinction?

Dr Wilks-Heeg: It is, particularly with students, clearly. Students can be registered in two different places: parental address and wherever they're studying. We don't know the extent to which

students do register in both places or not. Anecdotal evidence I have, certainly from Liverpool, is that many students choose not to go on the register in Liverpool, on the assumption that they're registered at their parental address. Likewise, with some of the coastal areas, but by no means all, there may be people who have second homes there, and therefore there would be a possibility for them to be registered in that locality as well. Again, we have no idea, because we still do not have the coordinated online register of electors first proposed in 2004, I believe. We don't know the extent to which these legitimate double entries on the registers exist.

Q204 Mr Turner: Is there any correlation between the size of wards—in my constituency there are 2,500 electors, and in Birmingham there are over 20,000—and sufficient feeling that one is involved, that one ought to get registered?

Dr Wilks-Heeg: I have never seen any research evidence on that. I would wonder whether there is likely to be a relationship. I think the main drivers of the difference in registration are who lives in those areas, not the size of the ward. So if you've got a ward with very heavy concentrations of private sector rented housing, very rapid population turnover, a high proportion of young people, a high proportion of people from particular minority groups, then you would expect the registration to be lower in that ward than a well settled ward with high levels of owner occupation, with people living there five, 10 years, and so on.

Q205 Mr Turner: Finally, what is the difference, if there is a difference, between England in general—perhaps there is no such thing as “England in general”—but England, Scotland, Wales and Northern Ireland? It was said that in Northern Ireland the number of people registered was over 100% of those people

present. I don't know whether that is true but have you had any information about that?

Dr Wilks-Heeg: Yes, it was one of the reasons for the Electoral Fraud (Northern Ireland) Act. There was a concern that there was systematic over-registration which was fraudulent, and there were ghost electors on the Northern Ireland electoral roll. That's one of the reasons, it's assumed, when individual voter registration was brought in in Northern Ireland, that we saw a very sharp drop in the registration rate which now stands I think at about 84%. As you say, I think it was previously over 100%. There is a difficulty calculating registration rates because of the unreliability of some of the population estimates and also the issues I referred to earlier about double registrations across electoral rolls, and so on. So we do occasionally find parliamentary constituencies in England, Scotland or Wales with registration rates over 100%. It's just a quirk of the statistics which comes up occasionally.

Mr Turner: Has Dr Mortimore anything to add?

Dr Mortimore: I don't think I have anything to add to that.

Eleanor Laing (in the Chair): Thank you, Andrew. The Chairman gives his apologies. He has had to go to attend to some urgent business of the Committee and he will be back very shortly. Stephen Williams?

Q206 Stephen Williams: Thank you, temporary Chairman. Can I come back to this completeness of the register. I remember when rolling registers came in they were meant to ensure the register was more complete and accurate but, from the evidence that you have both presented, that does not appear to be the case—or maybe it would have been worse without rolling registration. What improvements do you think could be brought about? I am about to move house,

and I'm pretty sure the BBC Licensing Authority, the energy companies and everyone else will catch up with me very quickly as to the fact that I have moved into a property, but it will be largely down to me to re-register myself at a different address. Is there a process that needs to be changed, do you think?

Dr Mortimore: I think it's true, and it's probably a little bit wider than just the moving house issue. It's perfectly practically feasible for there to be much greater cross checking of different administrative records to find out who are the people who are existing or not on the register. Clearly there are legal issues to that, there are moral issues of privacy to that, and there is a possibility that a part of the population would be seriously alienated by that being done. It would be a big decision to decide that you wanted to do that, but clearly that possibility is there if it was decided that it was a good thing to proceed with.

Q207 Stephen Williams: One of your comments mentioned the poll tax situation in the early 1990s and the effect that that had on under registration, particularly amongst younger people. But I run into quite a lot of people who, when I discover they are not on the register, say, "Well, I registered for council tax, as it now is, and I assumed the council would therefore put me down on the register." That is almost a reversal of the poll tax problem. Is that not a simple process that could be reformed?

Dr Mortimore: Yes, I think it is a very simple process and, you're right, we found that a lot in our research that people say that they expect that it will happen, they can't understand why it doesn't happen.

Q208 Stephen Williams: Can I come back to what Andrew's question was about, double registration? I represent a university city and at every election I

come across people who say they are voting for me. The trouble is they are doing it in Hampshire rather than in Bristol, and seaside towns were mentioned as well. I am registered—I am sure we all are—I have voted in London elections before as well as Bristol elections. Is it right that people should be able to continue to have dual registration, if not the dual exercise of that franchise?

Dr Wilks-Heeg: I think at the moment we have no option other than to allow that, given that those people won't necessarily know where they're going to be when the election is called, and where they'll be on the actual day.

Q209 Stephen Williams: We have postal voting, don't we?

Dr Wilks-Heeg: We do. I suppose that would be one safeguard against the problem, but it adds an issue of complexity into it for the elector. What would obviously help is if we did have this co-ordinated online register of electors, and yet we still don't. The fact that people are able in certain categories to register in some places does open up the possibility that they do vote in two places. There are anecdotal stories, and so on, that this happened in the 2010 general election. I have no idea on what scale. So I think it probably is something that we would want to tighten up in the system of registration, as part of the broader agenda of introducing individual registration and getting a co-ordinated online register of electors.

Q210 Stephen Williams: Can I just have one final question about this coordinated online registration which I think you said was first proposed in 2004? I had not heard of this before. Why has that not been introduced? Is it inertia, resources? It is not any Government's policy? Who suggested it back in 2004?

Dr Wilks-Heeg: I think it was announced by Nick Raynsford to the House of Commons in January 2004, when he was the Minister responsible. I think it's a long story and you probably have to get into a discussion with the relevant civil servants and the Electoral Commission about it. I think part of the problem was that neither the MOJ nor the Electoral Commission wanted to be designated as the keeper of this online co-ordinated register. I think there were also technical problems which bedevilled it, because different local authorities use different software and there was a big problem to make sure these could be standardised in some way, and ultimately all of this slowed down progress significantly. That was my understanding.

Chair: I am about to ask colleagues to speed up a little if they wish to get to the end of the questions. Eleanor?

Q211 Eleanor Laing: I can give a point of information to Stephen Williams and the witnesses on his last question. I was one of the signatories to the amendments to the 2004 Bill which proposed both core and individual voter registration. At least we now have individual voter registration. But that is only a point of information. It is a pity it wasn't brought in before. But will individual voter registration improve the situation?

Dr Wilks-Heeg: Yes, in terms of accuracy it should do. Whether it will in terms of completeness for the register is quite a different question. I think there is a danger that those two things are being conflated in much discussion. If we look at the experience in Northern Ireland, the register there now is estimated to be, I think, 84% complete and 94% accurate. Now that's a big contrast and I don't think we would be willing to accept—across the UK as a whole—a registration rate of 84%. So we know that it could impact. The Northern Ireland case is very

complicated and it's very difficult to derive precise lessons from that, but I think it is instructive to make a comparison with that.

In terms of the accuracy of the registers, I think individual registration would clearly help to make sure we remove ghost voters from the rolls. We don't know how many there are. We know there are likely to be some—people who simply don't exist. It will be clear that they don't have a National Insurance number, etc, and that will deal with that problem.

In terms of other ways in which we would need to clean up the registers, individual registration probably only goes so far. What will be critical is the extent to which electoral registration officers can access other data sources and what data sources they do access. So, for example, if they access information on passports or addresses held by the DVLA, or something like that, and only certain people have driving licences, that is only going to take you so far, and there may be, obviously, technical and legal issues about accessing that kind of data in any case.

Likewise, in terms of eliminating the problem of electors being registered simultaneously in different places when they're not supposed to be. Again—as the legislation proposes—you would need to supplement it with CORE (Coordinated On-line Register of Electors), otherwise you simply can't know whether you've got voters registered in multiple different places. So there are several things which need to be added in and, crucially, the annual canvass will remain very important in terms of updating the registers every year to make sure they're complete and accurate.

Q212 Eleanor Laing: I am delighted to hear you say that, because it is roughly what I said in 2004. Perhaps they will listen to you.

Just taking forward the point about other sources of information, my understanding is that that would require changes to the law on data sharing and data protection but from the evidence that you have gathered in your studies, would you advocate that as a good idea? We're all in favour of data protection, but is there a balance to be achieved? Should local authorities be able to use even their own records, for example, their housing benefit records, to check on their registration records?

Dr Wilks-Heeg: They do that kind of thing already to a significant degree and in fact EROs do have quite significant powers, in terms of being able to request information from other sources. Some of them choose to use it; some of them don't. Some of them say they have difficulties accessing that information because of their own fears and also the fears of other bodies about data protection. But certainly, EROs at the moment routinely are—or at least they should be—looking at things like council tax records and other records held by the local authority. They should be getting notices from the Registrar of Deaths, and so on. I can't think of a local authority that doesn't do that. They also have the capacity to request information from registered social landlords, even private landlords, residential homes, universities, university halls of residence. The extent to which they currently do this varies enormously, and that is the crucial point, I think.

Q213 Eleanor Laing: Thank you. One quick last question: have you made any distinction in your assessments between people who have failed to register because they have moved house but they'll do it the following year, and it was a mistake, and they will catch up, and those who deliberately decide they will not register because they don't want to be registered?

Dr Mortimore: I don't think it's possible to draw a hard line between them. There are a small number, undoubtedly, who are absolutely determined they will not register because they're hostile to the process, but a far bigger proportion who don't register because they don't care about it, or don't care much so they might get round to it but they haven't got round to it yet, which goes on year after year after year. Of course, if you just ask people, as we do in our surveys, you don't always get a straight answer. They won't necessarily want to admit that they're not intending to, they would rather say, "I will but I haven't got round to it yet." So I don't think you can clearly distinguish one from the other.

Q214 Simon Hart: Let us move away from registration for a second. In your evidence, Dr Wilks-Heeg, you say, "The Bill has been introduced with much haste, militating against expert consultation, proper pre-legislative scrutiny and informed debate, both within and without the Houses of Parliament", which is quite strong stuff. The first part of my question is: what do you believe the consequences of that are for voter engagement and getting a piece of legislation which has voter interest rather than party political interest? That is my first question. The second part is this: we heard the Boundaries Commission evidence. You were here for that.

Dr Wilks-Heeg: I was here.

Simon Hart: Yes. One or two things struck me, one of which is the enthusiasm with which they are looking forward to this task; they can't wait to get stuck in. Then of course theirs is a logistical problem—some of our problems are rather more political. They advocated a sort of "big bang" approach and if we connect there your comments, your lack of pre-legislative scrutiny concerns with the idea of "Look, just let's charge down the door and take the pain"—and they

blame that on the fact that people are just basically against change in whatever form it comes, whenever it comes. Do you think if there was satisfactory pre-legislative scrutiny, the change would be more graciously received because people would think a proper process has been gone through and evidence has been properly considered, and in those circumstances a big bang is fine, after a proper process of preparation? Sorry, a long question. Do you get my drift?

Dr Wilks-Heeg: I'll try to answer it as fully as I can. Perhaps it does seem like a strong statement but I assume this Committee would agree—I can't speak for all of you, obviously—that there has been haste in bringing this Bill to Parliament and that that has restricted the scope for pre-legislative scrutiny. I don't think there's any doubt that that's the case.

Chair: I don't think there is any disagreement here.

Dr Wilks-Heeg: Yes. Allied to that is that, this is also a very big and ambitious undertaking. We've heard that all of the boundaries of every existing constituency are likely to change. I don't think that has ever happened before. We've never reduced the House of Commons in size before, in terms of number of MPs, without taking out a chunk of the UK as we did with the Irish MPs, obviously after partition, or I think there was another change when the university seats came out, and that was a reduction. So reducing the number of MPs is quite a big deal in historical terms, and I still haven't heard a convincing rationale of why we should go for 600. I do think that number seems arbitrary and I do think it raises issues about the balance between Back Bench MPs and the Executive and, in light of recent reforms of the House of Commons, I think that should be considered in the round. So I think there are a number of issues there we need to look at.

In addition, in terms of the timetable for this review process, two very significant things are going to happen once the Boundary Commissions have started their work: one of those is that we'll have the 2011 census, which will give us a unique opportunity to look at the completeness and accuracy of the registers in a far more thorough way than we usually can. It happens once every 10 years. The second thing is that we're told we're going to have an accelerated introduction of individual registration, which we can project will have significant impact on the number of registered electors in different constituencies and at the levels of England, Scotland and Wales. So there is a lot going on in this period which I feel is not being looked at in the round, in relation to what are very big changes.

Chair: Dr Mortimore, any comments?

Dr Mortimore: Perhaps just one point on the census. It is undoubtedly true that checking the registers against the census is the best we can do, and it's worth doing and should be done when it become possible, but the census itself of course is not perfect. There are significant numbers of people these days who don't get on the census. I think, from memory, the official response rate was in the low 90s last time, and there were some London authorities with under two thirds response, even that ONS admitted—and some of those took action because they thought they were still under counted. The census figures, the counts that were put in each area, adjust for that and try and get the population right, but in terms of having the perfect list of names even the census isn't perfect, and of course the sort of people who don't get on the census, or don't want to be on the census is exactly the same sort of people who don't want to get on the register. It is the best that can be done, in terms of checking the register but it's going to be a long way short of perfect because what you're comparing it with is also short of perfect.

Q215 Mr Chope: I was fascinated by Dr Wilks-Heeg's analysis of all the powers that EROs could have to check the register, but don't necessarily use at the moment, and I wonder whether he could put in a memorandum to us exactly what those powers are, the source of those powers in law, and what other powers could be used that are not yet available because of data protection or other legislation? The other point I was going to ask was whether he believes that we should move towards a system of registering people as residents, because if we registered the residents we might be able to get a more accurate relationship between the resident population and the burden of Members of Parliament, which I think is an argument that has been put forward against this Bill?

Dr Wilks-Heeg: Certainly, in terms of providing a memorandum, I would be happy to do so.

Registering residents: obviously this would be the norm in continental European countries, where people usually have to register with somebody when they move into an area, and most people do. It would have a number of advantages, in terms of understanding patterns of electoral registration eligibility, and so on. However, we also know that this is likely to be resisted. In previous years, there would have been concerns about the relationship of any such agenda to the introduction of ID cards, etc. So I think at some point we are going to have to revisit this question. Hopefully a way can be found in which it can be sold to UK citizens in a way that doesn't encounter so much concern and resistance. Certainly in some European countries there are obvious benefits that you get from registering, which is one of the reasons people would do it, aside from the legal requirement to do so, of course.

Q216 Mr Chope: At the moment, quite a lot of people, for example, if they want to register with their doctor, have to establish that they have a residence; if they want to get credit, they need to establish that they have a fixed residence. What surprises me is that, with those increasing pressures, we haven't seen an increase in registration as a result, even though they are registered as electors.

Dr Wilks-Heeg: I'm not sure I quite follow.

Mr Chope: Well, at the moment if, for example, you want to get registered with a doctor, you need to establish that you are living at a fixed address, and one way of doing that is to show that you are on the electoral register. Similarly, if you want to get a bank statement or you want to take out a new bank account, you need to produce some evidence that you are living at the place you say you are, and the electoral registration is used as corroboration for that, and because of the usefulness of the electoral registration as a corroborating factor, I am surprised that more people are not registering.

Dr Wilks-Heeg: I see your point. We have no research evidence on this, so this is completely speculative, but it probably is the case that the fact that electoral registration is used by credit reference agencies has helped keep registration levels up from where they might have been otherwise. There is a debate there whether the register should be used for those purposes, but I think it probably has that effect. However, and this is one of the things which was discussed in the Electoral Commission report on electoral registration, it is theoretically possible—we don't have any clear evidence—that people who might be in debt and seeking to avoid detection from debt collection agencies may also take themselves off the electoral roll, as they did in relation to poll tax avoidance, and given the increasing levels of personal debt, and

people defaulting on it, this could be serving to depress registration levels slightly in some areas. But you would need further research on that, because it is a speculative thing that I am advancing there.

Q217 Chair: Just to pick up on the first point that Mr Chope raised, from my experience the personality and the energy of the Electoral Registration Officer matters immensely, from someone who just does what they have to do to someone who is very committed to try to get democratic engagement. Isn't it rather unusual that there is this sort of laissez-faire view about one of the most important things that we have in our democracy, which is the right to vote, and shouldn't there be a bit stronger sense of direction from the centre to make sure there is a rather more even and high level of capability from Electoral Registration Officers?

Dr Wilks-Heeg: I'm not sure it's quite fair to describe it as "laissez-faire", and certainly the Electoral Commission I think does what it can, within the existing legislative framework, to check what EROs are doing, whether they're following best practice, and to follow that up where they think there is a serious cause for concern. My feeling is that they increasingly do follow it up where they think there are concerns. I think the key issue is: we're bound to get variation because we have so many Electoral Registration Officers. It's a highly localised system, so there are clearly going to be differences. It will partly be about how the ERO approaches the task; it will partly be about the skills that they bring to the job and it will partly be about how they're resourced. There is no ring-fenced funding for EROs. Some of them are far better resourced by their local authorities than others, and that can make a very significant difference, particularly when it comes to this crucial thing of

personal canvassing. At that stage where the postal canvass has not yielded a response from everybody and people go round and knock on doors to get the forms back, if that is not being resourced that can make quite a significant difference; maybe five, maybe more, percentage points on the registration level.

Q218 Chair: A final one from me and I think from the Committee as a whole. Some hold that there is a de-politicisation going on at local level, that politics is now conducted at the national level, often between the media and Downing Street, at one extreme, and that the parties are more of a hollow shell than they have ever been in terms of local activity. We are seeing, with the local inquiries disappearing and not taking evidence from political parties in open session, one sliver of evidence that that might be the case, but also, if a boundary is settled after the next round, is it not incumbent upon political parties to keep the level of registration exactly as it is rather than recruit extra people—which is what many parties do, and certainly my party tries to get people on the electoral register, which is very low in my constituency—keeping it as it is rather than improving the levels of democratic participation, because you would be inviting a further review of your expanded constituency?

Dr Mortimore: I'm not sure it's going to work like that, because each constituency isn't viewed in isolation. If the constituency next door gets an extra 10,000 people on the register your boundary is going to have to change as well. There is a knock-on effect through the whole system.

Q219 Chair: They won't do it either, will they? We'll all try and go pat on "This is it, let's try and keep the stability in the system now."

Dr Wilks-Heeg: It's an intriguing question and I've long argued that—I think this lies partly behind your question—the slow decline or perhaps fast decline of political parties, in terms of canvassing at election time, and so on, that has lost a kind of check on the registers in terms of keeping them complete and accurate, and I think there is obviously a danger that that could continue. Whether political parties and candidates might pursue this as a kind of rational strategy—I think that's quite speculative. I think it would be difficult to know how anybody could try to manage that process. Given that there are so many factors which impact on electoral registration, I don't think it would be possible for local parties to try and manipulate it in that way, so I wouldn't be particularly concerned about that.

Q220 Chair: Thank you very much. Would you like to sum up, in terms of anything that you wished you had been asked but weren't or particular points of emphasis that you'd like to leave with the Committee on the whole field of registration? Dr Wilks-Heeg?

Dr Wilks-Heeg: I think I've had the opportunity to cover most areas. I think what I would probably want to reinforce is that there are very stark contrasts emerging in registration levels in different parts of the country. We'll know more about that after the 2011 Census, and I do think it would be preferable if we were in a situation where that detail could be fed into this very important boundary review process.

Chair: Dr Mortimore?

Dr Mortimore: Yes, I think all I would add is that we are still in rather a state of ignorance at the moment. We do not know a great deal about the state of the registers. We've tried to find out what we can, but a lot of this is educated guesswork.

Chair: Thank you very much for your time this morning—fascinating evidence. Thank you so much indeed for coming along.

Oral Evidence

Taken before the Political and
Constitutional Reform Committee

on Tuesday 14 September 2010

Members present:

Mr Graham Allen (Chair)

Nick Boles

Mr Christopher Chope

Sheila Gilmore

Simon Hart

Mrs Eleanor Laing

Catherine McKinnell

Sir Peter Soulsby

Mr Andrew Turner

Examination of Witnesses

Witnesses: **Jenny Watson**, Chair, **Peter Wardle**, Chief Executive, **Lisa Klein**, Director of Party and Election Finance and **Andrew Scallan**, Director of Electoral Administration, Electoral Commission, gave evidence.

Q221 Chair: Good morning. Thank you for coming. We look forward to hearing what you have to tell us about the matters before us. We are labouring under the difficulty of having to move extremely quickly. We have made this point over and over again on the Floor of the House. We are delighted that we have you this morning for a couple of hours. Would it be helpful, Ms Watson, if we gave you the floor and let you just make some preliminary remarks and then colleagues can jump in and ask questions?

Jenny Watson: That would be very helpful.

Chair: Fire away. Perhaps you can just introduce your team first.

Jenny Watson: May I start by thanking you for the opportunity to come and talk to the Committee? Alongside me we have Peter Wardle, the Electoral Commission's Chief Executive, Andrew Scallan, who is Director of Electoral Administration and Lisa Klein who is Director of Party and Election Finance. As you know, the Commission is the body that is charged with conducting referendums held under the framework established in the Political Parties, Elections and Referendums Act 2000, but it is for Parliament to decide whether there is a referendum and it is for voters to decide the result. We have developed a set of key principles that should inform the way in which referendums are run. You have that in our written evidence.

It is likely that we will talk specifically today about the Bill before the House which is on a referendum on the voting system. It is particularly important that everyone participating in and commenting on the referendum understands that the Commission has no view, nor ever has had any view on the proposed change to the parliamentary voting system, and nor do we comment on other constitutional issues such as the length of a Parliament or the boundaries on which parliamentary constituencies are based. I say that because there are things that you may ask us about today which we may not be able to comment on. I hope that you will understand when I make that clear.

Our powers and responsibilities relating to referendums are set out in our written evidence and we have published our approach to all of this over the last year to make the referendum process more transparent. I thought it might be useful to confirm now that I will be the Chief Counting Officer responsible for the conduct of the referendum and ensuring the accuracy of the overall result. I will work

with a network of Regional Counting Officers. There will also be a Counting Officer in each local authority within the referendum area and in addition I intend to appoint a Deputy Chief Counting Officer from within my board as soon as the legislation allows me to do so.

Just a short word on our preparations to conclude this statement and before we take any questions: we are working closely with the Government to identify and mitigate any risks that might prevent the smooth running of the referendum, and you will see from our submission that we have identified issues that need to be addressed in the legislation, particularly provisions to combine the referendum poll with the polls for elections which are scheduled to be held on 5 May next year. While at this stage we are confident that these issues can be resolved, we will not hesitate to tell the Government and Parliament if we believe that they have not been adequately addressed as the Bill progresses. At this stage, if I were to characterise our position, it would be say that we are as ready as we can be but that the timetable is tight. We won't be able to give the green light until we are confident that the Bill has been changed to make sure that everyone who goes to the poll on 5 May can cast their vote safely and easily whether it is at an election, at a referendum, or both. I am in your hands for questions.

Q222 Chair: Thank you very much. I have one perhaps curious question. Just looking at the background of your colleagues, who are all very technically and legally capable, is it part of your mission to excite people about what is coming next May and in a broader sense about elections and democracy, or is it to take purely a functional view—almost a quasi-civil service view—of how elections are run?

Jenny Watson: Our role is as a regulator. Parliament set up that role very clearly. Indeed, it has made changes to our remit

around the promotion of public participation to make us more clearly focused as a regulator. If you were to ask any of us why we work at the Electoral Commission we would say it is because we believe that democratic politics is really important. We are lucky enough to live in a country which has a strong tradition of democratic politics. We also recognise the role that political parties play in supporting democratic politics. After all, you can't choose at an election unless you have some competing manifestos to weigh up and choose from. So we work where we do because we are passionate about that, and of course in the public information that we will provide for voters about the referendum, we will tell them how they can participate. But there is a point where we look to you and to those who will be campaigners in the referendum to engender some of the excitement and to drive up turnout by producing and promoting inspiring policies and candidates.

Q223 Chair: I was a little surprised to read in the evidence you sent us that you already feel that the Bill needs to be amended, particularly around the combination provisions. It is probably not a secret that the Committee feels that there hasn't been enough time to prepare, and certainly not enough time to have proper pre-legislative scrutiny. Are there other places in the Bill where you feel more work is needed? Even though Second Reading has only just taken place, we are looking at preparing amendments—in some cases quite significant—to the Bill itself. Do you feel you have had enough time to be consulted and to prepare yourself for this benchmarking?

Jenny Watson: We have set out very clearly in relation to our statement at Second Reading the areas where we think that more work is needed. We have been very clear about what needs to be done to achieve a successful referendum. The rules

need to be clear six months in advance so that everyone can prepare. We need Government to support the Commission as it works with those who will help us administer the process. Another area that we have highlighted in that briefing concerns the types of materials that voters will use when they go to the polls, because there are a number of different elections taking place on that day. There is more to be done there. Both Andrew and Peter may want to say a little more about that.

Andrew Scallan: I think the briefing in the draft summary is where we are with it.

Jenny Watson: We can give you some practical examples of what that might mean, if that is helpful.

Q224 Chair: Please do.

Andrew Scallan: We could look at the combination example. If the law isn't amended to allow for combined polls as distinct from separate polls held on the same day, it would be necessary to have separate polling stations for each event that takes place. So if you imagine your typical school hall with a polling station, which may be a table with two members of staff sitting behind it, there would need to be a table for each event that is taking place on the day. Notices would be about each separate event. We would look for an opportunity to present material so that when a voter enters a polling station they will have a clear message about what event or events are taking place on that day.

Jenny Watson: That is also the case in relation to postal ballots, where it is possible that voters may get more than one postal ballot. Again, without more ability for us to have a little bit more power to direct the content of those notices, it is possible that when you open your postal ballot you are going to have separate ballots for each election and possibly separate instructions for each election.

Q225 Chair: And these things were not in the original Bill and were not prepared for adequately?

Jenny Watson: I said in my opening statement that we're confident that they can be addressed. We will come back to Parliament if we think that they cannot be addressed.

Q226 Chair: But they are being addressed because they are omitted at the moment from the initial Bill?

Jenny Watson: They are not in the legislation at present.

Q227 Chair: Are there other examples? You said the combination voting and postal voting were not addressed in the original Bill. Are there other things that are omitted that need to be put right, otherwise the referendum doesn't go ahead?

Jenny Watson: Those are the main things. Just to be clear, the rules addressing combination are not in the Bill. Once those rules are there—I hesitate to use the word “straightforward”—it is then a relatively straightforward process for us to be able to make sure that the thing can run properly.

Q228 Chair: I am tempted to ask a very leading question, which you may choose not to answer. Frankly, had there been an effective 12-week process by Parliament to look at the original Bill, wouldn't those things have been picked up by us rather than waiting for you and others to have to amend the Bill? Does Parliament have a role in doing this sort of stuff?

Jenny Watson: I would start from a different place, if I may, which is to say that had there been a session of pre-legislative scrutiny, we would have wanted to have some kind of ability to provide briefing on that in exactly the same way as we are providing briefing for Parliament now as the Bill goes through.

Q229 Chair: Okay. One last technical thing from me, although I should know this: are the results declared by constituency?

Jenny Watson: We are still working through. Peter might want to say a little more about how we are doing that, with the network of Regional Counting Officers, and precisely how we will go about declaring those results. As a principle, we would want the result to be a UK result when it's declared, rather than being released in dribs and drabs. There is a Counting Officer for each local authority area. Do you want to say any more about that?

Chair: Yes, declaring the result is one thing, but having the information available on a localised basis—after the poll—is obviously another matter.

Andrew Scallan: It is going to be different in different parts of the countries. In England, it will be based on local authority areas; in Scotland and Wales, it will be based on the parliamentary and Assembly constituencies.

Chair: Mr Wardle, do you want to add anything?

Peter Wardle: No.

Q230 Mrs Laing: Good morning. The issue of the combined polls concerns many of us. May I ask a couple of questions to clarify the Electoral Commission's position?

In 2002, the Electoral Commission, in advance of possible referendums that might have taken place, said: "Referendums on fundamental issues of national importance should be considered in isolation." I understand that the Electoral Commission then went on to say: "Holding a referendum implies that there is a constitutional/important issue being put to the country. It is preferable that the issue

being debated is subject to as little 'interference' or influence from other ongoing activities, such as general, regional and/or local elections. For example, shifting attitudes towards political parties, their relative un/popularity of the day, may have a greater impact on the referendum result than feelings or knowledge about the issue at hand."

It seems that when these matters were considered in 2002 the Electoral Commission was pretty clear that there was a danger of distorting the result if you held a referendum on the same day as other elections. Has the Commission changed its position on that?

Jenny Watson: I am grateful for the opportunity to set out the process, so forgive me if I take you through that from the beginning.

Last year, the Commission started to prepare for a referendum which we thought could be about to happen in Wales, on the powers of the Welsh Assembly Government. As part of our preparation, we started to look at every aspect of what we would be required to do in a referendum—refreshed, updated and made sure that we were prepared.

As a result, we looked at a number of things, such as how we would approach the testing of the question and a number of things in relation to a referendum. One of the questions that we looked at was our position on combining a referendum with other elections that would take place at the same time. We went back to the international evidence and the international standards to look at what that told us about combination and the impact on the voter—after all, that is where we always start, with the impact on the voter.

Having done that, we concluded, after considerable discussion, that the evidence was not conclusive enough to support a position that said, "You should never

combine a referendum with another event.” So, we adopted the position last November—which we published—that we would consider each case on its merits. There may well be cases in which we would consider a proposal for a combination of a referendum and another poll but would say that it was not suitable to go ahead—that it was not acceptable. But there would be other cases in which we would say, “Yes, we think this can be done. There are risks, but here is how they can be mitigated.”

That is the process we went through, which then meant that when we came to look at this particular proposal we were very clear about what we were looking for. We were looking for any risks that we thought existed and seeing if they could be mitigated. On balance, we think that there are benefits from combining, not least because you do not have so much voter fatigue, which would be the case if you didn’t combine. Therefore, given that the evidence is inconclusive and there is not enough evidence to support an in-principle position, we will now approach things on a case-by-case basis.

Q231 Mrs Laing: That is very helpful, thank you. I appreciate that the Electoral Commission cannot take a position, and that you are remaining neutral and giving advice. However, would it be wrong for me to say, as a Member of Parliament, that the Electoral Commission took one position in 2002 but that it has now looked at evidence and the position is inconclusive? As a matter of practicality, is the evidence that the Electoral Commission has examined in that respect available? Is it published evidence?

Jenny Watson: It has been made available. I must correct one of your points. You said that we remain neutral. That is not the case. If we felt that a proposal for a combination was unwise, we would say so. To give an example—and I cannot say that

this would have been the Commission’s position—in 2003, there was the second election for the Scottish Parliament. Had we a proposal then, in the situation where we now are, taking each case on its merits, we might well have ended up in the same position. We might have said, “Actually, this is a not a very well-established institution. Perhaps this is not sensible.” The situation that we are in now is very different. The Scottish Parliament is an established part of the political firmament in Scotland and, having looked at that on its merits and in the light of the evidence that is inconclusive about combination or not, we see no reason not to combine.

Q232 Mrs Laing: So it is no longer the case that, as the Electoral Commission said in 2002, that shifting attitudes towards political parties and their relative unpopularity or popularity on the day may have a greater impact on the referendum result. I appreciate what you say about the establishment of the Scottish Parliament. One side of the equation is the effect that the referendum will have on the Scottish, Welsh and other elections on that day but, turning it the other way round, is it now the opinion of the Electoral Commission that other extraneous political issues that arise on the day of the referendum will not have an effect on the referendum because, in 2002, the Electoral Commission clearly thought that they could affect the results of a referendum?

Jenny Watson: I don’t think that I can be any clearer than I have been. We would consider each proposal on its merits. In that case, we were considering a proposal to hold a referendum on the same day as elections to the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly and a whole range of local government and, indeed, parish council elections as well as potential mayoral elections. We considered in that circumstance and, given the evidence that

we had, that it was possible to combine, but that there were risks that could be mitigated. That would not be the case for every proposal that was put to us.

If a proposal was put to us, for example, that coincided with an administrative change in the way of running elections, we might well conclude that, in that situation, it was too risky and we would not support that combination. It is looking again at each proposal afresh and considering the situation in which we find ourselves rather than taking an in-principle position that there should never be a combination. It is that which the evidence does not support.

Q233 Mrs Laing: That is very helpful, thank you. Can I just follow that up on the differential turnout throughout the country? The turnout in national elections in Scotland and Wales is normally very considerably higher than the normal turnout in local or parish council elections, which will take place in England. We know that on the proposed day next year a large proportion—about 84%—of English voters will be entitled to go the polls, but that their turnout would normally be under 30%, whereas it could be possibly twice that in Scotland and Wales. Is there a danger that there might be a differential turnout for those who vote in the referendum, and would that put the results in question?

Jenny Watson: I don't believe that it would because it is for the campaigners to excite the turnout. I am sure that if they present an exciting campaign, they will excite the turnout. Obviously, one of the things we considered was the impact on turnout and the question of voter fatigue. It is equally possible that if you ask voters to go to the polls, as indeed voters in Wales would have been asked to do on three separate occasions in perhaps a short time, there would be questions like that all the way around the piece. So we considered it and our view was that it is possible to

combine. Clearly, there is a need for good public information to inform people about the fact that there is a referendum. We can say a bit more about that in due course.

Chair: Simon, just come in on this one.

Q234 Simon Hart: It is a brief one connected to what Eleanor Laing has just said. You mentioned Wales. As you hinted, there is a referendum on certain parts of the Welsh Assembly, which is likely to be held in March. Is there a particular reason why that is not being held on the same day? It seems to me, from what you have said, that it is perfectly possible; it would be cost-effective. What advice did you give to the Secretary of State for Wales in relation to choosing that date?

Jenny Watson: We do not select the date for referendums and the date is not a subject on which we have been asked to advise the Secretary of State.

Simon Hart: You have been talking about whether combinations work or not. What I am trying to ask—

Jenny Watson: If the Secretary of State were to ask, "Could you give us a view on combining, holding the Wales referendum on 5 May", then we would consider that and give a view.

Q235 Simon Hart: Is it possible to give us a view as to whether you think it would be possible or, indeed, even advisable?

Jenny Watson: I would not want to do so without consulting my board, actually—if you will forgive me.

Chair: That's fine. It might be useful if you dropped us a note, saying that the Select Committee has raised this issue and discuss it with the board, and perhaps give us some tentative advice, since it has not been raised with you by the Secretary of State. That would be helpful.

Q236 Mr Chope: Can I ask about the referendum question? You said that you are going to advise everyone about the intelligibility of the question. When is that going to be done? The Bill will be in Committee as early as 12 October. Obviously, if people were to put down amendments in the light of your views on the intelligibility of the question, they need to feel that they have the proper and latest information to enable them to do that. So when will you be able to produce your result on that?

Jenny Watson: That work is ongoing at the moment. I apologise for not being able to tell you the results of that today, but we will make sure that you receive the report. I would expect that we would be reporting within the next three weeks. You will have it before Committee stage.

Q237 Mr Chope: It is not just a matter of having it before Committee stage; it is matter of having it in sufficient time for people to be able to consider it and put down amendments in time for the Committee stage. It would be wonderful if you were able to tell us today that you have set a target date and that that is the date you are going to deliver, because then we would know how we could look out for it.

Jenny Watson: We expect to have the report published by the first week of October.

Chair: To explain how our arcane bureaucracies work inside the House, we need to give two working days' notice of amendments. Therefore, we would need to know this week in order to place amendments on the amendment paper for the first Tuesday back after our party conference break. That does not seem as though that is going to be likely.

Jenny Watson: That work is still ongoing, so it is a very—I appreciate that for

parliamentarians that that is a difficult situation. We have tried to do it as quickly as we can.

Q238 Mr Chope: But you say you are going to do it. In fact, you would be able to put down amendments in the first week of October in time for 12 October. You say you would do it by the first week of October, but the first week of October begins on Monday 4 October, if my calendar is right. Obviously, if it was produced on Monday 4th, we would have time, probably, to put down some amendments. But if it was produced on the Wednesday or the Thursday of that week, we would not be able to. So could you set yourselves a target of doing it by the previous Friday, which would be Friday 2 October? Could you commit yourselves to doing that, because it doesn't seem to me that it is rocket science, really, to do that?

Jenny Watson: It is quite a long process to do the voter testing and then we have to make sure that what we recommend is based on the evidence from the voter testing. So it is not quite perhaps as straightforward as it may first appear. Peter, you are indicating that you want to come in.

Peter Wardle: The first thing to say is that we have always planned to report by the date you mentioned, Friday 2 October. If we do this, then we would have it with Parliament. If we say the beginning of October, we mean by the beginning of October.

Mr Chope: So Friday 2 October is the date.

Peter Wardle: If I could say a word about why it takes that long and why—

Chair: Mr Wardle, if I can just maybe help. I think it would be extremely useful. You have heard the views of the Select Committee, in terms of our timetabling.

There are some differences of interpretation about how the House would deal with this matter. Maybe we could get the Clerk to speak to you, when he has taken some advice, and also to Mr Chope, and copy in the Members, to find out what the best time would be to give you the maximum time, but to give us time to put amendments in as appropriate.

Jenny Watson: I would be very happy to do that. That would be helpful. If you want to get a sense of what the process looks like, you can obviously look at our report on the question testing of the Welsh referendum question, which sets out in some detail what we do and how we do it, so at least the process will not be strange to you when you see the final report.

Chair: And just to make matters more difficult, it is the first item in the Bill, so it's not coming up the second week or anything. Sorry, Mr Wardle, I stopped you in mid-flow.

Peter Wardle: I don't think there was anything else.

Q239 Mr Chope: Have you received any assurance from the Government that they will accept your recommendations on the intelligibility of the question?

Jenny Watson: It is for the Government to decide on the question.

Mr Turner: No it's not; it is for the House of Commons.

Jenny Watson: Well, Parliament, in fact. I should say that it is for the Government to decide on the question that is put to Parliament, and for Parliament to decide on the question itself. If we were to make a recommendation that we thought there needed to be a change, that is something that I would expect both Government and Parliament to listen to seriously.

Q240 Mr Chope: But you haven't had any guarantee from the Ministers that they will accept your verdict on this?

Jenny Watson: Not in those explicit terms, no.

Q241 Mr Chope: You will have seen that the question talks about the alternative vote and also read the evidence from Professor Dunleavy, saying that the alternative vote designates a whole cast of systems: single office holder, multiple preferences and instant run-off. Obviously, there is a difference between the alternative vote as it is done for the mayoral elections in London and the alternative vote that we have just seen operating in the Australian parliamentary system. The question as posed at the moment implies that there is only one alternative vote system, and the one proposed in the Bill is not the one with which 5 million Londoners are familiar. Is this an issue that you are looking at?

Jenny Watson: We would expect to provide every household with some public information material, by means of a booklet, to explain to people the implications of what will happen, how they vote in the referendum and the difference between the two systems. Peter may want to say a little bit more about that. I would certainly anticipate every household to be provided with information on precisely the type of alternative vote that is proposed. Peter, do you want to talk a little about the public awareness?

Q242 Mr Chope: Sorry to interrupt you. My question is not so much about public awareness as about the precision of the question. We've established that there are several different sorts of alternative vote, but the question being proposed is a specific one, saying: "Do you want the UK to adopt the alternative vote system", which implies that there is one alternative vote system when there are several such systems. My question is whether that

ambiguity is of concern to the Commission.

Jenny Watson: One of the things that we've talked about in relation to assessing the question—if my colleagues want to say more on this, they can chip in—is that the question cannot and should not try to replace the arguments and the debate that will be put in a campaign. It is essential for there to be public information that is available to people separately from the question. We are testing the question with voters, and that work is ongoing. We've sought submissions from political parties and from those who are involved in campaigning in this field on either perspective on the referendum. At some point in the next three weeks, by the beginning of October, we will have a report that sets out everything that we've learnt from that and what that tells us about the question.

Q243 Mr Chope: Sorry for going on a bit. I am still not convinced that you understand the concern that I am expressing, which is that when it says in the question “the alternative vote system”, there is actually more than one system. Some Members—for example, those in London—will be familiar with one type, but the Government are proposing a different type. How will you make sure that the question focuses on the particular type of alternative vote that the Government are saying they wish to put to the people?

Jenny Watson: I do understand your question. With the greatest of respect, what I don't want to do is comment on elements of the question in isolation from our report on the intelligibility of the question. So I am trying to give you as full an answer as I can, with the context of the other ongoing work, without picking off one particular part of the intelligibility of the question debate. There will be a report that will set out our views on the intelligibility of the question. We've said to you that that will

be published by the beginning of October. I am trying to ensure that we do that in the round.

Q244 Mr Chope: This is not meant to be a personal criticism,

but my final question is: can you assure the Committee that you are not in any way inhibited in criticising what the Government may be doing by the fact that you have been on the receiving end of some criticism from one of the senior Secretaries of State? That might cause some people to say, “I am now under pressure from the Government,” and force an atmosphere of compliance. Can we have your assurance that, far from being compliant with the Government, you will remain independent?

Jenny Watson: I'm aware of some anonymous comments, and I do not intend to dignify them with a response. I can certainly give you my, and our, assurance that we are an independent electoral commission—independent of Government and any political party—and we will set out our views independently and very forcefully. Indeed, we will do that to Parliament as the Bill progresses and, if we don't get the changes that we need to the Bill in order to deliver a successful referendum and elections on 5 May, we will say so to you.

Chair: People who make comments about Mr Chope tend to make him more independent.

Q245 Nick Boles: Following on directly from what Christopher was asking, during yesterday's debate, the Minister actively encouraged this Committee to continue its mid-legislative scrutiny—an interesting term—while the Bill makes its way through the House. It occurs to me that, since you are bringing out a report on this very important question in three weeks'

time, the Committee may well like to ask you to come back to talk about our report. It is a very important question, although obviously we understand that you can't go into it as fully now as you will be able to in three weeks' time.

Jenny Watson: That is an extremely good idea, and we would be very happy to do so. Another thing that we would like to have the opportunity to talk to the Committee about is the fact that it is possible that, by this time next year, after the referendum, we may have had two referendums after not having had many at all. I think that would be a good opportunity for us to come back and say to you, "Okay, this is what we've learnt from this, and this is what we know about the framework and any changes that might be needed." So I offer that as well.

Chair: You have read our collective mind. We have been hit by a perfect storm of democratic legislation, and it has rather knocked us off course. We set our stall out as a group to do some more forward thinking on things like this, and post-legislative scrutiny would be extremely valuable once the referendum has been held.

Q246 Simon Hart: I have two questions, one of them very quick. I may have missed this earlier—in which case I apologise—but when does the Bill have to become an Act in order to trigger the May referendum? You mentioned a six-month preparation period earlier—I am not sure whether that was in exact relation to this—but when does this have to be completed legislation in order for a safe referendum to be delivered?

Jenny Watson: What we have said is that the rules need to be clear six months in advance. That does not necessarily mean that we need the Bill to have Royal Assent; it simply means that the rules need to be clear enough. Peter, you may want to say

more at this point about the work we are doing with those who will help us deliver it on the ground. I think that will help.

Peter Wardle: We have made it very clear in our comments on the proposal to take the referendum forward next May that we want to see a number of things, some of which we have already talked about. One of them is clarity about the rules that will apply not just to the referendum, but to all the elections that will take place. That is the combination issue that we have already touched on. Alongside that, there needs to be certainty for those administering the referendum and the elections, from the Chief Counting Officer at the Electoral Commission right down to local authority level, that the Government have understood correctly, assessed and made provision for sufficient funding for all of this to happen, because it is a fairly complex funding arrangement. There are savings, but there are also costs to running more than one poll on the same day. As long as that is clear—so far, the indications from the Government are that they have heard that message and intend to work towards clarity on what the rules will be and the funding, six months in advance—that meets our first concern.

Returning to your point, the one thing that is triggered by Royal Assent is the official referendum period, which Lisa might want to say a little more about. It is to do with the regulated period for the various activities that are regulated under the Political Parties, Elections and Referendums Act 2000.

Q247 Simon Hart: That was going to be my second question, which was about the advice that you are proposing in relation to spending limits. Given the context of the Welsh Assembly election falling on the same day, what are your plans regarding the clarity that you can give to that advice?

Lisa Klein: I shall approach the first question in terms of the regulated period under the legislation, which starts when the Bill gets Royal Assent. That is when the expenditures will count towards the expenditure limit for the purposes of the referendum. That period can be slightly longer in relation to elections, but that is what we will be dealing with in this context. To ensure that the rules are clear, we will issue specific guidance when the Bill is at post-Committee stage. As soon as the scope of the rules is clear, we will go forward with final guidance. In the interim, we are already reaching out to potential campaigners to advise them and to get a contact list going so that they will know of any change in the rules. People, therefore, will be as ready as they can be on that initial day of Royal Assent.

The second question was about spending, particularly in Wales, where the other election will be. This area is not always easy, but it is certainly one in which we have expertise and experience, because we deal with other elections and have done so since the beginning of the Electoral Commission. For example, in 2010, the general election ran alongside local elections. The real issue is of where expenditure is allocated, and we have guidelines on that. We have worked with parties, and in addition to our written guidance, we have a small team, who offer advice, even on a confidential basis if necessary. Although it is not necessarily easy, methodology and resources are in place to address those issues.

Q248 Simon Hart: Likewise, because there will be a referendum in Wales about eight weeks before this referendum, there is a potential spending overlap. Your advice, therefore, will extend to clarification on that, so that nobody ends up on the wrong side of the fence.

Lisa Klein: Exactly.

Q249 Simon Hart: Is that an easy, straightforward procedure?

Lisa Klein: It's doable; it's workable. There are some basic principles to apply and the rest depends on the facts and on an honest assessment. A reasoned judgment must be brought to bear, so I am not going to pretend that it will require no thought. But we are there to assist and to work with those who are affected.

Q250 Simon Hart: To finish on the first point, it is not, therefore, essential for Royal Assent to be granted, but it is possible for you to do your job even if the Bill is in play, so to speak.

Lisa Klein: It is. We need to acknowledge that if referendum campaign spending were to take place before Royal Assent, it would not be captured by the spending limits.

Chair: Andrew, I don't know whether Simon shot your fox.

Q251 Mr Turner: He may have done; I am not sure. May I work from a different angle? Nothing may take place less than six months before the referendum. What are those things that cannot take place?

Peter Wardle: The one thing that we say must not happen five months before the election is significant changes to the ground rules.

Q252 Mr Turner: What are significant changes?

Peter Wardle: Well, we've talked about one of them: combination. It would be too late, in our view, for the Commission and for local authorities up and down the country to try to deal with the impact—to think through and to prepare for a set of combined elections—with, for example, only four months' notice. We have been clear that we need six months' notice. In

practice, we are looking for clear combination rules to be introduced in Committee. We want to see that in good time. Another example would be if another poll were to be introduced. If, for example—this is one of the factors that we have touched on—there were a late decision not to have the Wales referendum in March but to move it to May and that decision were not taken until December, we would say that that would be a very complex problem to try to deal with.

Q253 Mr Turner: Would the words be significant?

Peter Wardle: The wording of the question?

Mr Turner: Yes.

Peter Wardle: There are two practical implications. One is that we would need sufficient time to prepare the booklet that is going to people. In practice, that probably is not subject to a six-month time limit, but there would certainly be a date beyond which it would not be possible. We cannot send a booklet out when there is no legislation to send it out about, so obviously our plans already take account of that. If there were a very significant change in the question—suppose, for example, that a third voting system were to be introduced in the question as one of the options—that would certainly give us pause for thought, because we would need to think quite hard about how the whole message to voters was pitched. That, I think, would be a question of degree, and we would have to see.

The other very obvious practical point is that it would have implications for the ballot papers. The ballot papers would have to reflect the question correctly; but again, unless Andrew wants to correct me, I think that that sort of decision can be handled at a relatively later stage. The key thing is that people need to know what it is that they are

preparing for, in broad terms. That is where the six-month limit kicks in, and it has to do with how many polls take place, whether or not they are combined and so on.

Those are the big issues that we need to see very clearly in the Bill, and they should not be changed significantly. It is more about the rules and the administration of the poll than about the content of the poll, where I think we accept that Parliament must have the right to take a view right up until Royal Assent.

Q254 Mr Turner: The problem is that the first day of the Committee stage is on about the 10th or 12th—

Chair: In working terms, it is effectively next Tuesday—the Tuesday in our next working week.

Q255 Mr Turner: After that, there is less than a month before these things are clear. Is that correct?

Peter Wardle: I am not absolutely sure how long Committee stage will last, but yes, we would want to see—

Q256 Mr Turner: Neither are we, but we know that the second day is the following week—the 19th. I do not know whether we have any holiday in between.

Chair: No.

Q257 Mr Turner: I do not know how we intend to get the Bill through the House of Commons, let alone the House of Lords. It has not reached the House of Lords yet; they have not even seen it. We are now talking about the second week—the one with the 19th in it—probably the third week, and then Report and Third Reading have to take place, and then it has to get through the House of Lords. How long do

you expect it to take during the House of Lords, and is that relevant?

Jenny Watson: It is absolutely not for me to comment on the timetable to get a Bill through the House of Lords. I can give you an assurance that we will continue to come back to you at every step of the way and give you a very clear view of where we think everything is. I appreciate that from all your perspectives there is pressure on the timetable—indeed, we said that right from the very start. It is possible to do it, but the timetable is tight, and I acknowledge that.

Q258 Mr Turner: Could I ask another question? Would you say that when and if the referendum takes place, it would be easier in one sense to have the referendum in room A and the election in room B?

Jenny Watson: I actually think that the point my colleague was trying to make was the opposite of that.

Q259 Mr Turner: Right, so you're hoping to combine them.

Jenny Watson: Yes, combination is absolutely critical to the whole enterprise here.

Q260 Mr Turner: So in a place such as the Isle of Wight, where there are no elections—there may be by-elections, of course—and there is just a referendum, people get different things in the post from people in, say, Hampshire, where they may have different elections?

Andrew Scallan: The intention is that the booklet that the Commission will produce will be the same across most of the country.

Q261 Mr Turner: Sorry?

Andrew Scallan: The information booklet that we will send out will be the same, but where only the referendum is taking place, people will simply get the ballot paper for the referendum. If straightforward, they get one envelope, one ballot paper and statement. For the combined areas, what we want to achieve is that people with a postal vote, for example, will get one envelope containing the postal votes for whatever elections are taking place alongside the referendum. So there will be slightly different materials, but they will relate to the election or the referendum, whether it is the referendum on its own or combined with an election.

Q262 Mr Turner: But the problem will be that everybody gets the same booklet. I take it that Wales and Scotland get the same booklet?

Andrew Scallan: Yes.

Peter Wardle: Just to be clear. The intention is that the Commission will explain to every household in the UK about the referendum, and in Scotland, Wales and Northern Ireland about the Assembly or parliamentary votes that are taking place. So there will in effect be four separate versions of the booklet for the four constituent parts of the UK. What we will not attempt to do, on a national co-ordinated basis, is from a central point to have a tailored message to every single household saying, "In your particular area there are going to be parish council elections, or a mayoral election as well."

We will be talking through the Regional Counting Officer network. Regional Counting Officers are, broadly speaking, the same as the Regional Returning Officers who run the European parliamentary elections, and they will work with local Counting Officers to identify where there is a relatively straightforward

poll on 5 May, as in the Isle of Wight, or there is a relatively complex set of polls, as in your example of Hampshire. In those cases, we would want the local returning officer to consider what additional instructions or advice to voters there should be.

If you think about it, in terms of existing elections, taking the referendum out of it, it is not uncommon for there to be, for example, a general election and possibly—bad example—a European election, local elections and perhaps some parish council elections. We do not typically see returning officers making a great public awareness push in advance of that to tell people everything they can expect. People will be aware of what is going on from the campaign material that comes through their doors and what they see around them in the local media, but quite a lot of the evidence points to the fact that what really matters is how you manage the polling station or the postal vote envelope when people actually come to vote.

However much people read in advance, the important thing is when they come to vote—when they turn up in the polling station or they open the postal voting envelope—there need to be very clear instructions and a very clear explanation of what they will find, what the opportunities are to vote and how to cast their vote in each case. A lot of our focus will be on making sure that, at the point of voting, people are very clear which ballot paper is for which vote and how to complete each ballot paper successfully, because, for example, in Scotland there will be different systems in use.

Jenny Watson: If I may go back to your earlier question about the time frame and what needs to happen and when for all those things to run well, the other element that we highlighted in our briefing on Second Reading is this issue of materials that voters will use being sufficiently clear and designed in a way that is voter

friendly, rather than, if I may characterise it this way, election law friendly. Those two things are often not the same. We are still in discussion with Government about the extent of the role for the Commission in helping to support those Counting Officers in making sure that those materials are right.

Chair: Just on this question, a number of colleagues want to come in. Eleanor Laing first.

Q263 Mrs Laing: I am a bit shocked to be perfectly honest, having just worked out the implications of the six-month timing rule. I was aware of it but, until listening to your evidence, I hadn't actually counted it out. That means that 5 November is a very significant date, or in or around that date—the week of 5 November.

Nick Boles: Appropriately.

Mrs Laing: Yes, as my colleague points out, appropriately—if you want to mess up the constitution, that's the day. You cannot possibly comment on that.

Would it be right to say that, given that this Bill really has no chance of going to the House of Lords before or around 5 November, the House of Lords therefore cannot make any significant alterations to the parts of the Bill relating to a referendum if the referendum is to go ahead on 5 May?

Jenny Watson: What we've said is that the rules need to be clear six months in advance. That does not mean that the Bill needs Royal Assent. Obviously, the Bill will be making its way through Parliament and Parliament will have things to say about the Bill. We will come back to you at every stage. We will come back to you and to your colleagues in the Lords if we feel at any point that we do not have that clarity far enough in advance.

Q264 Mrs Laing: I am glad we've got that straight, thank you. However, it could be that on or around 5 November the Bill remains exactly as it is at the moment, and therefore you have clarity for your purposes, and it would be quite correct to proceed as Mr Wardle explained; but then, at some point in January, there might be an enormous change brought in by the House of Lords, in which case, retrospectively, the work that had been done from 5 November onwards would become invalid.

Jenny Watson: And we would then have to consider a view. And obviously the Bill will come back to the Commons and you will want to consider a view.

Chair: Still on this point, Simon?

Q265 Simon Hart: It is not quite on this point, but is going back to when you were touching on explanatory notes, how you would put this to the vote or voters' interests. Again, going back to the combination of a Welsh Assembly vote and an AV referendum on the same day and to the point made by Christopher Chope, what is the AV? The sort of AV that people will actually be using on that day in Wales—in the ballot box, doing it—is a different sort of AV to the one being proposed by the coalition. Are you planning to make that clear to voters? The AV they are being asked to vote on in the referendum is not the same AV that they are actually using when they are in the ballot box on that day.

Jenny Watson: From memory, the elections in Wales are not through a system of AV. I think they use the additional member system.

Simon Hart: It's a sort of AV.

Jenny Watson: The broader point, given that there will be elections taking place under a range of voting systems on 5 May—that is perhaps the place to start—

yes, what we will be making clear to voters, as Peter said, in the four constituent parts of the UK is precisely the nature of the change proposed. I think it likely that we will need to explain to people what first-past-the-post is and how that works, as well as explaining what AV is and how that works.

Simon Hart: And what the alternative AV is going to be—we are talking about three different things.

Jenny Watson: What the specific system proposed by Parliament is, yes.

Simon Hart: The reason for this is that in the last Assembly election, there was, among the postal vote ballots, about a 7% to 10% failure rate in my constituency, purely based on the fact that people filled the date in wrong, invalidating their vote. It was a bilingual fault—a very simple thing—but there was a 7% failure rate on a result which had only 300 votes between one and three. It is really crucial.

Jenny Watson: It is, and I know Peter wants to come in, but let me start from a different point and see if I can be slightly simpler.

What we will be explaining to voters is how they participate in the referendum and in the elections that are taking place on 5 May, if that is what Parliament decides. We will be explaining to voters in Wales, who will be voting in the Assembly elections, how they vote in those elections. We will be explaining to voters who are voting in the referendum how they vote in the referendum. Separately, but in the same booklet, we will be explaining to them what the implications are of a yes vote and a no vote in the referendum. We will not be giving any campaign arguments—that's for campaigners to do—but we will be giving them basic information on the systems put forward and the implications of a yes or a no vote. Do you still want to come in, Peter?

Peter Wardle: The only thing to add to that is that it's early days and we haven't yet finalised what is going to be in that public information. However, listening to a number of the comments from the Committee, I think they chime with our own early thinking, which is that it's probably going to be important to explain what systems are not as well as what systems are, because, as a number of people have mentioned, there is scope for confusion. As Jenny has mentioned, it is not necessarily the case that everybody immediately recognises first past the post and knows exactly what that is. If you say to people in some parts of the country, "The system we normally use," that might not necessarily provoke the reaction, "Oh, that's first past the post." If you think of Northern Ireland, for example, most elections take place with a different system. We are going to have to think quite hard about explaining to people what it is that they are being asked to choose between and where there is a change implied and where there is not.

That speaks to some of the points that a number of members of the Committee have raised already, which is that simply using a label, which may be the label in use in London, Westminster, Whitehall or anywhere, doesn't necessarily mean that voters across the country will know precisely what that means. We may need to think about how we make it clear.

Simon Hart: And a cynical comment that it is up to us to excite voters. It's quite a tall order to excite voters into ploughing their way through what sounds to me in Wales like a very big task.

Chair: You can do it, Simon.

Simon Hart: Do I want to do it—that's a different point.

Chair: I am going to pursue this point. People want to come in on this specifically. Catherine, has your point been answered?

Q266 Catherine McKinnell: It has been dealt with in part, but I want to put on the record some of my concerns.

There have been comments that we insult the British people if we question their ability to manage multiple elections on one day, but my experience is that a lot of people are very confused by elections. In the last election, we had a local and a general election on one day, and the instructions on the paper that came with the postal ballot paper and the actual envelope were incompatible. That caused a lot of confusion for a lot of people. Obviously, that is something you will have had feedback on and have learnt from, but it strikes me that to do such a significant operation as this in what have been admitted to be very tight time scales leaves more margin for error and poses higher risks when it is a time-pressured operation.

You were saying that there are risks and they need to be minimised. What do you think are the key risks in the short time scale and the large-scale operation that will be required in order to make sure the referendum goes ahead smoothly, and that we don't have the kind of confusion that people have had, particularly with postal balloting?

Jenny Watson: Well, I think we've set out clearly the things that we think need to happen to the Bill, so I won't repeat those. I would say two things in relation to your specific question, and Andrew may want to come in on one of them. The first is that the Commission has published its own guidance, entitled "Making Your Mark", which looks at precisely the question that you raised about the kind of experience that voters have when they go to vote because of the nature of the materials with which they are presented, which are very

frequently not terribly well designed and not in clear language. It is that, which was developed through a great deal of voter testing of materials, that will inform our approach to the design of things like the ballot paper instructions.

The other thing that it is important to bear in mind is that a referendum is the only kind of polling event in the UK where there is any kind of system of co-ordination. We do not have that in elections. We have individual returning officers making their own decisions based on local knowledge, and that is a very important principle, but there is no system of co-ordination. In effect, therefore, one of the risks is already mitigated, in that you have a Chief Counting Officer and you have an organisation that is responsible for running a referendum. Given that we hope to have those combination provisions, that gives us much more co-ordination and control of the whole process of the polls, including the elections, happening on that day. I hope that that is of reassurance to the Committee, though I note again that we have said the timetable is tight. Do you want to add anything on voter accessibility?

Andrew Scallan: I would commend the Committee if it could find the time to look at the “Making Your Mark” document, which addresses issues that were policy issues for Government to address—because legislative changes were needed to make things more accessible—and which points out to administrators, “There are certain things that you can do make materials that aren’t covered by statute more accessible.”

Q267 Sheila Gilmore: I would like to take this further. Paragraphs 3.12 to 3.14 of your written evidence to the Committee appear to say that the forms, as included in the Bill, are not satisfactory. That implies that the Bill as drafted does not have any reference to that document. Given the time

scales involved, in what way will the comments that you wish to make come forward? That is not about the wording, but about the forms, because the forms themselves form part of the Bill. We have already heard about the short period available to form amendments. It may be that you are able to tell us that the Government have already asked you to present an amendment—or what is, in effect, an amendment—on new forms for the beginning of October. That would be helpful, but otherwise I am not clear as to how your expertise is going to be put into the Bill in time.

Jenny Watson: One way would be to put an amendment to the Bill that could give the Chief Counting Officer slightly more discretion in some of the materials that voters will receive. Andrew may want to say a little more about that.

Andrew Scallan: This relates to the discussions that we have had to try to make the statutory rules more flexible. The whole log on elections is very complicated and archaic, and some of the forms that are used now were also used in 19th-century legislation. “Making Your Mark” tried to change it, and it seems that some of the legislative language, as Jenny mentioned earlier, is election-law friendly rather than voter-friendly. There is a need to have a bit more flexibility to make sure that the spirit of the law is available and expressed in a language that the voter will understand.

Q268 Sheila Gilmore: Catherine has already raised some of the issues around postal voting, but I think that we have all had experience of some of the difficulties associated with the postal-voting process. They have been compounded, for good reason, by people having to provide their signature in the box and remembering to put it in the form. There are good reasons for doing that in terms of ensuring that there is no electoral fraud—or trying to minimise it—attached to postal voting, but

it does make postal voting an even more complex process for people. We have seen, perhaps, larger numbers of postal votes being declared invalid than might have been the case in the past. Do you have any concerns about that?

The other thing is that people don't always put the form and their signature in the right place. There must be some experimentation with attaching it to an envelope, but I don't know how that works when you have different votes on the same day.

Andrew Scallan: What we would try to do in the referendum is make sure that the materials sent out in a postal vote are designed to the standards to which we refer in "Making Your Mark", so that we would look at it being simpler. A lot of the issues around rejected postal votes are about people putting the date of signing rather than their date of birth. Some of that has been mitigated by some very simple form-design issues that make the first two digits of the year clear. For example, if you put "19", you encourage people to understand that it is their date of birth rather than the date of signing, although some people still persist in changing that to "20". So a number of things can be done in terms of design.

We would seek to make sure that there is some consistency in using well-designed materials. The changes to the date of birth and the signature are an important safeguard. The deteriorating signature is also an issue. Current law says that the postal-voter list should be reviewed every five years, but people's signatures may deteriorate over a five-year period. The Commission has suggested that there ought to be a change in the legislation to allow Electoral Registration Officers to refresh those signatures more frequently, so that the records held are more up to date.

Q269 Catherine McKinnell: I have questions that are possibly on a completely

different note from the referendum. They relate more to the actual electoral roll and the current register. I know that you produced a report earlier this year outlining some of the Electoral Commission's concern about unregistered voters, and I want to explore with you a little bit what current plans you have in place. Will you briefly explain your current thinking about unregistered voters and the estimated numbers of them in the country?

Jenny Watson: I hope that everyone on the Committee has seen a copy of the report; if not, we will be happy to supply them with it. That particular report looked at eight specific case study areas in more detail. It is important to say that we could not generalise from those eight case study areas across the country, but it gave us more idea within those areas about the kinds of voters who are less likely to be registered. You will have seen the conclusion about young people and people from some ethnic minority backgrounds. People in the private rented sector are particularly less likely to be registered. Nothing in that report contradicts our earlier best estimate that between 8% and 9% of voters would be missing from the roll.

It is very interesting for me to talk to my colleagues in other countries with a similar roll. I am thinking particularly about Australia and Canada; they have a similar percentage of voters not on the roll. One part of our work was about saying that there are unregistered voters, and our voter registration campaigns are designed to address that. Another part was about saying who is on the roll and should not be, and another part of that research looked at the decline in the accuracy of the register over time. I think I am right in saying that, over a 12-month period, the accuracy of a register would decline by about 10 percentage points. That is not anything to do with fraud, but simply to do with people who have moved, died or simply should no longer be on the register. Andrew, you

might want to say more about that or perhaps more about what we are doing now, given that we are in the annual canvass period.

Andrew Scallan: In terms of the summary report there is not a lot to add, but in terms of the canvass that is under way at the moment, the Commission issues detailed guidance to Electoral Registration Officers on how to carry out their functions. We have performance standards for Electoral Registration Officers, and those officers who were not performing particularly well last year are being sent an action plan for improvement to this year's canvass.

Q270 Catherine McKinnell: Do those standards encourage local authority areas to target specific unregistered groups or specific inaccuracies on the register? I am interested because political bias could enter into some of the activities of Electoral Registration Officers. For obvious reasons, if you target particular areas, you are likely to find specific types of voters. I am interested to see what those targets actually constrain or encourage Electoral Registration Officers to do.

Andrew Scallan: The standard will certainly mark down an Electoral Registration Officer who takes the one-size-fits-all approach. We ask them to make sure that they understand the demography of their local authority area and that their canvassing techniques are geared to that area. There is a minimum requirement in law about canvassing techniques, but we would also want to make sure that Electoral Registration Officers are using all the resources available to them as well as the intelligence within the authority, and that they are using the right sort of techniques that will reach people. One of the issues often raised is that people send canvassers round, but that they always call at 10 o'clock on a Saturday morning. There is no point in calling 10 times on a Saturday morning if

everyone is always doing their shopping at 10 o'clock. It is about having an intelligent canvassing programme that targets people when they are likely to be found in, and that also acknowledges that houses in multiple occupation need to be treated differently from properties in rural areas.

Q271 Catherine McKinnell: My apologies if I am ignorant in this area, but do financial resources come from the Electoral Commission or does the local authority have to resource that itself financially?

Andrew Scallan: The local authority resources it. The Electoral Registration Officer can ask the local authority for the resources needed to carry out the function.

Q272 Catherine McKinnell: So do you have concerns, in terms of the economic climate and public cuts that we're facing, that this might be a programme that could be compromised by that?

Andrew Scallan: It is certainly something that we will be monitoring. The point you will be interested to know is that it's only for the past two years that there has been collation of information on local authority spend on elections and electorate registration. That only came in the 2006 Act, which gave powers to collect information. We are gathering that at the moment, and that information has been and will continue to be published. It will be an opportunity to monitor.

Q273 Catherine McKinnell: Are you aware yourselves—is it something that you're conscious of—that there is potential political bias in the electoral registration process?

Jenny Watson: From time to time, people do occasionally say this to us. My usual response to them is, if you have any

evidence, I would very much like to see it. As yet, I'm not sure that I have seen any evidence that I would consider as stacking up. I will make the invitation again: if you have the evidence, we would like to see it.

Q274 Catherine McKinnell: So it's not something that you are actively monitoring, assessing or taking action on?

Jenny Watson: What we monitor, as Andrew set out, is the performance of the registration officers against the performance standards. It is probably fair to say that the weakest area of performance against the standards would be the participation standard, which I think would perhaps speak to some of the points that you mentioned. It is also the case that registration officers can have access to other resources within their local authority, so they can be using the council tax database. There are other sources of information that, for example, they can use to try to drive up the register. The better ones do it, and that's another thing that we monitor with the performance standards.

Catherine McKinnell: May I just ask one more question? I could go on for a while, but I just have one more question.

Chair: That's okay.

Q275 Catherine McKinnell: You talk about using other sources of data as an important tool in the process. Given that there is a new census due to come out in March 2011, do you feel that that would be a useful resource in terms of tackling under-registration and incorrect currently registered voters?

Jenny Watson: There are many sources of data that I think would be useful for registration officers to be able to access in relation to voter registration. The previous Parliament passed legislation on the introduction of individual electoral

registration, and one of the aspects of that was the ability to match data to try to catch people who might not be on the register and then be able to write to them and ask if they would like to be on it. That particular part of the legislation is really welcome, because it is that kind of data that I think have most to offer. The census is useful for other reasons, and my colleagues may want to say more about that.

Andrew Scallan: On the census point, this census is the first time that nationality has been asked for. Of course that is an important issue about eligibility, and that will assist people in understanding the nature of the eligible population within a local authority, which has always been very difficult to capture.

Q276 Catherine McKinnell: Just in relation to using cross-data, is this something that you rely on the local authorities to access and actively pursue? Do you find that local authorities are doing that and have the resources to do so?

Jenny Watson: In relation to data held by the local authority or other data, at the moment, there isn't an ability to match other data. That is part of the provisions that Parliament passed on individual electoral registration. I should say that I am aware that the coalition Government have set out in their agreement a plan to look at that. I have not seen any formal plans on that, so I can't offer a comment. But that data-matching is a very important part of what we hope might be a more modern mechanism of registering people to vote—one which says, "It's your individual right to vote, and you should take responsibility for that." That then enables registration officers to go to individuals, rather than relying on somebody in a household to fill in a form for everybody who is there, which is not a situation that a modern democracy should accept.

Q277 Chair: Do you have an estimate of how many people are not registered?

Jenny Watson: I think I said earlier on that we estimate between 8% and 9%.

Q278 Chair: Do you feel that areas that have high failure to register correlate with high inability or desire not to vote? Does low turnout correlate with high failure to register?

Jenny Watson: I don't think I am able to answer that specific question.

Q279 Chair: Let me be a little more helpful. In a constituency such as mine, 50% of those who registered vote. Would a constituency like mine also have a high number of people who didn't register in the first place? Turning it round, do those colleagues here with a higher percentage of people who vote also have a higher percentage of people who register?

Jenny Watson: It is clear that the headline figure for registering to vote differs in different places throughout the country. I am not sure that I have the evidence with me here to answer your question on a correlation between registration and turnout. Do we? I'm not sure.

Andrew Scallan: No.

Peter Wardle: There is clearly a question about whether there is a general issue about the level of civic engagement or democratic engagement. It is perfectly possible to map those. We haven't got them with us, but we can certainly give you a note.

Q280 Chair: Could you drop us a note?

Jenny Watson: Yes, if we have anything that is helpful we will do that.

Chair: I am going to move to Peter Soulsby and then Nick.

Sir Peter Soulsby: If it is okay, Chairman, just to come back to the referendum.

Chair: I know Eleanor had a question on what we have just been speaking about.

Q281 Mrs Laing: I think Ms Watson might well have just answered it. I was just going to ask—as I always ask because I have been pushing for this for more than five years—will individual voter registration help in getting a greater percentage of those who ought to be registered to register?

Jenny Watson: I very much hope it will. I think the idea that your vote is yours and it is not somebody else's—you need to take some responsibility for it—will help and enable registration officers to do more work. For example, with young people, we have seen what has happened in Northern Ireland, where there has been a very focused programme of work on encouraging young people—16 and 17-year-olds—to register to vote, where the numbers coming on to the register have improved dramatically. If that kind of work could be done here, you could see far more young people coming on to the register. Of course, you can do that once your vote is individual. There can be some kind of targeted focus on those people. That is also the case in relation to the data—being able to match different data and to try and identify those people who are not on the roll at the moment and give them the opportunity to do so. I think that combination of individual registration, with the data-matching powers, may go some way to moving us in the right direction.

Q282 Chair: Wasn't there a large number of people registering in Northern Ireland because 10% of the population dropped off

the register when individual registration was introduced?

Jenny Watson: There are all kinds of reasons why some young people, in particular, may register in Northern Ireland. Of course, in Northern Ireland they also have photo ID when they go to vote. I have heard anecdotally that one of the many benefits, if you are young, of registering to vote in Northern Ireland is that you get a photo ID card, which you can use to get you into the pub as well as the polling station. I can't possibly say which of those motivates people more; nevertheless, there was a change in the roll and I think we should acknowledge that we would expect—in relation to the introduction of individual registration, because we know that the roll declines in accuracy over any time period—people who are on it and should not be to be coming off it; but equally, we would expect people who should be on it and are not to be added to it.

Q283 Sheila Gilmore: I think everybody accepts the individual voter registration in principle, but it does sound as if you need to put sufficient resource into that because—young people would be a good example—I suspect an overlap between the people in private rented accommodation who are not registered and young people, since there are far more young people in the private rental sector. So these things are reinforcing each other, but if there isn't the sort of effort you described—presumably going to young people in schools and colleges—is there not a greater risk that they simply don't register at all? Given the difficulty we had with things like identifying individuals for the community charge many years ago, that could make things worse if the resource does not go into it.

Jenny Watson: Well, this may be another area where we want to come back to the Committee as things move forward,

because we will obviously have things to say about the introduction of individual electoral registration as it happens. When we are at the stage where we can offer more commentary on the impact that it is having, then why don't we come back to you and talk to you about that at that time? I am loth to speculate about a situation that we are not quite at.

Q284 Chair: That sounds good. Are you collating responses from Electoral Registration Officers locally on the impact of in-year expenditure reductions? This, I understand, is not ring-fenced or mandatory expenditure. Therefore, it is probably on the list of in-year reductions this year, let alone what happens later on in the year.

Andrew Scallan: We are collecting it in-year. We collected it at the end of the financial year. Local authorities are always a year in arrears—in July this year, we were collecting the figures for the last financial year—which means that there will always be a time lag, unfortunately. We will, however, be collecting information, and as I have said, we now have two years-worth of information, so we can start making comparisons.

Chair: I think you misunderstood my question.

Peter Wardle: Can I just add to that? As Andrew says, we have an annual monitoring process that kicked off only a couple of years ago, but we are starting to get the information from which we will be able to monitor the overall trend. However, given the closeness of our contacts with local authorities up and down the country, I am quite sure that if serious funding issues emerge in year, this year, with electoral registration services, we will hear about it quickly. We will be in a position to bring that to the commission's board, and it can consider whether it wants to make an intervention. We are not hearing that at the

moment. Clearly—and your question reflects this, Mr Allen—there is some nervousness around the local authority electoral community. I cannot sit here today, however, and tell you that, a few weeks away from the expected date of some of the announcements, people are telling us that they have serious, concrete concerns about that this year.

Q285 Chair: I am sorry—are they, or are they not?

Peter Wardle: They are not at this stage.

Q286 Chair: Okay. I think the Committee would like to hear from you or your board, Ms Watson, because we are looking at individual registration, the registration of people for referendums, participation rates, changes in boundaries, and whether adequate numbers of people are represented in whatever those areas will be. Those matters are all dependent on activism, or they will vary depending on the activism that electoral registration officers can bring to bear. We would like to know whether there are sensible trends that you can detect and bring to the attention of the Committee.

Jenny Watson: We would be very happy to do that. Perhaps the best thing would be for us to speak to your Committee Clerk and see what kind of mechanism we could use.

Chair: Even if it were a note, we could ask you to come back.

Jenny Watson: I should reassure you that, if we were to find such a trend, we would want to raise it through appropriate channels with the local authorities that are concerned, as well as more broadly. It would not only be with this Committee. If we spotted such a trend, we would raise it in any case.

Chair: Sir Peter and Nick Boles have been very patient, so I will go to them. If I have time at the end, I will come back to colleagues who are waving at me.

Q287 Sir Peter Soulsby: I want to return to the referendum, and check that I had correctly understood the main thrust of your evidence. In response to the questions that Eleanor pursued earlier, am I right in understanding that, although you say it can be done—in terms of delivering a referendum at the beginning of May—that would no longer be the case were there to be significant changes after the beginning of November?

Jenny Watson: Without knowing what those significant changes might be, I would not want to be led to an answer that then hangs around our neck, and may not be truthful. I cannot pretend that it would be easy if there were significant changes and in such a situation, as I have said, we would have to take a view at that time.

Q288 Sir Peter Soulsby: But I think that, in giving that answer, you are acknowledging that there could be significant changes after the beginning of November that would make it undeliverable at the beginning of May.

Jenny Watson: And if we found ourselves in that position, we would say so.

Q289 Sir Peter Soulsby: That is a yes, is it not?

Jenny Watson: If we found ourselves in that position, we would say so.

Q290 Sir Peter Soulsby: That is a yes.

Given that uncertainty and the complications that have been evident from what you have said today and what you

have already said in writing, it would surely be better if there were more time. Do you agree?

Jenny Watson: In the statement that we put out, when the proposed date that has been put to Parliament was announced, we acknowledged that the timetable is tight. I acknowledge that now. The timetable is tight. There are risks in the proposal. We think those can be mitigated; nevertheless, we're going to want to keep on coming back to Parliament with our views at every stage. So it may well be that we would know before that point whether we felt the thing was inherently not possible, in which case, we would say so. But I am confident that we can get the changes that we need to see in order to allow us to deliver on 5 May.

Q291 Sir Peter Soulsby: Even having acknowledged, as you did, that there could be changes that take place at the beginning of November that make it undeliverable?

Jenny Watson: I can't speculate—

Q292 Sir Peter Soulsby: Surely, self-evidently, it follows from that that would be better if there was more certainty and therefore more time?

Jenny Watson: The timetable is tight, but it is deliverable. That's all I can tell you.

Q293 Sir Peter Soulsby: It's only deliverable if Parliament delivers what the Government want, in time for you to ensure that the preparations are made. If Parliament were not to be so compliant, it would become undeliverable.

Jenny Watson: You've talked to us about the process of the Bill through the House, and it is indeed possible that when it comes back to its next stage, Parliament may put amendments—your colleagues have

indicated that that may well be the case. I am simply saying to you that we need the rules to be clear six months in advance to give us the certainty of planning. If that were not to be the case, we would have to take a view at that time. Yes, the timetable is tight. We've said it publicly, and we've heard all of you say it here today. We're in agreement on the fact that the timetable is tight.

Q294 Sir Peter Soulsby: Right. Coming back to the advantages and disadvantages of holding a referendum on the same day as these other elections, I think the main thrust of your argument for its becoming acceptable is that the alternative was the potential for voter fatigue. Am I right in understanding that?

Jenny Watson: No, there would be a number of reasons for thinking that there could be benefits. One would be the experience of voters and that they would not perhaps be asked to go so much to separate polls, but there could also be benefits around efficiency. That is not our main concern because we think if you want to have democratic participation you have to be prepared to pay the price for that. But you can see that there are arguments around efficiency that could be put.

Our main reason for accepting that the combination is possible is that there is no evidence to suggest that keeping it separate on this occasion is necessarily in principle the thing that you should do. That takes us back to the question that Mrs Laing was asking right at the beginning, about the commission's position being an "in principle" one previously, whereas now we look at each situation on its own individual merits. In this case, we think it can be done.

Q295 Sir Peter Soulsby: Let me suggest to you lots of things that are obviously potential complications of holding them on

the same day. Let's talk about the design of postal ballots. It is my experience that local Voter Registration Officers have very different formats for which envelope goes inside which envelope. It is all within the rules, but they have a degree of discretion. How on earth are you going to get them all to produce something in the same format, so that it is compatible with what will be nationally produced?

Jenny Watson: And that's the point that we were making earlier on two fronts. The first is the point about combination, and the other is the point about the voter-facing materials. In a referendum, there is central administration; in elections, usually, there is not. If we have, through the legislation, this combination mechanism that we have said we need in order to run this successfully, we will be able to say to the staff working in local authorities around the country, who will be the Counting Officers, "This is what the material will need to look like."

Q296 Sir Peter Soulsby: So they will be obliged to produce something that is compatible in detail? This would be completely new for them, would it not? They would be obliged to produce something that is entirely compatible with what you're producing nationally.

Jenny Watson: Yes, we would aim to offer them a template. That is why I wanted Peter to explain earlier the process that we're in now with the Regional Counting Officers, who will be part of the management mechanism, if you like, for delivering on the referendum, because that is precisely the process that we're working through. Peter, I don't know if there is anything else you want to add in the light of Sir Peter's question.

Peter Wardle: Not particularly. I think that's a very good example of exactly the sort of thing that we want to talk to Regional Counting Officers about. We

have had the first meeting of the steering group, which I am chairing on behalf of the Chief Counting Officer, and the potential likely Regional Counting Officers up and down the UK. I think it fair to say that they would agree with us that it makes sense—partly because of the short timetable and all the issues we've talked about already—for the Chief Counting Officer to be as clear as possible about how to achieve the results we want on a national scale. The purpose of having that steering group, in having representation from across the UK, is to identify where there may be a need to depart from that general approach.

The general approach will be for the Chief Counting Officer to instruct people. It is particularly about the experience that the voter has in the polling station or with the postal voting ballot packs. We will draw on research and expertise, look at best practice up and down the country and make sure that that is followed by all, rather than having the situation described earlier where people are left sometimes floundering trying to decide what's going to work in their local area. We are going to give them some very strong advice on what we think they should do.

Q297 Sir Peter Soulsby: That will require, will it not, very considerable work and undoubtedly very considerable cost in preparing this national template to replace the existing local templates?

Peter Wardle: I don't think it necessarily requires a great deal of cost. People prepare their postal ballot stationery fresh for each election. There are lots of changes that need to be made for each election and they don't have a stock of these things that they recycle. We have plenty of experience of what works and plenty of knowledge of what the best practice is around the country. We will simply mandate that best practice. I don't think it will add to the costs in any significant way.

Jenny Watson: On your point about the work, we have been preparing for a referendum for some considerable time. Let's be honest—when we started to prepare it, we were preparing for something in Wales. We are now preparing for something, if Parliament votes for it, on a UK basis. So all of this is something that we've been thinking about every day for about the last year and a half—that's just how it is from our perspective; we are thinking about this constantly—and, obviously, people around the country in local authorities will have been thinking about the elections taking place throughout the UK next May. So in terms of the work, it is doable.

Q298 Sir Peter Soulsby: I have to say, in the light of what you said to us, I am very surprised at your unwillingness explicitly to acknowledge that it would be better if we had more time and if the referendum were separated from the elections. Why won't you acknowledge that?

Jenny Watson: On the question of combination, we have taken a view that it is possible to combine the two, so I don't think we do necessarily accept that it would be better to separate the two. I accept that there are strong views around the table, but the position that we've taken is that it is possible to combine them and that there may be benefits for voters in doing that. One of those benefits—but it is only one—is to avoid asking them to go back to the polls repeatedly. On the timing point, we are working to the time that we have. That is what we are trying to deliver.

Q299 Sir Peter Soulsby: To pick up the detail of what you said there, I cannot understand the reluctance to ask people to go to the polls repeatedly. Say it was in October next year—that's hardly going to lead to voter fatigue or any particular problem, is it?

Jenny Watson: We took the view that combining was completely possible and that there were benefits for voters in so doing. If you think about the number of elections and the potential referendum in Wales, it may well be the case that voters in Wales would have been asked to go to the polls three times in six months. That is not something that we know is welcome.

Sir Peter Soulsby: I am going to leave it here, except to remark that you seem remarkably reluctant to acknowledge the implications of the evidence that you have given to us, which is that it would be better if this were later, if we had more time to prepare and if the two sets of elections—the referendum and the election—were separated.

Chair: I think everyone has now got their view on the record several times.

Q300 Nick Boles: Unlike Sir Peter, who seems to want to bludgeon you until you state his view rather than your view, I should like to ask you a question on a completely different matter, which is that we are also considering in this House a Bill on fixed-term Parliaments with the proposal for the next general election to be fixed on a Thursday in May. I cannot remember the exact date.

Mrs Laing: I think it is 7 May.

Nick Boles: So, 7 May 2015. This may be a subject for another day but I just wondered whether you had a view, as the Electoral Commission, about the day of the week on which elections should fall and whether it would not be better for turnout and participation if we had elections on weekends.

Jenny Watson: One of the things that we have said, and we said it in our report on the general election that has just happened, is that we think there would be merit to introducing advance voting, where you would give people the ability to come to the poll perhaps up to a week in advance of polling day itself within a local area. That would make voting more accessible to people who may have busier lives than we perhaps used to have in the past, longer commuting distances and that sort of thing. That is something that we would certainly want to push or suggest to Parliament that it might want to think about, if not in relation to this Bill, then in relation to future Bills. Does somebody want to pick up the point about weekend voting?

Andrew Scallan: There is no confirmed evidence that weekend voting will increase turnout. The last Government had a consultation paper on weekend voting, which we submitted a response to. Our comment then was that it was about making the system more accessible. The advance voting which Jenny referred to is a system that will allow people who don't want to use a postal vote, for example, and who can't get to a polling station on a Thursday to have access to a polling arrangement in the traditional method on a number of days before polling day itself, including the weekend.

Q301 Nick Boles: Can I follow up on the precise proposal? Presumably you would not have every polling station open, in view of the cost of manning that. Would you have a central access point?

Andrew Scallan: Or more than one based in each constituency. There is any number of models that might be looked at.

Q302 Nick Boles: But you studied the evidence from other countries that hold elections on weekends and found no significant effect just on that change.

Andrew Scallan: No, not on that change. There are clearly other issues as well such as cost, disruption and the acceptability of certain days of the weekend to the electorate.

Jenny Watson: That would give people who wanted to vote at the weekend the opportunity to do so, but it would give those for whom it's more convenient to vote in the week the opportunity to do so, too. So that is the preferred proposal.

Q303 Nick Boles: While I am sure that you are not necessarily legislative experts, would the introduction of that advance voting require an amendment specifically to legislation which, if we think it is a good idea, we should suggest in the process of taking the Bill for fixed-term Parliaments through Parliament, or is it an administrative change?

Andrew Scallan: It is a legislative change.

Q304 Chair: I will come to Andrew, but I just wanted to open up a different area of questioning about campaign expenditure rules, particularly in terms of the role of the media. As the rules are currently written, media organisations are not exempt from the campaign spending restrictions on the referendum. Unless the rules are amended—I think you may have made this point yourself in evidence—we will find ourselves in a position where newspapers will have to register as participants in order to take a position on the referendum. Some people may think that that is a very good thing. Others may feel that it will just hamstring the newspapers from stating points of view editorially. Are you of the opinion that this is something that, even though the Bill is now in the House, still requires amendment?

Jenny Watson: There does appear to be an ambiguity, but I'll let Lisa pick that up.

Lisa Klein: We did raise this in our House of Lords evidence last year. Without wanting to engage in the debate on the pros and cons of this applying to the media, there is the whole concept of the media and the free coverage and freedom of speech in terms of the presentation and the ability to help communicate to voters on that. To the extent that there is an ambiguity in the legislation, I should just mention that the media are exempt from the expenditure limitation for elections. It would seem appropriate to make it very clear in an amendment that they are completely exempt in the context of a referendum.

Q305 Chair: So in order to bring that into order or conformity, there has to be an amendment to the Bill as currently drafted.

Lisa Klein: I think there is a variation in a debate about whether they are absolutely excluded or there is an ambiguity about it. All I would say, to the extent that there is an ambiguity, is, let's get it cleared up, let's make it quite clear that they are exempt.

Q306 Chair: Each side in the referendum will be constituted and have a lead campaign group. First, how are you going to identify that group? And, how are you going to get round the likely prospect that individual political parties will be taking different views on the referendum? If there are splits within parties, how do you take that into account?

Lisa Klein: Two very good questions. If I step back just for a moment, the legislation makes it very clear that the Commission has a duty to consider the appointment of a designated lead organisation—in our vernacular, a designated organisation to lead in the campaign on each side.

What the statute also states very clearly is that if there is only one organisation that presents itself, then, unless the Commission finds that it would not

adequately represent the views of that side of the campaign for which it has put itself forward, it shall be appointed. In the context of more than one entity coming forward, we have to decide which would best represent—I paraphrase here—the views for that particular side. We have developed a process for how that will happen, which has been partly modified based on the learning from the North East referendum.

There is a three-stage process. First, there is a fairly targeted application form, and we will seek evidence to help us to be able to assess that. I should also mention that, while the statute is very clear about our obligation to consider and possibly appoint, it does not say how we are to appoint. So, we have come up with criteria that look at such things as the organisation's grassroots campaigning or anything, basically, that will let us see whether it can fulfil that role effectively—whether it is an umbrella organisation, and so on.

There will be an application process. We will first question whether we have adequate information to see if an applicant will represent the views as required under the legislation. If there is not sufficient evidence, we intend to have time to go back to ask those questions, possibly through interview. We will then consider each application on its own merits, without reference to the other applications, just to ensure that they meet the first threshold test. Finally, we will have to decide, if more than one meets the “adequately representing” test, which is the most effective. Two other points. If we appoint on one side, we have to appoint on the other, or we don't appoint at all. Those are the rules of the game.

With regard to political parties, you have to view that designation process alongside the point that to be a designated organisation you have first to register with us what is called a permitted participant. To be a participant, you have to be able to declare

which side of the referendum you are campaigning for. Therefore, if a political party is unable to make that representation, it would not qualify as a permitted participant and, hence, would not be eligible to be a designated organisation. The consequence of that is that the spending ceiling would be set at £10,000.

Chair: Currently a newspaper would fall into the category too.

Lisa Klein: If you take the ambiguity in that way, yes.

Q307 Chair: How long will this process take from start to finish?

Lisa Klein: The legislation provides for designated organisations to apply to us over a 28-day period and for us to make that decision within 14 days thereafter.

Q308 Chair: If we don't correct the anomaly about the newspapers, presumably they will be prosecuted for prejudicing the referendum by expressing a view.

Lisa Klein: That is a possibility. If there were a breach of the rules, we could refer to the police or the prosecuting authority, or they may choose to pick it up on their own.

Q309 Chair: The process will start when?

Lisa Klein: It starts on Royal Assent.

Peter Wardle: Just to be clear, the potential offence would be to do with how much money is spent. The law does not seek to govern whether or not people express a view. It seeks to govern how much money they spend in expressing that view.

Q310 Mr Turner: I have been thinking about the rules for what the date is. It seems that you are in the worst possible position. What we like is decisions to be made before things become controversial, and what you seem to be doing is putting off making them until you almost have the referendum rules in front of you. You are then suggesting what? Can you give me—not today, but some day in the future—some examples of which referendums it is okay to coincide with the elections, and which are not.

Jenny Watson: I think that there were two questions there. Your first point was that you like to know things, but that you do not want us to put off making decisions. We have no wish to put off making decisions. That is why we have started with a network of Regional Counting Officers, to start to work through and make some of those decisions. As we do, we will make them public. We have a seminar for parliamentarians on the same day as the next stage of Bill, I think, when we will be able to say more about the work that we have been doing up until this point. It may be that we can then provide some more examples of decisions that we are minded to make.

As for your point about the kind of referendums that it is appropriate to combine and the kind that it is not, that would be very hard to do, for the simple reason that our position is that we consider each proposal that is put to us on its merits. There will undoubtedly be times when we would say, "This is not a suitable combination", but there will be other times, as with this, where we say, "It's tight, but it can be done and there are benefits." Until those circumstances arise, I would not want us to be giving views when we do not have the full context.

Q311 Mr Turner: I understand that, but the problem from most people's point of view is that once we know a referendum is

coming up, you are in a terrible situation where you are pushed in one direction, we are pushing in the other—probably the same position, sometimes different. It would be much easier and straightforward if there were rules beforehand, which would then apply. I understand why you don't wish to make the decision, but I think that it would be very helpful if we could see the decision before referendums.

Jenny Watson: The House of Lords Constitution Committee recently considered the issue of referendums. One of the things we said to it was that it is for Parliament to decide when a referendum is used. There may be an area of the debate that is similar to the line you would wish members of the Committee to pursue. We would be happy to come and give evidence to such a debate, but the reason why I said at the beginning that we do not take a view on when referendums should be used in the sense of on what subjects one should hold a referendum is that we consider those questions to be for Parliament, not for the Electoral Commission. You might want to take that view, and we can probably help with some of the administrative implications of that, but I would not want to stand in Parliament's shoes in making that decision.

Q312 Mrs Laing: Turning more generally to the lessons learned from the 2010 general election, colleagues around the table might not know, but everyone from the Electoral Commission knows, of the difficulties we had before the general election about the counting of votes—the timing of the count, at which point we discovered that returning officers are effectively responsible to no one. It was most unfair on the night of the election that the Electoral Commission—well, I would suggest, Chair, that it was most unfair—appeared to take the blame for mistakes that were made by individual returning officers. Would you welcome a radical

review of the way in which elections are administered, looking at the powers of returning officers and continuity throughout the country?

Jenny Watson: In our two reports on the conduct of the election itself, we suggested that the time has indeed come—we have said it before—for a review on how elections are run, particularly in relation to the extent of co-ordination that exists and the need for a power of direction somewhere in the system in relation both to registration officers and to returning officers. That report is with Government and I understand they have committed to responding within six months of receiving it. I look forward to their response.

Q313 Mr Chope: Can I ask: which is worse, voter fatigue or voter confusion?

Jenny Watson: I don't think either is desirable. I think voter confusion can be mitigated to a great extent by public information and awareness. We will be working extremely hard to make sure that there is not voter confusion should Parliament decide that it wants this referendum to go ahead.

Q314 Mr Chope: Where is the evidence about voter fatigue? We are familiar with what happens in France, where in significant elections they have one round of balloting, then have a run-off the following weekend. Is there any evidence to suggest that that type of election process results in voter fatigue?

Jenny Watson: I think we've already said that the evidence that we looked at is public, so we will perhaps make sure that you have that, then you can make your own judgment on that.

Chair: Ms Watson, thank you very much. I think you run an organisation which could have an excellent long-term

relationship with this Select Committee at a number of levels. The most obvious one to me is that, where we are in the middle of a parliamentary process and amendments are appropriate to the process—on a technical basis, certainly—we would like to know about those things. We would like to be able to assist, if the Committee agrees on particular issues, to help you ensure that people have greater access to our democracy. I am sure there are also much more policy-orientated issues so that, if it is indeed a fixed-term Parliament, we should hopefully enjoy a very positive relationship over the next four or five years. Thank you to you and your colleagues for a long and gruelling session, which I think has been very productive—hopefully from your point of view, too.

Jenny Watson: Thank you very much for the opportunity to talk to you. We welcome future opportunities to do so.

Chair: Excellent. Thank you very much.

Uncorrected Oral Evidence

Taken before the Political and
Constitutional Reform Committee

on Thursday 16 September 2010

Members present:

Mr Graham Allen (Chair)

Nick Boles

Sheila Gilmore

Mr Mark Harper

Simon Hart

Mrs Eleanor Laing

Catherine McKinnell

Sir Peter Soulsby

Mr Andrew Turner

Examination of Witness

Witness: **Mr Mark Harper**, Minister for Political and Constitutional Reform, Cabinet Office, gave evidence.

Q315 Chair: We will try to cover the whole field, so various colleagues will ask questions on particular things. Catherine will start with one question to warm us up. Ever the optimist, I got the impression that there was a strong feeling that pre-legislative scrutiny is something that the Government are taking seriously; but due to circumstances, they felt that it has been rather difficult to get our first two Bills as thoroughly pre-legislatively scrutinised as we would all have liked. We will come to some of the holes that we have discovered because of that problem.

Would I be getting it right if I were to say that the Government, now that we have slightly more breathing space, would wish to have proper pre-legislative scrutiny on

future Bills, possibly even to the extent of the 12-week pre-leg that the Leader of the House suggested to the Liaison Committee was about the mark to do it properly?

Mr Harper: Yes, you would be, Chairman. In the statement I made yesterday on individual electoral registration, I emphasised that we plan to bring the proposals forward in a draft Bill for pre-legislative scrutiny before we bring the Bill to Parliament.

The basic reason that the Leader of the House set out for why we were not able to have pre-legislative scrutiny for the first two Bills is the fact that, in the first Session of Parliament following a general election, there is the necessity just to get on with things. For future Bills, and certainly the third Bill that you have indicated, it is the Government's intention to have pre-legislative scrutiny in Parliament. Once the cycle is started, it is much easier to do that, and with the announcement about the more predictable sitting pattern and some of the things that we can do when we have fixed-term Parliaments, we can make that a lot more planned and well organised for the benefit of both the Government and Parliament.

Q316 Chair: As someone who was very involved in the original concept of pre-legislative scrutiny, I probably need to reassure Whitehall that there does not need to be a draft Bill. A draft Bill is always very helpful, as are White Papers, Green Papers and ministerial statements, but so long as we know that the process has kicked off, it is possible, if we have the right amount of time, to do much more general evidence taking and to scrutinise the concepts of the Bill. It does not necessarily have to be the nitty-gritty of a line-by-line draft.

It would be very useful if you, in your position at the centre of the web in Whitehall, got the word out that,

technically, from a parliamentary and political perspective—I do not know what the rules and regulations are in Whitehall—being able to discuss the Bill early is more valuable than discussing it later on a compressed timetable. Does that make sense?

Mr Harper: Sure. What you are basically saying is that even if we publish the actual Bill, you want a bigger gap for colleagues to consider it. I suppose the only argument then comes down to semantics. If proposals are still open to quite a lot of change, the Bill is, in effect, a draft Bill, even if you do not call it that. Yes, that is very helpful, and I will feed it back.

Q317 Chair: Obviously, from a parliamentary point of view, the greater the flexibility and the greater the slack, the more influence and value for money the Government will get from Parliament in terms of testing concepts.

Mr Harper: I suspect that, presentationally, publishing a draft Bill and calling it that probably gives the Government maximum flexibility to make changes in response to what people say, rather than publishing a final Bill and then having to change it. I heard what you said, and will pass that back into the web.

Q318 Catherine McKinnell: Good morning. I want to follow on from the statement that you made yesterday. There was some discussion in the House, but there are a few issues that I would like to explore a little further. There has been talk that the main concern in the proposals for individual voter registration is to combat electoral fraud. What kind of data do you have on electoral fraud, and how big is the problem?

Mr Harper: I said in my statement yesterday that proven electoral fraud is, fortunately, very rare, but that, as well as

the proven levels of fraud, there is also a very significant perception of fraud among voters. After the election this year, some of the survey work that was carried out showed that around one third of the public think that there is a real problem. While a perception of a problem is not necessarily as serious as a serious problem, it is a problem if one third of the public have real concerns about how our electoral system works. Combating that is very important. But, as I said in my statement yesterday, the Government believe that it is as important to have a complete electoral register to make sure that eligible voters are registered on it, as it is to make sure that people who are not eligible to vote are not on it.

Q319 Catherine McKinnell: I'm glad that you have said that and have clarified those two issues in your answer that fraud is not actually the main problem and that it is possibly a perception. The main concern and the concern of the Electoral Commission is that we have an inaccurate register with 2 million or approximately 3.5 million people missing off it and potentially some people on the register who should not be there. Obviously getting an accurate register is very important.

One of my concerns about the proposals being put forward and the speeded-up timetable that is being proposed is that we are facing difficult budgetary times. Local authorities will particularly be facing some difficult budget choices. I certainly did not get the impression from the statement yesterday that resources will put in place for local authorities to be able to make sure that the electoral registers can be made accurate in the way that they need to be.

Mr Harper: The reason—I think that I set it out yesterday—for not spelling out in detail financial matters is that it is simply not possible to do that this side of the spending review. The Government have a clear principle that, when central

Government make changes and impose new burdens on local government, those should be funded. Where that takes place, it is existing Government policy and the Government have no plan to change it. Spelling out the detail will happen after the spending review.

In terms of current electoral registration, there is clearly a variance in the performance of different local authorities and how much they spend. The Electoral Commission—you went into that a little when you spoke to the chairman of the Electoral Commission this week—has been doing work for the past two or three years on collecting evidence about financial resources on electoral registration and whether there is any correlation between that and effectiveness, and it continues to do that. The Government pay close attention to it. That is also something that Members of Parliament have influence over in terms of engaging with their local authorities to impress on them how important electoral registration is, in the balance of all their other important services. The Government's present position is that they do not think that it is appropriate for central Government to ring-fence funds for councils, but that it is for councils to judge all the different services they offer and make those judgments about where they spend their money.

Q320 Catherine McKinnell: I appreciate that you do not want to give any detailed facts and figures of what additional resources local authorities might require, but would you elaborate on what additional burdens you might place on them? We have a deadline of December to get the electoral register as accurate as possible. Presumably, you have given some thought to additional burdens that you might be putting on local authorities up to that date and from there to the burdens that will be placed by individual voter registration.

Mr Harper: This year Electoral Registration Officers are already all under a duty to ensure that their electoral register is as accurate and complete as possible, so I do not think that the Government are placing any further burdens on them for this year.

Q321 Catherine McKinnell: So there will be no additional resources, for example, this year.

Mr Harper: No, there isn't a change in the process for this year. For future, there will be changes about how they conduct individual registration. There will be the necessity to carry out a canvass. Once they know who is in a household, there will have to be an interaction between each individual clearly in the initial stage. I made it clear yesterday that once individuals have provided their identifiers—their date of birth, their signature and their national insurance number—if there are no further changes in future years, they do not have to provide that information every year.

But, clearly, switching from one system to another is a significant undertaking and those would be the new burdens placed on local authorities. As I said, there is a general policy that the Government fund them, but in terms of spelling out the detail, that will have to wait until after the comprehensive spending review is announced on 20 October. I am sure that colleagues will understand that my life would not be worth living to the Chancellor of the Exchequer if I were to breach that now.

Q322 Catherine McKinnell: In relation to the Census that is due to take place in March 2011, has your Department given any consideration to how it might be used to inform the process, whether by data sharing or some form of attempt to share the information with the Electoral

Registration Officers or even use the process as part of an engagement with potential unregistered voters.

Mr Harper: There are two difficulties with using Census data. The first is that Census data is of population and does not look at whether people are eligible to vote, and of course many people who live in the UK are not citizens and are not eligible to vote for various reasons. The second difficulty relates to the level of detail of the information collected in the time available. Clearly, Electoral Registration Officers are able to access Census data and use it, but Census data at the individual level that could be used to track whether actual people exist, so that they could be approached, is not published at that level of detail, but it is aggregated. Therefore, with regard to electoral administrators using it as a source to identify people who exist in an area and who are not registered, they can look at overall number and make some assumptions, but it does not really give them the detail to drill down. There are other data sets that might be more helpful in that regard that we are going to pilot in 2011. There is no bar on them using the data that is published.

Q323 Sir Peter Soulsby: On the issue of under-registration, clearly all parties are agreed that individual registration is highly desirable, for all the reasons you have set out, but I would like some reassurance from you that tackling under-registration is not just highly desirable, but fundamentally important, and that the highest possible priority should be given to getting a system we can all rely on. Is it fundamentally important?

Mr Harper: Yes, it is. When I made my statement yesterday, I was keen to balance the two aspects of the matter: the completeness of the register and the need to get eligible voters registered to vote. That is as important as making sure that people who are not eligible are not on the

register. I tried to present that in as balanced a way as possible. The Government's view is that we want to ensure that people who are eligible to vote are on the register, and as politicians it is our job to engage them so that they want to use their vote when they are registered.

Q324 Sir Peter Soulsby: Can you describe what the Government intend to do to monitor the performance of Electoral Registration Officers to ensure that they really are tackling that effectively and, having monitored it, what you intend to do about reporting that progress?

Mr Harper: As I said yesterday, the previous Government's proposal, when they were having a voluntary scheme, was for the Electoral Commission to monitor how that went and provide some advice to Parliament, and Parliament would then have made a final decision. We made it clear yesterday that we still want the Electoral Commission to be involved. In fact, I think that it is helpful if there is an independent check. Therefore, as we do the data-matching pilots in 2011, the Electoral Commission will monitor them and give us its view on the ones it thinks are most effective and the ones that would most merit being rolled out.

As the individual electoral registration takes place, the Electoral Commission will also test the progress of that against its principles, which it republished yesterday. Two of those principles are the ones I have just enunciated: ensuring that every eligible voter is registered and ensuring that there aren't any people on the register who are not eligible. The Electoral Commission will monitor that and report to the Government, and clearly we will look at the evidence it brings forward. Does that answer your question?

Q325 Sir Peter Soulsby: It does answer the question. My concern, and I guess that

of other Members, is that there really has to be quite a quantum leap in terms of the effectiveness of electoral registration in tackling the scandalously low levels of registration that exist in some parts of the country and in some parts of towns and cities.

Mr Harper: Sure. The positive thing, which I mentioned yesterday when responding to questions from Members on both sides, is that the evidence from Northern Ireland, where they introduced individual registration some time ago, suggests that the move to individual registration enables quite a lot of work to take place to try to get registration levels up. I think I quoted an example of some innovative work they have been doing among younger voters, such as targeting them in schools. An example was brought up yesterday of looking at whether that process can be used when we roll out national insurance numbers to 16-year-olds. There is some evidence about that and the Electoral Commission says that it has been quite successful.

The data-matching pilots that we are trialling next year are intended exactly to help Electoral Registration Officers to identify more accurately the areas where people are likely not to be registered and focus their resources there. That comes back to Ms McKinnell's point that when the public sector is under financial pressure, you clearly need to be able to allow Registration Officers to focus resources on areas where they are likely to have people who aren't registered and target them rather than having a blanket approach, which is what tends to happen at the moment. Part of the benefit is that those resources can be more finely targeted. Clearly, for the next few years, people will not have ample spare money, and we must make sure that every pound spent on electoral registration has the biggest impact.

Q326 Sheila Gilmore: The research that the Electoral Commission had done by Ipsos MORI, for example, makes it clear where the gaps are in registration. Fundamentally, many of them involve young people and people in the private rented sector, and there is clearly some overlap there. You gave examples of work with young people, which are clearly good, but require additional resources. Do you accept that? Do you also accept that there is a risk that individual registration could lose people who might, rightly, be included at the moment? They may be predominantly young people, because if the head of household puts them in, they are on, whether they realise it or not. Anyone who has been canvassing will know that sometimes the young people they meet on the door step do not realise that they are registered. There is a risk here, and we must be clear about the need to minimise that risk.

On data sharing, many people in the research suggested that they thought that they were registered because they pay council tax and seemed willing to have some of these things linked more than we might imagine.

Mr Harper: On the first point, we are still planning on having the canvass, but it will change slightly. It will identify who is in the household. The Electoral Registration Officer will then have individual interaction with that person. In your example of younger people, clearly they will be identified to the Registration Officer, but when the registration office writes to them to ask them to provide their identifiers—date of birth, signature and national insurance number—the risk is that they will not respond, so they will not be on the register.

We are conscious that we do not want an unnecessary drop-off as we move from one system to another, so in the initial stage, we will keep people who are currently on the register on it this side of the general

election, even if they do not individually register. New people will have to have registered and provide their identifiers. Anyone wishing to exercise an absent vote—a postal vote or proxy vote—will have to have provided those identifiers, but we will keep people on the register, so that we do not have that immediate drop-off.

On young people, the Chief Electoral Registration Officer in Northern Ireland has been looking at some of those things and the possibility of building in some of those processes. That links in with the issue in your second question, which I also referred to in the statement yesterday, which is the other interaction that citizens have with the state and whether, as part of that, we can make registration part of that process. For example, we will consider whether, when you apply for a passport or driving licence and so on, there should be an opportunity for you to indicate that in providing that information you wish the Registration Officer to be notified and to get in touch about providing identifiers for going on to the register. We are looking at the common interactions that people have with the state on a day-to-day basis and using those as opportunities to have that data shared, but with the individual's consent. That would deal with some of the issues about data-sharing and people being nervous about it being an automatic process. There is a lot of scope there, and there is some evidence from Northern Ireland that it is very effective at reaching some of the people that you don't otherwise reach. It is not very resource-intensive, because it just means tweaking interactions that people already have with the state, rather than inventing whole new processes.

Q327 Chair: Will any of this stuff be in place and taken into account ahead of the creation of new constituencies, or is this all future hope?

Mr Harper: We're trialling the data-matching pilots in 2011. One thing we can do between now and when the register is finalised in December—this was raised in a question from Simon Hughes yesterday—is to drive up public awareness. We can try to create what he characterised as a democracy day or to raise the public profile. That was a good suggestion, and Ministers are thinking about how we might do that between now and when the register is finalised later this year. Of course, individual Members of Parliament can do those things in their own constituencies to raise public awareness of why registration matters to the individual and to the distribution of seats in the boundary review, and I would encourage Members to do so.

Q328 Chair: Of course, the more you do post-December of this year, the more distorted and at variance will be the division of constituencies; the gap will grow if you have large amounts of registration. You'll be in for a second redistribution of some significance five years after the first redistribution.

Mr Harper: We've said in the Bill that one of the other changes is to increase the frequency of boundary reviews. One advantage of having them every Parliament is that that keeps them more up to date. Part of the point of speeding up the process—this is certainly the trade-off for Members of Parliament—is that having more frequent boundary reviews means they'll probably be less dramatic, apart, obviously, from the first one, which, because it is a reducing review, and reduces the size of the House of Commons, will, of necessity, be fairly disruptive. But post that, reviews will take place more frequently. For those colleagues who are concerned that there is under-registration in certain parts of the country, let me say that there has been an increase in introducing individual registration, and we can put in

place some of the mechanisms for getting people on the register. There will be a boundary review after the next election, where it will be possible to take those changes into account. Instead of having to wait a decade for those changes to kick in, which would have been the case under the existing process, they will kick in more quickly, and the boundaries and the seats will reflect the register more quickly after changes are made.

Q329 Chair: Will that be strictly so? Will future redistributions be less dramatic? If you're doing it numerically, you start from a place that you presumably make bang on the quota, and then you ripple outwards, so there will be quite significant shifts the further you are from the first place chosen or the epicentre. Even if there are relatively minor changes in the given constituency, they will cumulatively get very large the further you get from the point you chose to start.

Mr Harper: If you look at the detail in the Bill, the boundary commissions—certainly in England—will not look at England as one block. They will start looking at things on a regional basis, so I don't think the way you've characterised the process as starting from one end of the country and having some sort of ripple at the other end is necessarily accurate. There is, of course, still a range for the size of parliamentary seats, plus or minus 5% around that quota, so there is some flexibility for the Boundary Commissioners. They can then make relatively modest changes in constituencies to reflect population shifts.

Q330 Chair: Just a quick one on the question of whether you make your boundaries on the basis of registered electors or people. I would have thought you'd agree that some of the most difficult, protracted and onerous case work for some of us is about people who are not registered

and particularly people who are not British citizens. Presumably, we are not, as Members of Parliament, to say that we are elected on the basis of registered electors, so we're not going to deal with those people. That might actually appeal to some colleagues, because these are extremely difficult cases. But more seriously, you will presumably take into account somehow that these things are still an important part of a Member of Parliament's job in particular areas.

Mr Harper: There are two linked issues. The first is that the representative function clearly has to be based on registered electors—people who are entitled to vote. But you raise the important point—it has been raised with me by a number of colleagues, and I see it myself as a constituency MP—about where case work comes from. We now have an independent body responsible for the resources to enable Members of Parliament to deal with the issue.

Casework for Members of Parliament may be an issue that is worth raising with IPSA. I know that Members have asked whether there is differential casework. The issue does, of course, work both ways. There are members on this Committee who are from the devolved parts of the United Kingdom. There have been arguments that Members of Parliament from Wales, Scotland and Northern Ireland have less casework to deal with because the whole range of devolved issues are for Members of the Scottish Parliament or the Welsh Assembly. I am not expressing a view about that, but that is an argument. So there are some issues about resources for Members of Parliament and whether or not there is a differential, but they are for colleagues to raise with IPSA when it is looking at the scheme. It is reviewing the scheme this autumn and that may be the opportunity to raise exactly the point that you have mentioned.

Q331 Chair: As a constituency Member yourself, Minister, you will know that IPSA's contribution so far has been to reduce our staffing budgets by 10% this year by insisting that pensions are taken from that budget, so it is not a good omen. There has been an acceptance since 1950 that populations have increased by 25%. I am talking about the load within a given Member's constituency. People are now on top of that more demanding workload. In addition, you wish to add for many of the more difficult areas—in fact, for everybody, but the impact will be particularly heavy in areas where there are high levels of deprivation—a further slither of people by extending the quota. So, more and more stuff is being piled on MPs from deprived areas who already have a heavy caseload. Sadly, at the moment, the IPSA balance seems to be reducing the amount of money available for those MPs to do a good job.

Mr Harper: I don't think that it is a very good constitutional principle to try and distribute parliamentary seats by making some estimate of casework. I do not think that that is a tenable proposition. Your point about whether MPs are properly resourced to do their job given the population levels and the rising expectations of our constituents is perfectly valid.

Q332 Chair: Isn't that what the constituency link and first past the post rests its case on?

Mr Harper: Absolutely, but that is our job. It is fair to say that the argument about the introduction of the new expenses regime in its first incarnation was not done against a background that was very helpful for Members of Parliament to be arguing for more resources. The Independent Parliamentary Standards Authority is conducting a full review of its scheme, and it will do that on a regular basis. I hope that now that it is starting to settle down—I

would not put it any stronger than that—Members will have the opportunity this autumn to make their case and to look at how the scheme has bedded in. Certainly, for those colleagues who feel strongly about their casework and their office resources, they can make their case. It is not for our benefit, but for the benefit of our constituents and the way in which we serve them. If you put the argument in those terms, it will be rather more attractive for IPSA to take those concerns into account.

Q333 Simon Hart: May we turn quickly to combined polling? On Tuesday, we heard evidence from Andrew Scallan from the Electoral Commission. He said, "If the law is amended to allow for combined polls, as distinct from separate polls held on the same day, it would be necessary to have separate polling stations for each event that takes place. So, if you imagine your typical school hall with a polling station, which may be a table with two members of staff sitting behind it, there would be a need for a table for each event that is taking place on that day. Notices would be about each separate event." As you might imagine, that made us sit up and listen. Have you any proposals to address that?

Mr Harper: Are you specifically referring to the referendum next year?

Simon Hart: Correct.

Mr Harper: There is also the issue of combining elections. So, you are talking about the referendum. That is a perfectly valid point, which is why we will bring forward provisions—and we have said that in the House—amending the Bill to provide for combination. The reason why it wasn't in the Bill as published was because we wanted to be able to work with the devolved Administrations and officials in each of those countries about how best to combine them and work with the Electoral

Commission. That work is under way, and we will table an amendment to the Bill to provide for combinations so that those elections can all work together.

The huge benefit of that, of course, is that it saves a significant amount of money. The revised estimates are that it will save about £30 million. Some of that benefit accrues to the referendum campaign; the rest of the saving, of course, accrues to the individual elections taking place, because they can share some of the resources for the referendum. But you're absolutely right. If you didn't provide for combination and the elections had to take place in a completely stand-alone way, you would have exactly the same situation which Mr Scallan outlined to the Committee.

Q334 Simon Hart: There was a subsequent question which we asked on Tuesday and which didn't get an answer. Turning the focus specifically to Wales, do the Government have a reason for holding the referendum on further powers for the Welsh Assembly on a separate date next year? It may be two months, but it's estimated to be before this particular referendum. Does that not lead to an accusation of its possibly not being cost-effective and contributing to, as the Electoral Commission put it, voter fatigue?

Mr Harper: Given that this isn't my area of responsibility, you'll have to forgive me, but I think I'm right in saying that the logic for having the referendum on further powers and not combining it is because that was felt appropriate. You needed to have the referendum on further powers so that when Welsh voters then voted for an Assembly, they knew the nature of the body that they were voting for.

In other words, if you combined the referendum and the Assembly elections, voters taking decisions about who they wanted to represent them in the Assembly and who they wanted to run the Welsh

Assembly Government would do so not knowing the powers of the body that they were electing. My understanding is that the reason for having the referendum first was so that that could be dealt with. The Welsh public will be able to decide the powers they want the Assembly to have and, in the light of that knowledge, can then cast votes for people to represent them in the Assembly. I believe that was the logical process, and I think it has much merit. Those from Wales will no doubt be able to correct me if that's wrong.

Q335 Simon Hart: Perish the thought. It's a relief to hear that it's nothing to do with a fear of what the result might throw up.

Mr Harper: No. I think there was a good logical process. If you're going to ask people to elect people to a body, they need to make those decisions and be able to know what it is that that body is responsible for and the powers that it is going to have.

Q336 Simon Hart: Very much so, which leads me to my last point. Christopher Chope, who was here on Tuesday, raised the point with the Electoral Commission that when we set out the questions about AV, we have to remember that there is more than one form of AV. There was a discussion about how we explain what first past the post is and what sort of alternative vote is being proposed. In particular, given that that referendum will fall on the same day that the citizens of Wales go to the polling station to vote for their Welsh Assembly Member, they will be using a different form of alternative vote from the one we're asking them to express a view on in the referendum.

We got as close as we did all morning to an answer from the Electoral Commission on that particular point, and it accepted that there was potential for confusion; I do not think I misinterpreted it. The answer, it

said, lay in the preparation of a booklet which would describe what we have, what we might have and what we could have. Also, of course, this would be bilingual. It struck us as having the potential to be quite a confusing set of circumstances. We tried to tease out a view from them, which we failed to do. I wonder whether you could possibly go a bit further.

Mr Harper: The point you make about the alternative vote is correct. There are a number of different systems or variances of the alternative vote. The view that the Government took is part of the reason why the Bill contains the rules for how the alternative vote system would work and be brought into force if there was a yes vote, so that it is absolutely clear what people would be voting for. We're not saying to people, "Say that you want to have alternative vote, and then post-referendum, we'll think up the version that we're going to impose on you." We've laid out clearly in the Bill—I think in clause 7—the form of the AV system that would be introduced, so it's very clear.

It's very clear for us, because we read legislation and will be debating it in detail. The question then is how we communicate that to the public. The Electoral Commission has a role in terms of the factual basis of that. The Government published a short note, which we placed in the Library, detailing the difference between first past the post and the alternative vote system as set out in the Bill in as neutral a way as possible. The Electoral Commission and the Government can go so far in terms of setting out the facts, but the merits of the system, explaining how it works and the possible consequences follow the question, "Should you vote yes or no?". Clearly, the Government are not going to take a position on that and neither is the Electoral Commission. Some burden of explaining how the system would work—and more importantly the consequences—fall upon the yes and no campaigns, so that voters

have that information when they make their decision.

Q337 Simon Hart: But will it actually explain the difference between the systems that you are recommending and the system that people are actually using on the day on which we are asking them to express a view? People may be forgiven for thinking that the system they are using in Wales is in some way similar to the system that we are proposing in the referendum. It will be quite an art—I am not sure it is a yes or no campaign—to explain that those two things are quite fundamentally different.

Mr Harper: The system in Wales is not the alternative vote, it is the additional Member system. That is significantly different, because it has a proportional aspect. Of course, the alternative vote is not a proportional system—it is a preferential system. The materials will set out clearly how the first-past-the-post system works and how the proposed alternative vote system will work. In Wales, the Electoral Commission will have to think about—because it will also explain to voters the usual information about how the Welsh Assembly system works—the extent to which it wants to provide a comparative explanation, and whether it just wants to explain, "Here's how your vote works for the Welsh Assembly, here's first past the post, here's AV. We're asking you to make a choice between those, yes or no." The extent to which it wants to get into how AV differs from the additional Member system. I suspect that getting into the detail of comparing the systems gets a bit too close to arguing about the merits of them if you provide anything more than just the bare mechanics. Neither the Electoral Commission nor the Government are going to get into arguing the merits of the electoral systems. That will be a matter for the yes and no campaigns. The Government and the Electoral Commission are neutral about the outcome. The

governing parties are not, but the Government are.

Q338 Catherine McKinnell: I have a question following on from the commitment to amend the legislation to allow the joint balloting on the day of the referendum. There was also a recommendation from the Electoral Commission after the general election to make amendments to legislation to prevent the kind of situation we had this year. In my constituency, people were not allowed to vote because they were queuing up outside the polling station. There are two issues. One is that in my constituency, there was certainly perceived to be a lack of resources put into the polls. There was also an issue with legislation that does not allow people to vote after 10 pm. Are there any proposals in the pipeline to deal with those two issues?

Mr Harper: In terms of the issues that arose this year, it is worth putting them in context. They affected several thousand people out of the 45 million or so entitled to vote. I think that they accounted for around 40 polling stations out of the 80,000 in the United Kingdom. There was clearly a problem and when people are not able to cast their vote, that is serious, but I do not think that we want to draw the conclusion that there is a systemic problem. The conclusion from the Electoral Commission's report was that it was largely down to poor organisation and poor planning. From the resourcing point of view for the general election, those funds do not come from local authority budgets. They are reimbursed from central Government. Local authority registration officers act as Returning Officers. We can't really say that their local authority didn't provide them with resources. The Government provide the resources that are necessary to fund the general election campaign. This general election process was significantly more expensive than

previous ones, so I think Government have made the resources available.

On the issue of what happens at 10 o'clock, the Electoral Commission has made some recommendations and the Government are considering them. Something we need to think about is the practicality of making those changes and whether there are knock-on impacts. For example, if you adopt the process of effectively allowing people once they are in the queue to get the ballot paper and vote, you have all sorts of important issues. What is the queue? How do you police it? How do you stop people joining it? Those all have resource implications as well. What we don't want to do is, in solving one problem—which was relatively limited and largely caused by poor planning and organisation—create further problems. The Government are considering the recommendations of the Electoral Commission and will announce our decisions in due course to Parliament.

Q339 Mrs Laing: If I can go back to the points that Simon was making about the timing of the Bill, we all accept that the Parliamentary Voting System and Constituencies Bill is being rushed through Parliament. There are circumstances in which that is necessary. I suggest it is essential to do that with this Bill, as far as the boundaries and the equalisation of constituencies are concerned. Clearly, there is a time lag in getting all the administration involved thereafter in place before the next general election. Given that the Fixed-term Parliaments Bill has now had its Second Reading and, therefore, the general election is not going to be until 2015, why is it necessary to rush through the referendum on the voting system? Why is it necessary to have a referendum in 2011—never mind the date in 2011—at all? If it were held in 2012 there would still be three years before the next general election.

Mr Harper: I wouldn't characterise the Parliamentary Voting System and Constituencies Bill as being rushed through Parliament. It is fair to say that it is moving at a fair pace, but I wouldn't say it was being rushed. We have made available five days on the Floor of the House of Commons for Committee, and a further two days for Report. We will see how generous that turns out to be in fact. We are working closely with the Opposition to make sure that we have a sensible breakdown of time, so that all the important issues that Members wish to raise are both debated and voted on, as I committed to do to the House in my winding-up speech on Second Reading. The Government felt that with the referendum on the voting system we had made that commitment in the coalition agreement and we wanted to get on with it and ask voters for their decision. The reason for having it next year on that particular day is to combine it with the other elections, for the reasons that I outlined to Mr Hart.

Q340 Mrs Laing: Do you accept that there are problems? Even if I agree with you, for the sake of argument, that the Bill is not being rushed through Parliament, that it is perfectly reasonable and we have plenty of time, nevertheless, the Electoral Commission raised with us on Tuesday the problem of the six-month issue. The Electoral Commission says, "The rules on how the referendum will be conducted must be clear from at least six months in advance." That means they have to be clear from 5 November this year or thereabouts, which in parliamentary terms is only a couple of weeks from now. Does that not mean that the House of Lords, which will not consider the Bill until after 5 November, cannot make any significant alterations to the Bill, if the referendum is to go ahead with the rules clear six months in advance?

Mr Harper: I read the exchange in the evidence that the Electoral Commission gave and I was also in the Chamber yesterday for the points of order. The Member who raised one point of order rather exaggerated what the Electoral Commission had said. Fortunately, Mrs Laing, you were in the Chamber to put him straight, which the Chair found very helpful. It was over-egging it to say that the Electoral Commission was saying that the House of Lords wasn't able to amend the Bill. In answer to questions about whether having a referendum on 5 May is far enough in advance for it to be conducted well, the Electoral Commission has been quite open and said that there are, of course, risks but it believes that they are being well managed. We have set out in the Bill the rules for how the referendum will be conducted, and we are working on the amendment for how the combination will work. We have been doing that with electoral administrators, the territorial departments and the Electoral Commission. We will be laying that out in the Bill. If the House of Lords, as it is entitled to do, makes significant amendments to the rules for the referendum, the Electoral Commission—its chair is the Chief Counting Officer, as you well know—will have to go away and consider whether it thinks the changes have a material impact on the way in which the referendum will be conducted. I do not think that either that body or I will be able to answer on that hypothetically. The rules in the Bill are clear at the moment and the Commission is watching proceedings in Parliament very carefully and will take a judgment in due course.

Q341 Mrs Laing: But you have just agreed with the Electoral Commission in saying that there are risks. We all accept that there are risks in doing things on this time scale, so why bother? Why not have the referendum on AV in 2012, instead of 2011? Even if the Government are

desperate to hold it on the same day as local elections and one concedes on that point—which we will come to in a moment—why not have it in 2012, when the risks would have diminished considerably because of the much longer time scale?

Mr Harper: The Government have made it quite clear that we have made a commitment to do it, and we want to get on and do it. We have been very open. Indeed, the Prime Minister was very open with you when he gave evidence earlier in the Session. There are risks in doing it, so the Government are working very closely with the Electoral Commission, which will run the referendum, and with the electoral administrators who are running the other elections on those days to ensure that we manage the risks very carefully. The Commission is looking closely at proceedings in Parliament and at the views of Members. If the Bill is amended either in this House or in the other place, the Commission will take a view on the impact that that will have on the running of the referendum.

Q342 Mrs Laing: Would the Government consider holding the referendum in 2012 instead of in 2011?

Mr Harper: The Government have set out their position. We want to hold the referendum on 5 May. That is our plan and what we are working towards.

Q343 Sir Peter Soulsby: You have acknowledged that the Electoral Commission's assessment is right that were the House of Lords to make significant amendments to the Bill, it would put at risk the safe delivery of a referendum at the beginning of May. Is that not in effect holding a gun to the heads of their lordships, particularly those who support the Government, and saying, "If you amend this, it won't be delivered."?

Mr Harper: No, I wouldn't agree with your characterisation at all. The Electoral Commission didn't put it quite like that. All I said was that if there were amendments to the rules for how the referendum is conducted, the Commission would have to make a judgment as to how that affected its ability to deliver it. That would depend on the nature and significance of the amendments. That is not the sort of question that can be asked in a hypothetical way. I do not agree with the way in which this was characterised yesterday in the House. I do not think that the Electoral Commission is in any way trying to tell Members of this House or the other place how to go about their work. Members will scrutinise the Bill and make whatever changes the House sees fit, as will the other place. The Electoral Commission and the Government will then make a judgment accordingly.

Q344 Sir Peter Soulsby: I don't think that the Electoral Commission was in any way trying to tell this House or the other House how to do their job. I think that it was pointing out to us that significant amendments would bring significant risks and would probably jeopardise the safe delivery of the referendum at the beginning of May. If that is the case—you seem to accept that there are significant risks—it is in effect saying to the House of Lords, "Back it, or it may not happen." That would obviously have serious implications for the Government.

Mr Harper: That's your characterisation; I wouldn't put it quite like that.

Q345 Sir Peter Soulsby: I suspect that's how their lordships will see it.

Mr Harper: Their lordships will be able to scrutinise the Bill. If they think that changes need to be made to the procedure and put them forward, they will be considered by the upper House and by the

Government. If peers propose changes to the rules that are improvements because they spot things that we haven't spotted, they may actually improve the delivery of the referendum. The Electoral Commission will consider any changes and comment on them. Obviously, we will listen carefully to what it says and work very closely with it. I would not characterise this in the same way as you.

Q346 Sir Peter Soulsby: The fundamental point is that if the Government were to put back the referendum, even by only a few months to October 2011, all of this could be avoided. We could get the legislation through safely, both Houses could consider it properly, the Electoral Commission could make the proper preparations, and none of these issues would arise. Is that not the case?

Mr Harper: No. We have made it quite clear that we wanted to get on and have the referendum, and we've chosen the date. If you're having it next year, there is a very strong argument for having it on the same day as the other elections, for the reasons I gave in response to the question from Mr Hart. There are significant savings to the public purse from combining elections and the Commission recognises that. That is why it holds the position it holds.

I also think that there are some advantages to encouraging turnout. Next year on 5 May, about 81% of voters in England are already going to the polls for local elections, as well as voters in Scotland, Wales and Northern Ireland. Therefore, 84% of the UK electorate are already having elections. If we want a good referendum campaign and a result that, whichever way it goes, both sides feel is fair and something they can live with, having a good turnout is very important. The campaign must engage and make sure that that happens, and that is best done on a day when others are voting.

Q347 Sir Peter Soulsby: I wonder whether the issue of turnout is not actually rather fundamental to the Government's thinking on this. If the referendum were separated from other elections, people might not bother to turn out, because for most people it is not a significant issue.

Mr Harper: I think there are some risks if we keep asking people to go to the polls. That is the case the Electoral Commission set out in its thinking when it was questioned on whether or not elections should be combined. It highlighted the fact that there are risks in delivering a referendum on the same day as other polls, but it also highlighted the benefits. There are benefits of cost, and there are also benefits to encouraging turnout and participation. For the Government and the Commission, it is about balancing those factors and reaching a sensible judgment. That is what I think we have done.

Q348 Mr Turner: You suggested that if the legislation goes before the House of Lords, their Lordships may produce something that is better—I think those were your words. The fact is that it may still be significantly different, so the Bill will then fall.

Mr Harper: No, that is not what I said. It is of course possible; it would be very arrogant for Ministers to assume that every Bill introduced by the Government is perfect. Bills can always be improved by scrutiny, and the Government will listen carefully to the debate in the Commons and likewise to Ministers in the Lords. It may be that there are amendments to the Bill. I have already acknowledged that there will be some Government amendments; there will be some minor, technical ones and we will introduce a combination amendment as well.

If their Lordships make amendments to the Bill, the Electoral Commission, which is responsible for delivering the referendum,

will have to judge those on a case-by-case basis. If their Lordships improve the rules, the Commission might judge that that makes their job easier. You have to judge these things on a case-by-case basis; you certainly can't judge them on a hypothetical basis in advance. I don't agree with your suggestion that if the House of Lords makes any amendments at all, whether they are improvements or not, that will bring the process to a screeching halt. The Commission will make a judgment, as will the Government, on a case-by-case basis. It will make sure it is satisfied that it can safely deliver the referendum in a proper fashion.

Q349 Chair: Thank you. By way of half-time oranges, I will give you a break from these technical questions. A couple of Bills have been introduced speedily—to use a neutral term—with the Lords legislation on the way shortly. Do you think that there is a risk of repeating the problems of the Labour Government in 1997, where the big blockbuster democratic legislation all came very early on? Some people feel that that Government rather ran out of steam on the democratic agenda. Have you got up your sleeve stuff that will sustain the radical edge of this Government on the democratic agenda, to last you through possibly to a fixed five-year term general election in 2015?

Mr Harper: Chairman, there is still quite a lot in the coalition agreement that we haven't discussed so far. Just picking up a couple of examples, we have obviously committed—not a small undertaking—to reforming the House of Lords and dealing with how it wholly or mainly elects a second Chamber under proportional representation. You will know that we are going to introduce a draft Bill around the turn of the year that will then be scrutinised pre-legislatively by, hopefully, a Joint Committee of both Houses of Parliament—although that is, of course, a decision for Parliament, not for the Government. We will then introduce a Bill in due course.

We have also committed to setting up a commission on the West Lothian question. Decisions on that will be announced to Parliament this autumn. I have mentioned the third Bill that we will introduce, and it will implement individual electoral registration. There are also a number of things we have set out that are already in the coalition agreement.

Q350 Chair: A Bill of Rights review?

Mr Harper: Yes, we have also set out some further privilege matters for the Commons, which again will involve a draft Bill. There is a quite a lot in the coalition agreement that we have not talked about so far to keep us busy. Of course, there may be things that arise that are not in the coalition agreement, which the Government may bring forward later. As both the Deputy Prime Minister and I have set out, based on what was in the coalition agreement, the Government have a full programme for the Parliament. As I said when I mentioned House of Lords reform, I do not think anybody is under any illusion that that in itself will not be a fairly significant constitutional undertaking, from both a constitutional and a parliamentary perspective.

Q351 Chair: We will look at how the coalition was formed and how future such occasions might be dealt with in a different way—perhaps a better way. Reading around that subject, I see that one of the suggestions floating around in academic circles is that a refresh of a coalition agreement might be a standard item, as it were, halfway through a Parliament. Clearly, the original coalition agreement was put together in a hurry—necessarily. Does that strike you as a sensible concept and, within that, do you see space for further democratic renewal reform?

Mr Harper: As well as the coalition agreement, the Government set out

structural reform plans across Government which effectively take the commitments in the agreement and put some kind of time frame around them. As we move through the Parliament, hopefully, we will tick off a number of items that we will either have delivered or which will be very much under way. So I am sure, as with all Governments that, as we go through the term of office, we will have to react to events that we weren't thinking about before and there will be new policy challenges. There will be things that we did not want or were not able to think about at the beginning, when we had a very full agenda, that we can turn our minds to.

Although it is somewhat above my pay grade, at some point during the Parliament, the Government will look at what their forward-looking programme is, both on political and constitutional reform and on other things. I don't think we have got as far as setting out exactly how that will happen and the process for that. I am sure the Government will look very closely at the conclusions of the Committee's report to inform how that might happen.

Chair: Okay. Back to the match.

Q352 Sheila Gilmore: I wanted to go back to the need to amend the Bill on constituencies and the referendum. One thing the Electoral Commission said to us when it gave evidence was that it felt that the design of the form—it mentioned something to do with the wording, which is separate issue that somebody might manage to raise—in the Bill itself, needed serious attention. The Electoral Commission felt, in effect, that its guidance had not been followed in drawing this up. What proposals are there for dealing with that? Subsequently, it looks as if substantial amendment will be necessary at this stage, which arguably would have been better dealt with in advance.

Mr Harper: Colleagues who have studied the Bill in detail will know that part of the reason for it being quite weighty is that all the forms used in the elections are set out in the legislation. Normally that would be in secondary legislation, but they are all here in primary legislation. It is perfectly true that the Electoral Commission has raised some concerns and has requested changes to the forms. We are discussing with it some of the good points that it has made about what the mechanism for that would be. There are a number of options. You could either amend the primary legislation or you could look at powers to amend the form subsequently. We are thinking about the most sensible way to do that.

If we need to amend the legislation we will obviously bring those amendments forward for discussion in Committee. But yes, the Electoral Commission has raised those concerns with us and we are thinking about them. They are about the forms, not about the ballot paper, which has always been specified in legislation. Just on the forms, we will adopt the same consistent approach that we have used for previous elections, so we have not undergone a radical redesign of everything. We have pretty much copied across from existing elections and processes and used those as our starting point in the legislation.

Q353 Sheila Gilmore: I think the Electoral Commission's point was that the work it had already had not been taken into account as it should have been.

Mr Harper: Its view is that that has not been taken into account to the extent that it would have hoped. That is how way I would characterise it.

Q354 Sheila Gilmore: I want to ask about the Fixed-term Parliament Bill. To avoid all the difficulties which arise out of the coincidence of the elections both in 2015

and in later years on that timetable, are you considering looking again at the question of the period of the fixed term, not just because of the coincidence, but because of the weight of evidence that we have heard in this Committee? The majority of the evidence was in favour of a four-year term. If that were adopted, some of these difficulties about having two major general elections in Wales, Northern Ireland and Scotland would be avoided.

Mr Harper: I should like to separate those two questions. There is the combination question and the interaction with other elections, and then there is the term. If you went to a four-year term for Parliament there is the possibility in the Bill of an extraordinary election. If you were on a four-year cycle for Parliament and a four-year cycle for the devolved Administrations, it is entirely possible that they could be on the same cycle in which case, rather than a clash and a combination once every 20 years, you could end up having a clash every single time, so it is worth looking at them separately.

To take the term issue and why the Government have gone for five and not four first, other west European countries and similar democracies use a five-year term. We started with it, because the existing maximum term for Parliament is five years. That is the number that we settled on. The last Parliament ran for period. If you look at the post-war experience and take out the very short Parliaments, such as the one which ran from February to October 1974, the average is 4.4 years, so we felt that five was an appropriate number. I know that others take a different view. That is what the Government settled on and that is what we plan to stick with.

On the issue of combination, we have had a lengthy discussion on the combination of referendums and elections. This is about the combination of elections. In his opening speech on Second Reading the

Deputy Prime Minister said that the Government recognise those are qualitatively different. Whereas we think there is not a problem in combining referendums and elections—indeed, there are some advantages—when you are asking a simple yes or no question, there are issues raised when you combine elections. That is not just about the mechanics but about the media coverage, the narrative and the difficulty for voters to make decisions about the governance of both their devolved Parliament or Assembly and the national Parliament.

We recognise there are some issues about those things. At the moment, the Government are discussing possible solutions with the devolved Administrations. For example, in your case, you will be most concerned about Scotland, I presume. The Scotland Secretary has written to the leaders of all the groups in the Scottish Parliament, and the Presiding Officer, because it is not just a matter for the Administration in Scotland. The Scottish Government is a matter for the Parliament. He has also written to the Scottish spokesmen in this House and the Chairman of the Scottish Affairs Committee. Those discussions are under way and we are thinking in Government about how to deal with the combination, which of course will only happen if all the Parliaments stay on schedule once every two decades.

It is perhaps unfortunate for the Government that it happens the first time around, otherwise I suspect it perhaps may not have received as much attention. It was something we were aware of when we published the Bill. We haven't reflected a solution in the Bill, because we want to reach the consensual solution that we have reached with the devolved Administrations. All I can really say is that that work is under way and we will hopefully bring forward solutions and announce them to Parliament in due course.

Q355 Sheila Gilmore: It is the first time that it has some additional importance. The major issue is about the fact that we really should be looking at these things separately and giving the whole politics of it its proper due place. However, the very fact that it is the first time is in itself of some significance, because you would be potentially have not just the two elections but different voting systems. An issue we faced in Scotland in 2007, when we had the local and Scottish Parliament elections—we have had them on the same day previously—was compounded by the fact that we had moved the local government voting system to a new voting system, so you had different systems operating on the same day. They are not just technically different but in some ways have different processes and tactics, as well as substantial boundary differences. In 2007, perhaps for the first time, a kind of nesting of local government into parliamentary seats, changed things completely. So there is a first-time issue where people are facing something very new.

Mr Harper: Sure. It is worth saying that, even if we haven't introduced any proposals for a fixed-term Parliament, it is entirely possible, if this Parliament ran for a full term, that we would have a coincidence of elections anyway. Indeed, you could argue that the fact that we have introduced the Fixed-term Parliaments Bill, where we are now saying in 2010 that we expect things to coincide is an advantage, because it does at least mean that we can think about it now, and we can think about the consequences and plan for them. If they end up coinciding, we can think about how to handle that. If we end up not having them coincide, we can plan for that.

If you think about what would happen without the Fixed-term Parliaments Bill, we would have happily trundled through the Parliament. We'd have got to our fourth year and we'd have had our "When will the election be? Will he or won't he?" It could have ended up that we had a coincidence

and we would have all had three weeks' notice. The poor electoral administrators would have had three weeks' notice to run combined elections in different parliamentary constituencies, potentially on different voting systems, and that might have been a nightmare. In some ways, the Fixed-term Parliaments Bill has given us the opportunity to think this through and think about some of the consequences.

You raised a good point about the non-coterminosity of parliamentary seats. Of course, in Scotland the constituencies are not the same—you are absolutely right. There are some serious issues and we are working on them with the devolved Administrations. We hope to provide a solution, which we will announce to Parliament in good time for the debate on the Bill.

Chair: Can I take a couple of interventions on that particular point from Nick?

Q356 Nick Boles: Do you accept my view that the coincidence of elections is something to be encouraged and actively sought? I said in the House the other day, during Second Reading, that the United States has a clear, long-standing tradition that all elections happen on the same day at an agreed time for every level. I genuinely believe that that prevents people from using an election about one thing to express an opinion about something else that is somehow more important to them at the time. We all know that that happens, and the one way you prevent that is by having all elections on the same day. People can express as many different opinions as they like, so by and large they are more likely to say: "We think that this mayor, even though he is a Republican, has done a good job, but we're going to vote for a Democrat President. And we're going to vote no to proposition 73." Is that your view, or are the Government agnostic either way, saying sometimes it is a good

thing, as with the referendum next year, and other times it is to be avoided?

Q357 Chair: Minister, before you reply, may I add, if Nick will allow me, something else of concern to the Committee? It is about the relations between local and national Government. I understand that that is being looked at, and we will look at it in due course. To have elections around the same date allows the ability to put propositions, or we might say referendums, about local decision making on the same ballot paper.

Mr Harper: Regarding the Government's view on whether we should go for a sort of big bang election day, I don't think the Government have reached a settled view. Mr Boles is from our side of the House, but I think I'm right in saying that Chris Bryant has expressed the same view—his own personal view—that that has some merits as well. I haven't heard it more widely shared than that.

What I said in response to the questions from Ms Gilmore about Scotland and what the Deputy Prime Minister said in the House responds to the concerns in the devolved countries. They have responded, and they feel that having the elections on the same day will be a detriment to them, and the Scottish, Welsh and Northern Irish dimensions will be overshadowed by the national election. I think there are some differences from the US position.

One of the causes for concern is around our media system. Certainly in Scotland, I think I am correct in saying that people feel that the media coverage will just be all about the UK election, and there just won't be an adequate debate about Scotland. The other thing that they feel is that the debate at the UK level won't adequately distinguish between what is and what isn't devolved. In other words, there will be a big argument going on at the UK level

about health, which of course will really be about the English health service and be completely irrelevant to people in Scotland, Wales and Northern Ireland, where those issues are devolved.

You have to be careful about reading across from other democratic systems. The US is a much bigger country, much more decentralised, and it has far more local media markets, so people can have those debates at local, state and national level. However, you make a point that is worth thinking about. Given that we are effectively creating lots of new elections to various things—the Government have proposals for electing police commissioners and for more elected mayors—there are almost certainly going to be more combined elections.

That is where it is useful to picking up the Chair's point about local elections. We are used to it for general elections. General elections are frequently combined with local elections. In my own experience, voters do as you said: they make a distinction between who they are voting for at local level and at national level, both on party and on personal facts. Personally, I think voters are perfectly capable of making those decisions. What we are responding to in the Scottish, Welsh and Northern Irish cases is the perfectly legitimate concern outlined from those countries by both MPs from the devolved Administrations and by the Parliament and Assemblies, and we are trying to address them. Part of the debate is exactly what you suggested, but the Government have not reached a view on whether we have a big bang day. Clearly, those are issues that will be debated when we debate the two Bills.

Q358 Nick Boles: Can I ask a follow-on question on the Fixed-term Parliaments Bill? A suggestion has been made to us from Professor Robert Blackburn. The idea is that if there is a mid-term dissolution, a

further measure could be introduced to try to disincentivise someone from actively seeking that for partisan reasons: the election that follows should be only for the balance of the five-year term, rather than a whole new five-year term. One other advantage is that the fixed election dates would remain fixed for ever. You might have the odd interstitial one, but you wouldn't upset the whole balance. Are the Government willing to look at that?

Mr Harper: There are two different views on that. We thought about it when we were drafting the Bill. You either say you have an election and you elect someone for the balance of the term, or you take the view that if you have had a general election and the voters have made a clear decision, they want a Government to serve for the balance of the term. We came down on the latter side of the argument. If a Government have just been elected, perhaps with a significant majority, voters might think it a little strange if, not very long afterwards, they were back at the polls.

In terms of fixing the date, though, we did think that if that were to happen and you were to have an extraordinary election, you wouldn't want to change the time of the election in the year in perpetuity. That is why the legislation provides that it would still be the first Thursday in May. You would adjust it accordingly. The maximum term would be five years, depending on when you had the extraordinary election. You wouldn't go further than five years, but it could of course be less. You would have it on the first Thursday in May five years after the preceding May, so that the maximum term was always five years, but you still kept it on the first Thursday in May every year.

The Government acknowledge that the position is arguable both ways. The side that we came down on was that voters would think it strange if they elected a Government with a significant majority and there was an election shortly

afterwards. But there is another point of view.

Chair: We might return to that, because other hon. Members want to ask questions on it, but Peter is next on my list.

Sir Peter Soulsby: I want to go back to boundaries. Is this the time to do that?

Chair: Yes, of course. We can jump around here, if the Minister is happy.

Mr Harper: Yes, absolutely.

Q359 Sir Peter Soulsby: I want to get from you the Government's current thinking on the extent to which, following the passage of this legislation, the Boundary Commission will be expected to take account of things other than numbers. We are all concerned about geographical boundaries, county boundaries and town and city boundaries. What is the current thinking on that? At first, it appeared that they were to be completely ignored, but I think things have moved on somewhat.

Mr Harper: No, it certainly was never the intention that they would be ignored, and we have made a change in the legislation. In the present legislation, parity is there, but the size of the constituency is only one factor of equal ranking with all the other factors. The change we have made is to make parity—the size of the constituency, the number of registered electors—the prime consideration. The other things are all still in there, subject to that. Clearly, the Commissioners are able to take account of local authority boundaries and local ties, for example, which cover a multitude of informal community interests. At subsequent reviews—not the first one—inconveniences caused by boundary changes can be taken into account. The reason why we ruled that out for the first one was that if you're doing a reducing review, as the Commissioners, I think, in

evidence to the Committee acknowledged themselves, you are going to impact on most constituencies, so it would be a bit of a nonsense. They can still take into account all those other things.

I do not know whether you explicitly asked them this when they gave evidence, but it is worth saying that the Commissioners are experienced at doing this, and that they are not going to start with a clean sheet of paper and ignore all those factors. They are clearly going to look at local authority boundaries and things like that. It is fair to say that if you are looking at parity being more important, there will be more crossing of those boundaries than there has been to date, but they are not going to ignore them and pretend they don't exist. I don't quite know where the idea came from that they aren't going to look at any of those things at all. The Bill clearly says that they may look at a range of things, but that they are all subject to the size of the constituency. They cannot override that parity element.

Q360 Sir Peter Soulsby: When you were speaking earlier, you envisaged the Boundary Commissioners looking at the matter on a regional basis. When you talk about regions, do you mean national Government regions as they exist at the moment, or counties?

Mr Harper: It would be the number of Government office regions, but surely that is a convenient starting point for dividing England into manageable bite-sized chunks? The Boundary Commissioners can come up with constituencies that cross regional boundaries, so the regional boundaries will not have the status of the Scottish, Welsh or Northern Irish boundaries, but they wanted guidance on where to start. They will treat Scotland, Wales and Northern Ireland as they have in the past, as single units for producing a scheme, but England is qualitatively different in size. They will use that as their

starting point, but the regional boundaries are not sacrosanct, so they are able to come up with constituencies that cross them.

Q361 Sir Peter Soulsby: Do you anticipate that local authorities, and others with legitimate interests in such things, will be able to make a case to the Boundary Commissioners for constituency boundaries being coterminous, if they feel that it is appropriate and fits the numbers?

Mr Harper: They can make a case for that. Clearly, it depends on whether the numbers work out. Seats can be coterminous with local authorities, assuming that the numbers are within plus or minus 5% of the quota. It is open to boundary commissions, local authorities and others to argue that that should be the basis on which they draw the boundaries. They cannot say that they want the boundaries to be coterminous with the local authority if that means that the numbers are outside the range of plus or minus 5%. However, if the numbers are within that range, they can divide an area so that the constituencies exactly match the local authority boundaries.

Q362 Sir Peter Soulsby: Of course, they will not be able to do that at a local inquiry. We have heard evidence that suggests that, if permitted, local inquiries would not significantly delay the process of review. Why have you specifically omitted the possibility of local inquiries?

Mr Harper: We felt that it was important was that the review process should be much quicker. One of the things that we think is flawed in the existing process is that it seems unreasonable that, for example, constituencies were fought at the last general election in 2010 that were based on electoral register data from 2000. The review took six years, which we think is too long, so the process needs to be speeded up. One of the things that causes

quite a bit of delay to the process is the need to have local inquiries.

We also looked at evidence for the added value that local inquiries bring to the process. We felt that having a much lengthier time period for MPs, political parties, local people, councils and other interested parties to submit written representations was much better. That is the process that they use in, for example, Australia. I should say that they have a much more accelerated process than we do. They get the whole thing wrapped up in a year, because people have to respond to their published proposals within 28 days. We felt that that was probably a little pacy—a little too much of a leap for the UK—but that a faster process was better and that we should have a longer period for written representations, however that might work. I saw in the British Academy report that it had some thoughts about how we might enable such representations to be published, so that everyone can see them and be able to comment on the counter-proposals made by others. We are thinking about some of those ideas: we have an open mind about the detail, but we think that that is a perfectly valid way to do that. General academic opinion seems to be that local inquiries are of terribly great use to political parties, whose members largely comprise the people who turn up to participate in them, but they do not add a great deal of value to the process.

Q363 Sir Peter Soulsby: Surely, the thing that they add to the process is transparency and open public debate. As I said earlier, people we have spoken to have suggested that, even keeping to the timetable that the Government have set for the review, it will be possible to modify the process for the inquiries and enable such public debate. Why not do that?

Chair: Can I ask colleagues to ask sharper questions, because the Minister has to reply at length to longer questions, and I am trying to get everybody in?

Mr Harper: I'll try to give sharper answers. I apologise, Chairman, if my answers are too long. I am trying to give people full answers.

Chair: Absolutely. That is very welcome.

Mr Harper: If I am being too lengthy, please cut me off.

We felt when we looked at the process that part of the reason why it is very lengthy is that the inquiry process tended to add an awful lot of length to the process. We felt that there could be a speedier process with written representations without damaging anything.

We want all those things to be published. There have been some proposals put forward by way of amendment and also some from elsewhere, as to how we can make sure things are very transparent. We are looking at some of them and will no doubt debate them when the Bill reaches Committee stage. We are not set on micro-managing the process and think that what we have set out actually improves transparency and debate, rather than reduces it. Clearly, you may take a different view, but we can debate that in due course.

Q364 Chair: Obviously, we are very lucky that both the Minister and the Deputy Prime Minister are steeped in the traditions of democracy and are thoroughly decent people—

Mr Harper: There is a “but” coming there, Chairman.

Q365 Chair: Would you envisage a Secretary of State—not yourselves, of course—being given the power to modify

the recommendations of the Boundary Commission before putting them to Parliament? That is in the Bill, at clause 8(6)(5A), and, to some of us, it is actually quite a fearsome and frightening possibility.

Mr Harper: It is, of course, Chairman, not a change in law. Indeed, that is what existing law says.

Chair: But on the back of reducing the number of seats by 50, which is a significant change.

Mr Harper: It is what existing law has said since about 1944.

Chair: But the intent, if I may, is demonstrated by taking out 50 seats, which has never been done before.

Mr Harper: No, that's true. Let me just put people's minds at rest. There is a very strong convention that Ministers lay the Order in Council putting in place the recommendations of the boundary commissions without changing them. My understanding is that the reason why that wording was used—we have just carried it across from the existing legislation—was to deal with the situation where Boundary Commissioners lay their reports and it turns out that there are errors or mistakes in them and there would be no other way of correcting them. That is my understanding of why the wording is there.

It is not the intention of any Minister to make changes, and the wording is not a change in legislation—it just carries forward existing law. Ministers intend to be bound by the existing convention that the Boundary Commissioners lay their reports—in this case, by October 2013—and the Order in Council that Ministers lay before Parliament absolutely reflects them, on the same basis as in the past.

Q366 Chair: We've had some evidence from people saying that if you do a

numerical division for parliamentary constituencies, you will break down community ties. You will also break down party organisation. I do not know whether you share the view that party organisation in all parties actually might be weaker than it has been for many decades, and continue that way. Do you also have proposals to try to strengthen political parties in this country, particularly at grass-root rather than national level?

Mr Harper: Right. Briefly dealing with parity and the other things, there is an argument. The view that the Government have taken on the matter, which is a clear issue of principle, is that we want more equal-size seats so that votes are of more equal weight—so that there is not the significant disparity that there is at the moment in the effective value of voters' votes in forming a Government. That is why we have said that.

Specifically on your view about political parties, I am not sure how appropriate it would be for a Government of any party to have the effect on political party organisations as a central driving point in devising legislation—it should be about how we govern the country. However, there is a legitimate issue, given that political parties are important. They are significant in selecting candidates and in running things. Clearly, one needs to think about it. I think that the Government generally want there to be more engagement.

One of the arguments that both the Prime Minister and the Deputy Prime Minister have put forward on party funding, which is a priority for the Government, is a move to cap donations and remove big money, which is partly to strengthen and incentivise parties to have to be more focused on having a wider membership base and be more engaged. I certainly think that Members of Parliament who are doing their jobs well, and who want to strengthen their positions locally, spend their time

trying to strengthen their party organisations. But good Members of Parliament certainly also try to reach out to people who don't join their parties or didn't vote for them this time and also to people who are perhaps not that interested. When we are all engaging with local communities—visiting schools, charities and businesses—I guess it is all about strengthening our ties to them.

Q367 Chair: Perhaps we could put it on the second half of your five-year-term Parliament and have a look.

Mr Harper: You have now put it on the radar.

Chair: The gene pool is really important for local activity, for council candidates and their Members of Parliament and therefore Ministers. The gene pool needs to be looked after. It is probably not something that occurs to a civil servant, but hopefully to a politician it is, whether or not through party funding, a really important area, which perhaps needs some love and attention.

Q368 Mrs Laing: You said a little while ago in answer to questions that you recognise the difficulties and risks that could arise due to the coincidence of different types of elections on the same day. Given that that is the case, how can you just dismiss the risks and difficulties that arise from having a referendum on the same day as elections?

Mr Harper: Well, to be fair, based on the issues raised by the devolved Administrations, I think that the coincidence of elections is not just about risk to the actual mechanics—although there is some of that and that was brought up by questions earlier—but also about the whole political narrative and the attention that issues get. I think that that is the extra

dimension you get from elections. So I didn't want to overplay that.

I also don't think that it's fair to say we've ignored the risks of combining elections. I was quite straightforward in my answer to Sir Peter. There are risks of having combined elections and referendums, and the issue is about managing them. The Electoral Commission has made that point. Its position, which it has changed in light of international evidence, is that there isn't a blanket answer to whether you combine elections and referendums. You have to judge them on a case-by-case basis. There are risks always in combining elections but there are also potential benefits, and the job of the Government and the Electoral Commission is to manage the risks, to work closely together and to make sure that we deliver both well run elections next year, which are important for the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly, and a well run referendum in which all participants can have confidence. So I don't think that I've underplayed the risks; I've acknowledged that they are there. The Government and the Electoral Commission so far have been working closely together to make sure that we manage the risks and that they don't provide a risk to either the elections or the running of the referendum.

Q369 Mrs Laing: And in considering that, are you and the Deputy Prime Minister aware of the Gould report?

Mr Harper: Yes, we are. And that is one of the things that we've looked at and one of the things that highlights what some of the risks might be. I think that those are the things we're thinking about when we're looking at planning the polls, at how you combine them and at the information that's given to the public about how they work. One of the significant things with the referendum, and I think that the Deputy Prime Minister had made this point on a number of occasions, is that the debate

around the effects of the referendum and things like that might be involved, but the mechanics are pretty straightforward. It is a straightforward question.

I recognise that we haven't had the Electoral Commission's judgment on the straightforwardness of it yet, but I think that it's a straightforward question, and it's a straightforward yes or no answer. The extra mechanical piece from the referendum is pretty straightforward. I don't think that it adds a lot of complexity; nor do I think that you overshadow the debate either way—the referendum or the devolved Administrations. Picking up on Mr Boles's point about having things on the same day, voters are perfectly capable of distinguishing those arguments and making the judgments.

Q370 Mrs Laing: With respect, that is your and the Deputy Prime Minister's opinion. The Deputy Prime Minister has said that any suggestion that voters can be confused and that we are not to trust them is patronising. That is not entirely fair. If you want to completely dismiss the Gould report, say so, but many of us were very concerned in 2007, both before and after the Scottish elections. I happened to be involved in them in a particular capacity. The fact is that there was a lot of concern and the Gould report spent a long time going into this. It said: "Another problem with combining these elections has to do with the confusion it creates among the electorate...it is clear that some voters were confused by the combined elections... We are convinced that combined elections are not only a disservice to the local councils and candidates but also to the electorate as well." It is very good that you are giving the Committee the assurance that you and the Deputy Prime Minister are aware of the problems that the Gould report has detailed and that you have taken them into consideration.

Mr Harper: Far from dismissing the report, both Ministers, officials and the Electoral Commission have looked at what it said and want to learn from it, both on how you combine elections and how you make sure the mechanics work properly, and also on how the Electoral Commission informs voters about the different polls that are taking place and the different voting arrangements. The Gould report has been very helpful in informing not only the public, but administrators, the Government and the Electoral Commission on how to make sure we deliver combined polls properly.

As I have said, given that the Government are creating more elections for roles such as police commissioners and mayors, there will be more combined elections, because there will be more elections. There is an argument on the benefits of combination—about improved turnout and engagement—but there are risks. It is a case of balancing the two, of managing the risks and of getting the benefits. The Government have not dismissed the report at all; the Government have used the Gould report to inform how we plan to conduct those combined elections.

Q371 Mrs Laing: Thank you very much for that answer. You have just discussed the benefits, and you said a little while ago—quite rightly I would argue—that good turnout is important. What is a good turnout? What percentage of the electorate should vote for it to be a good turnout?

Mr Harper: As soon as I used the word "turnout", Mrs Laing, I thought you might come to that point. The Government's view, clearly, is that we want good turnout. I do not think that there is a mechanical number for that. My view is that in the nine referendums that we have had—not all of them across the whole of the UK—there have been seven where the turnout was in excess of 50%. The two referendums where the turnout was less than that had

overwhelming results in two different directions: one was a “yes” and one was a “no”—one was the London Assembly mayoral referendum and one was the North East Assembly referendum. It seems to us that voters do get engaged with important issues, and I am confident that significant numbers of people will take part in the referendum next year and that we will get a very clear decision one way or the other. In none of our elections in this country do we set turnout thresholds. As I said in the House of Commons, if we insisted that MPs were voted for by 40% of their registered electorate, there would only be three Members of the House of Commons.

Q372 Mrs Laing: But in all that you have said this morning, you have said that there is a big difference between a referendum and elections to a body. With respect, you cannot have it both ways—either a referendum is different or it’s the same. If it’s the same, your other arguments do not hold up; and if it’s different, this argument doesn’t hold up.

Mr Harper: Not at all. I would not argue that elections to the House of Commons are less important than a decision in a referendum. It seems to me that if you are going to argue that you have to have a turnout threshold in a referendum for it to be valid, you would have to argue the same thing in an election to the House of Commons, when we are choosing the Government of our country. If you follow that conclusion, it leads you to some very strange places.

Mrs Laing: No, it leads you to the fact that at the last general election the turnout was somewhere around 66%, which is reckoned to be valid.

Mr Harper: Not in everybody’s constituency it wasn’t.

Q373 Mrs Laing: Fair enough, but we are talking about the country as a whole. The fact that referendum is being held suggests that it is an important question—it is a change to the constitution. The turnout for local elections is usually 30% or thereabouts, and it could be that 15.5% of those eligible to vote could change our voting system in the referendum—a significant change in our constitution. Would you be satisfied that 15% of the possible electorate is enough to make a significant constitutional change?

Mr Harper: In any referendum in the United Kingdom, the Government have never set a turnout threshold. There was, of course, a turnout threshold in the Scottish and Welsh referendums in 1978-79, but that wasn’t inserted by the Government; that was a Back-Bench amendment.

Mrs Laing: It was by Parliament.

Mr Harper: It was by Parliament, but it wasn’t inserted by the Government. I am here answering for the Government’s proposals, not for what Parliament might decide to do.

The Government’s view is that a turnout threshold would not be appropriate. We are having the referendum on 5 May, when we already have elections for around 80% of the English electorate, and Scotland, Wales and Northern Ireland, too—84% or so of British people are already going to the polls. I am very confident that the yes and no campaigns will engage with the public, and we will get a very good turnout. The Government have never set a turnout threshold for elections, and we are not going to start now.

Chair: Andrew, you are being very patient, and I will call you first on the next round of questions at our next meeting, but please take the floor.

Q374 Mr Turner: You’re very kind.

It's good to know that a decision imposed by the House is acceptable, even if you, as the Government, don't find it acceptable.

I would like to ask something about Argyll and Bute. You responded—I am not surprised that you did—that there had been no such response for the opinions of Argyll and Bute on their exemptions from the proposed requirement for any electoral equality. Do you remember that Argyll and Bute was a reference from the Deputy Prime Minister? He said something about how much of an effort the residents of Argyll and Bute had made on this equality thing, but there was no evidence of them being consulted at all.

Mr Harper: For the benefit of the Committee, I think that Mr Turner is referring to the letter that the Deputy Prime Minister wrote to him, where he was engaging with the debate about the Isle of Wight. The Deputy Prime Minister said that he acknowledged that feeling was considerable on the island about its parliamentary representation, and he was making the point that other parts of the United Kingdom, particularly Argyll and Bute, may well also feel very strongly about their parliamentary representation. The point that he was driving at was that, once you start making exceptions, you never stop. Many parts of the country have very strong local feelings, local ties and particular views about how they should be governed. For example, there are some amendments on the Order Paper about Cornwall, where there is great feeling about that issue.

That is why he was setting out the fact that there were only two exceptions in the Bill: one, Orkney and Shetland, is already recognised in statute as an excepted constituency, and the Western Isles has been recognised for a significant period of time, albeit not in statute. We felt that those were exceptional for geographical reasons, but the Government did not want to make any further exceptions. He was just using

Argyll and Bute as an example of a place where people may well have very strong views. It wasn't based on an analysis of public opinion in Argyll and Bute. I could pick many parts of the country. Cornwall is one where I know there are very strong opinions; that may be a better example to have chosen. But it wasn't based on saying, "There are people we know about in Argyll and Bute who have a view."

Q375 Mr Turner: Well, I am glad he accepts that it could have been chosen better, because I don't think there's any real effort in Argyll and Bute to divide the mainland from the islands there.

Mr Harper: And the point he was making was that there are many parts of the country where people will have views about their parliamentary representation. The point he was making was that, once you make one exception, you make lots of them. That's partly why we have seats where there's such a disparity in the size of electorates. At the moment, as Sir Peter highlighted in his question, the Boundary Commissioners have parity as one of their targets, but they can take everything else into account, and often those things end up trumping parity. That's why we have such a disparity. The Government do not think as a matter of principle that that's right, although I recognise absolutely the difficulties it causes for the Isle of Wight and public opinion there.

Q376 Mr Turner: Yes. The Western Isles were discovered, as it were, as a constituency in 1918. We were discovered as a constituency in 1832 or 1888, depending on your view of what happened there.

What I was also concerned about was this sort of impression that, after you'd been to the Deputy Prime Minister, which some colleagues did for their constituency, his next step was to say, "Go and see the

Prime Minister.” I’m not talking about making a change; I’m just talking about a sensible discussion. Are we really asked to go and trouble the Prime Minister if we can’t get something organised at a lower level?

Mr Harper: Clearly, I wasn’t there for your conversation with him when he said that—

Mr Turner: No, not my conversation.

Mr Harper: Right. Well, I wasn’t there for other colleagues’ conversations, so I don’t know exactly what he said. He was no doubt setting out, for whatever colleagues he was talking to, the Government’s principal position, which I’ve set out for the Committee. I recognise that not everyone agrees, and I suspect during the debate in Committee on the boundary parts of the Bill, we will no doubt have—I’m anticipating by looking at the amendments—a debate about the Isle of Wight, and I’m anticipating a debate about Cornwall. I think those are the only two geographical debates that I’m currently anticipating, but there may well be others.

We recognise that there are strongly held views in some parts of the United Kingdom, but there are strongly held views in many parts of the United Kingdom. Others have raised issues about historic counties as opposed to current administrative boundaries. The Government’s view is that the most

important thing is that votes have a more equal weight. That should be the most important thing. It will lead to some consequences which some people locally find troubling, and that’s unfortunate. We’ll have that debate.

The Deputy Prime Minister or I have offered to visit the island to listen to the concerns of your constituents in person; I’m sure that’ll be a very enjoyable experience, but we will do it. It’s important that Ministers who are putting forward proposals that don’t meet with universal approbation are willing to go out there both to make the case about why we’re doing things and to listen to people. But there’s a principle coming up against local feeling, which is always very difficult. I recognise that when we finish this process, not everyone’s going to agree with us.

Q377 Mr Turner: Okay. May I try you on two small things? Parish councils aren’t taken notice of by the Boundary Commission, yet many of them have four or five, or probably 20 or 30. I don’t know; we haven’t got them on the island, but they may well be elsewhere. The Boundary Commission could get a better balance if they could take account of parish councils as well as wards and electoral divisions.

Mr Harper: You mean about looking at parish council boundaries when they’re drawing up these things

Mr Turner: Yes.

Mr Harper: Well, there is an argument about whether we add any of the things that the Boundary Commissioners may look at. There have been some suggestions put forward by colleagues; there have been suggestions put forward in the British Academy report about which kinds of council. I think the fairest thing to say is that I'll take away your suggestion and look at it, and then we can talk further about it during the Committee stage of the Bill.

Q378 Mr Turner: Right, fine. Lastly, I'm really confused about regional boundaries. These boundaries have come into the Bill, but that is not, I think, to say that they are any more important than any other boundaries. It is felt, not least by you, that the Boundary Commission will start with regional boundaries. You could, for instance, have a result where the average number of electors in the South West was 71,000, while the average number in the South East was 78,000, which is a significant division. Whose job is it to make sure that that doesn't happen?

Mr Harper: No. A single electoral quota—an average size of constituency—will be set for the whole United Kingdom, except the two Scottish island constituencies. Every constituency will have to be within plus or minus 5% of that number. The division of seats by country between England, Scotland, Wales and Northern Ireland is done at the beginning of the process, so the Boundary Commissioners know how many seats they've got to deal with; they are not divided out by region or sub-divided.

Based on the 2009 data, England will have 503 constituencies. Each of those has to be within plus or minus 5%. I don't think there's anything in the way the Boundary Commissioners will go about the process

that will lead to there being a cluster of constituencies of a particular size.

Q379 Mr Turner: I would have thought that there would. They've got to sort it out somehow. I assume they're not going to start in the South West and work their way across to the North East.

Mr Harper: There's nothing to prevent them from crossing regional boundaries. As I said, all they're going to use the regional boundaries for is as a convenient starting point, but the regional boundaries have no significance at all, so there is nothing to prevent the Boundary Commissioners, in order to get seats within plus or minus 5% of the quota, from crossing those regional boundaries.

Q380 Mr Turner: I realise that, but with people starting in the South West, it could turn out that most constituencies are smaller than average and that those in the South East could be larger than average by a significant amount. Is that not true?

Mr Harper: Well, if you go around the country grouping constituencies—I don't know, to be perfectly honest. The Boundary Commissioners are not going to be looking at it like that. Each individual constituency has to be within plus or minus 5% of the average. If you go around the country grouping constituencies in particular ways, I do not know whether you get a coincidence as regards a number of constituencies or whatever. It's a bit of a mathematical conundrum.

I don't think there's anything in the Bill that means that that would be a systemic issue. It'll just fall out of the starting point that the Boundary Commissioners have for the seats and then the taking into account of all the other things that Sir Peter outlined around local authority boundaries and local ties. The Boundary Commissioners will make their decisions,

and the constituencies will be within the size I've mentioned. As to what happens if you group them together in certain regions, it would be a random process.

Chair: Minister, I think we will need to pursue this detail in writing, if we may. Perhaps Andrew and the Clerk will drop you a line about that. A couple of other Members are bursting to get in, if you're prepared to run over by a couple of minutes.

Mr Harper: That's fine. Absolutely.

Q381 Chair: There's one thing that we've not covered, which I should ask for your view on. In your previous, non-ministerial incarnation, you were a great advocate of the role and strength of Parliament. If we reduce the number of seats, there is no proposal to reduce the number of Ministers in proportion. That will necessarily mean that Parliament is dominated even more than it is currently by the payroll vote. Is that something that you would be prepared to look at during the Committee stage?

Mr Harper: It is. I think that I touched on it briefly in my winding-up speech in the Second Reading debate. I am not trying to avoid the issue and I can say, for the benefit of the Committee, that my views about the importance of Parliament have not changed just because I am a Minister. I still think that a strong Parliament and good scrutiny make for better Ministers and therefore better government. I still think that, uncomfortable though it may be for me today and in the future.

Q382 Chair: And you'll look at it through the Committee stage?

Mr Harper: When I first looked at this issue, I thought that it was a very simple mathematical question, but actually it is a little more complicated than that, which is why I gave the response that I did. You

need to look at the size of the Government as a whole. If you just look at the number of Ministers in the Commons and you shrink that number in proportion but don't touch the size of the Executive in total, you would actually have the adverse proposition. What would happen is that you would then have even more Ministers sitting in the currently unelected House, which I don't think would be a step forward.

So what we have said is that we have an open mind on this issue. The Public Administration Committee produced a report on it before the election, which recommended a reduction. The PAC is currently producing a report called "What Ministers Do"—I know that that provoked a certain amount of amusement in the Chamber when I mentioned it.

However, we will have a serious look at that issue and I think that the Prime Minister and the Government will have to take a view about the size of the Government as a whole. Then there is a separate decision to be taken about the balance between the current two Houses and whatever changes you might need to make if there was an elected second Chamber. But we have an open mind on that.

Chair: As a Select Committee, we will put forward some suggestions for non-controversial and hopefully straightforward or technical changes. We may try to help on that, rather than making it a partisan issue.

I am sorry. I have abused my own ruling there. Catherine, would you be fairly speedy? Then, we will have Simon and I'll have to call it a day.

Q383 Catherine McKinnell: I just wanted to understand something—it is going back a little bit to what Nick said. He asked whether you had given any consideration

to what would happen if a mid-term election was called—whether it would be only for the remainder of that Parliament and how that would fit in with your proposals on boundary reviews. If an election is called mid-term, when will the next boundary review take place?

Mr Harper: Sure. No, that is a point that has been brought forward. The current proposal is that we have not attempted to synchronise the processes. What we have said about the boundary review issue is that there will be one per Parliament, once every five years. At the moment, those processes will be synched up. If you have an extraordinary election and the timetable is different, they won't be synched up.

Our view at the moment is that there is not currently any synchronisation of those two processes. There is a slightly wider question and it comes down ultimately to how fast the processes for boundaries can operate, whether Parliament, in the future, decides to compress matters still further and whether you explicitly tie a boundary review to parliamentary terms. You either start it from a certain period after a general election or you start from when you think the next election will be, and work backwards.

Our view is that, because our proposals for boundary reviews say that we will have one every five years, that is significantly more regular than the current reviews. It might be that, if you had an extraordinary election, the processes would get out of kilter, if you like. But because you are having reviews on a more frequent basis, that is a step forward. There may be a debate in the future about whether you explicitly want to synchronise the processes, but that is not something that we felt was that urgent to start with.

Q384 Catherine McKinnell: I have a follow-up question, if I am allowed to put it. I am thinking—in the realms of fantasy, but not the impossible—that the boundary

review process could be open to political manipulation to a certain extent. We are looking at a lot of changes, hopefully, in terms of our electoral registration and if those changes, after 2015, indicated that there should be significant changes to the boundaries, a future Government could untie themselves from that process by calling a snap election, for example.

Mr Harper: Well, the flaw in your fantastical proposition, of course, is that the Executive have already said that Governments will not be able to call snap elections, and through the Fixed-Term Parliament Bill we will put that into law. That is the whole point. The only two mechanisms for having an extraordinary election would be if the Government lost a vote of confidence in the House of Commons or if two thirds of the House—by definition, not just the majority party—wanted to call an election.

If you weren't going to a fixed-term Parliament you could argue the proposition a little more convincingly, but I think the fixed term removes the ability to play politics with the timetable.

Is there one more?

Chair: No, I think that Simon has kindly foregone his chance. Thank you, Minister, for hanging on and taking the last question. It was a two-hour tour de force, if I may say so, and we appreciate your giving time, particularly so early in your period as a Minister and at a time when you have two Bills. Normally Ministers get a little bit of a break-in period, but you have been plunged into two Bills. Not only are you clearly on top of those Bills, but we appreciate your sparing the time to come and see us.

Mr Harper: I am grateful, Chairman. Thank you for the invitation.

Chair: Thank you so much. We hope we can see you again in the not-too-distant future.

Written Evidence

Written evidence submitted by Lewis Baston, Democratic Audit (PVSCB 01)

I am currently senior research fellow with Democratic Audit and it is under the auspices of Democratic Audit that I offer these observations on the Parliamentary Voting Systems and Constituencies Bill. Previously I was Director of Research at the Electoral Reform Society (2003-2010) and I have been author and co-author of several books on political geography, most notably *The Political Map of Britain*. I am grateful to the Committee for inviting me to submit evidence.

SUMMARY

- There are no serious problems with the provisions on a referendum.
- The timetable for the Bill itself, and the proposed boundary review, are both too rapid and prevent consideration of workable alternatives.
- The purported ‘problem’ addressed by the Bill is not a serious one.
- The electoral register is too incomplete and the totals too volatile to serve as a fair basis for the allocation of parliamentary constituencies, and these problems are likely to worsen over the next few years.
- An exception has been made for some islands and constituencies with large land areas, but there is no acknowledgement of other factors that impinge on the practicality of constituency representation (population, local identities, administrative complexity).
- The banning of public inquiries is a severe and deplorable downgrading of public participation and transparency in the boundary process.
- A Commons size of 600 is arbitrary and seems not to reflect any analysis of the capacity and functions of MPs and the House in general.

1. Introductory remarks

1.1 I shall concentrate my evidence on the provisions of this Bill relating to constituency boundaries. The burden of my evidence is that this is a severely flawed proposal, both technically and in terms of democratic representation.

2. The Alternative Vote referendum

2.1 The Bill yokes together two constitutionally separate sets of provisions – it would be entirely possible to have the referendum without the boundary changes, or *vice versa*. The arguments relating to each proposal are entirely different.

2.2 The parts establishing a referendum on a change to the electoral system are relatively uncomplicated. Referendums take place according to the procedure established under PPERA (Political Parties, Elections and Referendums Act) 2000, and holding one is – although a new administrative exercise – not a legal or constitutional novelty. Provided the administration and the question wording are fair, the main burden of scrutiny will be

undertaken by the public and the media during a referendum campaign, for which public funds are provided to enable the Yes and No campaigns to put their respective cases.

2.3 The interests of maximising participation in the referendum are best served by a combined election day. This will also reduce administrative costs. While electing two legislative bodies on the same day (as may happen in 2015) is complicated, a referendum question is capable of being discussed separately and this is indeed the usual procedure in many countries which make extensive use of the referendum, such as the United States.

2.4 While a more democratic process of deciding the question for the referendum, such as the Citizens' Assembly system developed in Canada, would be preferable to the pre-selection of two options (particularly two options such as AV (Alternative Vote) and FPTP (first past the post) whose basic properties are similar), one must recognise this as a step forward.

3. The undue haste of this Bill

3.1 The provisions about the boundary review are different in kind to those establishing a referendum. Boundary-drawing is a complex process that involves many considerations. The interaction of any particular set of rules with the physical and administrative geography of the UK may produce surprising results.

3.2 The essentials of the current system were established as a result of the Speaker's Conference of 1944 which was able to discuss issues of detail in a considered way and reach a consensus about an acceptable way forward. The rules are being replaced without any attempt to form a consensus, and without adequate parliamentary scrutiny of the Bill and its underlying assumptions about representation.

3.3 The undue haste with which this proposal is being legislated has closed off the possibilities that a more considered process could have entertained. Among these are:

- Public attitudes towards the general principles involved in boundary determination. How much importance do the public really attach to the government's definition of equality of size? Would people, in their own constituency, prefer an equal sized seat that does not correspond to the boundaries of their perceived community and daily lives, or one that was perhaps a bit large but made sense on the ground? How do people feel about not having the same parliamentary boundaries from one election to the next? The government appears not to have attempted to discover what people want from representation.
- The data from the 2011 Census. This would assist immensely with possible alternative approaches like estimating and projecting eligible population.
- The capabilities of mapping and other information technology in improving the process.

A further Speaker's Conference or an Inquiry, with expert witnesses and an opportunity for different arguments about technical matters to be tested, would have been preferable to this Bill.

3.4 The haste extends to the timetable for implementation. The customary public consultation through inquiries on boundary changes is dispensed with, and there will not be the same opportunities as in the past to allow harmonisation with local government boundary changes (which caused some of the delay in the recommendations for the metropolitan boroughs in 2004).

3.5 It must be asked whether this expensive and disruptive process is justified, so soon after the last Periodic Review was implemented. It would be a better contribution to what is an important aspect of representation if a more considered process could take place and the results implemented for the election after the one projected for 2015.

4. Is there a serious ‘size problem’?

4.1 The evidence that differing sizes of constituency is a significant problem is limited. The most quoted anomalies – the Isle of Wight with 110,000 electors and na h-Eileanan an Iar with 22,000 – are there for specific reasons and do not reflect a general pattern of widely scattered electorate totals per constituency. Several of the constituencies at the low end have already been given special treatment by the Bill.

4.2 More important than a few exceptional cases is the broad pattern. Constituencies *are* more or less equal already – with a few systematic exceptions namely Wales, the islands and the Scottish Highlands (plus one or two London boroughs where a convenient pairing was not available). Leaving aside the appropriate distribution of seats between component parts of the UK, the Commissions generally do a good job in achieving numerical equality in their areas. In successive reviews the principle of equality of numbers has gradually become more central in Commission policy, for instance in its decision in the 1990s to cross London borough boundaries.

4.3 A general principle of toleration of 10 per cent variation allows for county boundaries, community identity and practicality of representation to be taken into account, while a rigid 5 per cent rule cannot.

4.4 Of the 533 English constituencies in the last review, 474 (88.9 per cent) were within 10 per cent of the English quota¹⁸⁹ and according to the Boundary Commission for England’s latest figures available¹⁹⁰ there were still 429 within this range (80.5 per cent). Only 10 English seats outside a range of 15 per cent were proposed (one over, nine under) and on 2010 electorates there were 30 such seats (18 over, 12 under).

4.5 One has to ask whether it is worth imposing the disruption of an immediate boundary review on constituency representation across the entire country when the bulk of them are within 10 per cent of what they ‘should’ be anyway, and most of the exceptions can be dealt with under existing legislation with a change in policy by the Commission.

5 How complete and satisfactory is the electoral register as a basis for precise allocations of seats?

5.1 Broad social change has made it more difficult to maintain accurate electoral registers than in the past. It is easy to keep track of relatively static populations, or those that move according to planned development, as was the case in decades past and still is the case in many rural and suburban areas.

¹⁸⁹ Rallings, C. & Thrasher, M. *The Media Guide to the New Parliamentary Constituencies*, 2007.

¹⁹⁰ <http://www.boundarycommissionforengland.org.uk/electoral-figures/electoral-figures.htm> as accessed 28 July 2010. These figures differ in detail from those published by Returning Officers for the 6 May 2010 election, another indication that ‘size’ is hardly a fixed or simple matter.

5.2 However, the extent of population turnover in the large cities – especially London – is on a scale that is unfamiliar. The proportion of people for whom family and residential circumstances are complicated, or for whom English is a second language, has increased (again unevenly between areas). Public attitudes have also shifted. People are less willing to comply with official demands to fill in forms and less willing to answer their door or telephone. The Electoral Commission’s research noted that the register was around 98 per cent in the mid-1980s but has drifted downwards since then, with sharp falls around 1990 and in the early 2000s, to around 90 per cent now.¹⁹¹ Fluctuations caused by demographic or administrative factors can easily lead to electorate numbers varying by more than the government’s chosen factor of 5 per cent.

5.3 The nature of electoral registration has changed considerably since the last boundary review enumeration date in February 2000. The first change was the introduction of rolling registration, which means more fluctuation than before around the number of electors located in the annual canvass. In 2002 Individual Electoral Registration (IER) was introduced in Northern Ireland. The Electoral Administration Act 2006 (section 9) imposed a duty on ERO’s to maximise valid electoral registration. Section 11 of the same Act allowed later electoral registration than had previously been allowed (11 days before poll), so that people who had been alerted to the election by the campaign and became aware of their non-registration could still participate. The register grew by 700,000 between December 2009 and the election.¹⁹²

5.4 Electoral registration will continue to change. The biggest change will be the introduction of IER in the rest of the UK. The Political Parties and Elections Act 2009 set out a timetable, agreed by consensus, for introduction in 2015 with a period of voluntary dual running with the existing system and the need for periodic measurements of the effect IER is having on the completeness of the register. In the coalition agreement, the government parties pledge to ‘accelerate’ IER. It is not clear what this will involve, and whether safeguards will be weakened as a result. IER is in itself an extremely complex public sector IT programme, and if done thoroughly will require extensive data sharing in government and an assertive outreach programme to find voters.

5.5 Many countries with similar methods of electoral registration have either compulsory identity cards or a system of population registration; neither of these will be available in Britain. IER done properly will be expensive. IER done on the cheap will be disastrous for levels of electoral registration.

5.6 The introduction of IER in Northern Ireland has had two consequences which render registered electorate a dubious basis for strict equalisation. One is that there was a sharp initial drop in the registered electorate. While some of this reflected fraudulent or dead names dropping out, Electoral Commission research showed that the proportion of the eligible population registered dropped from 94.4 per cent to 85.1 per cent in 2002. Under-registration was worst among young people, with only 71 per cent of people aged 18-24 on the register.¹⁹³ IER has also made the size of the registered electorate more volatile, as the

¹⁹¹ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf page 25.

¹⁹² http://www.electoralcommission.org.uk/_data/assets/pdf_file/0010/100702/Report-on-the-administration-of-the-2010-UK-general-election.pdf

¹⁹³ http://www.nio.gov.uk/electoral_registration_in_northern_ireland_-_consultation_paper.pdf

chart below shows, with the decline and subsequent volatility being most pronounced in the large city, Belfast (although the upward spike in 2010 reflects boundary changes as well as actual registration).

Table: average registered electorate in Northern Ireland constituencies by category

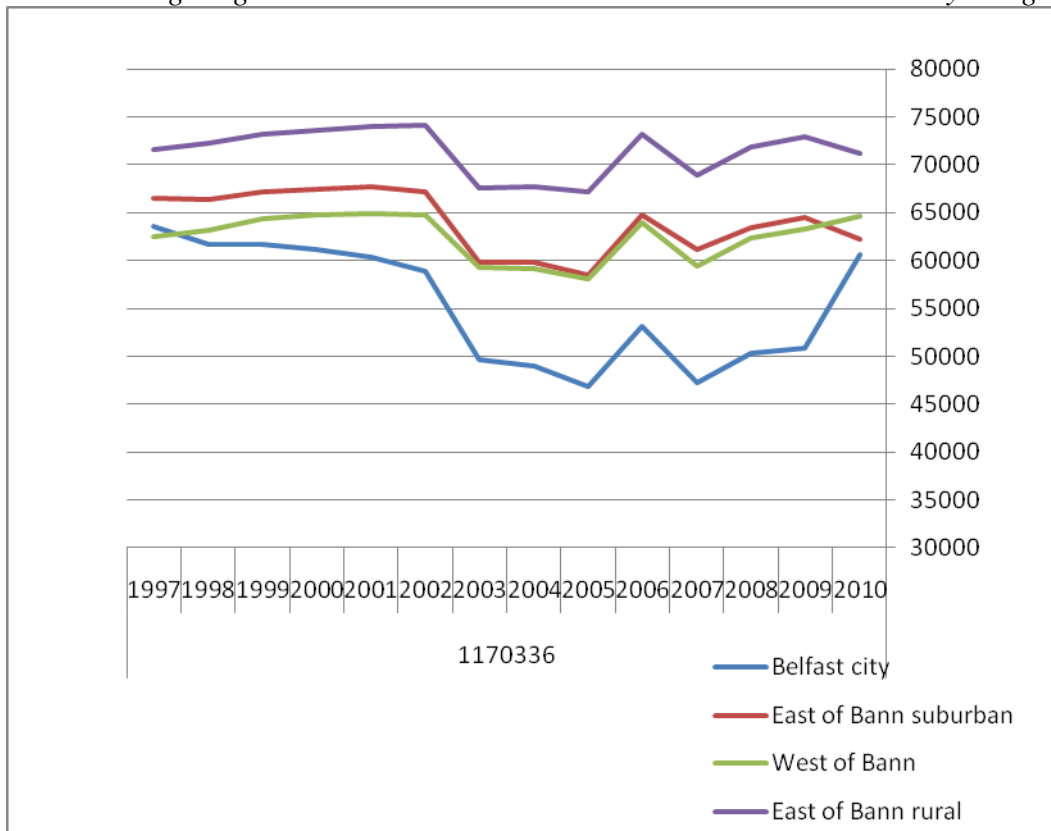


Table based on statistics from the Electoral Office of Northern Ireland, accessed May 2010. Categories: Belfast city – 4 Belfast seats. East of Bann suburban – Lagan Valley, South Antrim, East Antrim, North Down. East of Bann rural – Strangford, South Down, North Antrim, Newry & Armagh, Upper Bann.

5.7 It is beyond doubt that differences in the levels of electoral registration already cause some distortion in the representation of different regions, particularly the under-representation of London. Applying a rigid standard (except for the islands and sparsely populated areas) can only worsen this.

5.8 Compiling electoral registers is a local government responsibility. Funds for electoral registration are not ring-fenced and because it is not a ‘front-line’ service in the same way as schools, roads, etc. in a climate of retrenchment it may be hard for councillors to avoid cutting its budgets – particularly if there is acute social need in their areas and attaining a near-complete register is difficult. The large additional costs and administrative uncertainties of implementing IER will add to the strain and conceivably lead to years of inadequate, systematically uneven and widely fluctuating electoral registration totals.

5.10 Neither the Electoral Commission nor central government has the power to do more than ‘name and shame’ councils that are providing ineffective electoral registration. It is worth noting that ineffective and incomplete are not the same measure. A highly professional service in an inner London borough may be doing a good job against

overwhelming odds but still have very incomplete registers, while an ineffective electoral registration department in an ‘easier’ area may have a superior rate of registration.

5.11 In summary, the number of registered electors is an approximation at best, and the stability and accuracy of this number have deteriorated over recent years and are likely to deteriorate further in the years to come. Social and administrative change have both destabilised the idea of a definite ‘size’ to a constituency based on electoral registration. It is perverse to insist on closer arithmetic perfection than ever before. The Bill is analogous to a cookbook demanding absolutely no more than 105g, and no less than 95g, of flour for a recipe when one is using a standard pair of kitchen scales with a thick needle calibrated in 10g bands (it may be worse – at least flour does not trickle around from bowl to bowl of its own volition).

6. *The land area constraint*

6.1 The Bill proposes (Rule 4) to prohibit constituencies of more than 13,000km², and to exempt constituencies of more than 12,000km² from the electorate equality rule. It is reasonable to take physical geography into account in boundary determination (although it is contradictory to the broad philosophy outlined by the Bill’s authors), but in doing so in several special cases the Bill raises questions. Upon what criteria did the government base their thresholds for land area and was this decision evidence based?

7. *Other factors affecting constituency representation*

7.1 If the land area constraint and island exceptions recognise the impracticality of an MP representing a constituency that covers a large or very divided or heterogeneous area, the Bill is lacking recognition of other factors that make constituencies problematic to represent and limit the ability of constituents to gain access to their MP.

7.2 An MP represents all the local population, not just registered electors (or even eligible electors) and the ratio between population and registered electorate varies widely and systematically. A constituency with 76,000 registered electors in a rural or suburban area may have a total population of 99,000, while a central city constituency of 75,000 registered electors has 122,000.¹⁹⁴ The practical constraints of representing the interests of 22 per cent more people than another MP are absent from consideration in the Bill.

7.3 In addition, the very same factors that lead to a wide gap between registered electors and population (i.e. transient populations, immigrants and asylum applicants, a large proportion of children, a prison...) will tend to generate much more than proportionate levels of casework. The hugely higher workload in urban seats caused by the greater population will mean unequal levels of representation for each citizen (or non-citizen entitled to constituency service) – or an MP so burdened by constituency duties that he or she may be less able to perform the other functions of an MP. The Bill considers one phenomenon that makes some seats difficult to represent – a dispersed population – but not others (population size).

7.4 An overcomplicated administrative geography may also make constituency representation either spread too thinly between constituents or too burdensome to the MP. Interaction with local authorities, and community leadership, are both important aspects of

¹⁹⁴ Figures are real examples contrasting Colne Valley and Birmingham Sparkbrook & Small Heath in 2007.

the duty of the MP, and local government issues generate casework. This work is obviously easier the fewer local authorities with which the constituency MP needs to work. The Bill, as its authors recognise, will involve more constituencies crossing administrative boundaries – even county boundaries. As well as creating units that will have a weak sense of collective identity this will mean that the mechanical process of representation will be more difficult in some places than others.

7.5 ‘Equalisation’ of registered electorate at a particular enumeration date does not mean equalisation of representation – a constituency which has a much larger population and multiple local authorities will be much more difficult to represent than one in an area where these factors do not apply.

8 Public involvement

8.1 The outright prohibition on the Boundary Commissions holding public inquiries is extraordinary. While there are arguably too many under the current rules, and proceedings are sometimes political theatre, public inquiries are a valuable part of the process, and may be even more vital under the new proposals.

8.2 Broadly, there are two levels of objections that are raised to provisional boundary recommendations. One is local and reflects a feeling in a particular community that it belongs in the same constituency as town X rather than the Commission’s proposed town Y. These are valid views, but they are usually put forward in isolation of the implications of the change for the wider pattern of constituency boundaries across the county (or, now, possibly region or nation).

8.3 The other sort of objection often comes from political parties or local authorities, and suggests an alternative scheme for the area, involving several constituencies in a coherent framework. There is usually more than one set of proposals that conform to the Rules, and comparing them against the Rules and against public opinion is vital.

8.4 The public inquiry, at its best, can be a forum for testing the strength of arguments for the provisional recommendations and alternative schemes under the Rules, and how they correspond with other (possibly less self-interested) representations from the public. Assistant Commissioners often take pains to discount self-interested pleading and ascertain which plan best fits the constraints and the realities on the ground, and their work may or may not be upheld by the Boundary Commission itself. The proposals in the Bill are much less transparent and more centralising and top-down. In terms of gaining consent and a sense of ownership of the proposals in the locality, the level of scrutiny of the broad pattern and local detail gained from a public inquiry is sometimes indispensable.

9 The number of MPs

9.1 The rule specifying 600 MPs seems arbitrary. It is arguable that increasing population, the increasing casework demands put upon MPs, and the greater demands of scrutiny and committee work, mean that the 650 MPs of 2010 are doing much more work than their 650 counterparts in 1983 or the 670 a century ago. The average number of constituents has risen from 55,000 in 1950 to 70,000 now, and population has also increased steeply.

9.2 Most comparisons with other countries with smaller lower houses and larger population miss the points that the US and Germany, for instance, have federal and state tiers of

government, and the legislature in some countries like the US and France does not supply the ministerial bench.

9.3 A decision about the number of MPs should proceed from an analysis of the functional needs of Parliament, and the representative role with constituents, rather than being arbitrarily imposed.

24 August 2010

Written evidence submitted by David Allen (PVSCB 02)

Unnatural Constituency Boundaries – The Hidden Menace

The big electoral reform next year – or so everyone thinks – will be the referendum on AV. Alongside it, there will be a boring technical change to equalise constituency sizes and get rid of the present bias towards Labour. Most people assume that we won't need to worry much about the constituency size changes.

Massive mistake! The change from natural to unnatural constituency boundaries, and rigidly fixed constituency sizes, will have profound and far-reaching ill effects. It will largely destroy the effective link between a local constituency and its individual MP. It could also threaten the very survival of the Liberal Democrats.

Now, how can I convince LDV readers that these dramatic and shocking claims might possibly be true? Please bear with me, because it really does matter. What I am talking about is a hidden and largely unanticipated consequence of the way the electoral mathematics will work out under the planned new system.

At the moment, each county is subdivided into a number of constituencies. Under the new system, that will not be possible. There will be a fixed "quota" constituency size, and it will no longer be permissible to allocate either 5 constituencies or 6 constituencies to a county which contains (say) 5.4 times the "quota". Instead, constituency boundaries will have to cross county boundaries.

It gets worse. Once Cornwall has burst its bounds, Devon must do likewise, and Somerset, and onwards. The new constituencies will soon bear no relation to the old constituencies they replace.

It gets worse. When Muddletown gets split in half and its residents appeal to the Boundary Commission (BC), the BC will simply not be able to allow the appeal. They cannot possibly put Muddletown back together, because that would have knock-on effects on all the other constituencies for many miles around. It would make them too big or too small, and that is not allowed.

Under the present system, the Boundary Commission can look separately at each county, independently of its neighbours. Under the new system, the Boundary Commission will simply have to draw themselves a single crude national network of gridlines, with each grid unit enclosing equal numbers of voters. It will look a bit like the way Ordnance Survey maps work – you know, where the bit you want is always straddling an edge, and so you need to buy two or three maps to cover quite a small area of interest. Typically, an old constituency will find itself split across three or four new constituencies.

It gets worse. Nobody will know where the new constituencies are until eighteen months before the election. Nobody will have time to work up a constituency as a PPC. Paddy Ashdown took ten years to make Yeovil winnable. His successors will hardly have ten months.

It gets worse. By the 2020 election, Britain will have changed again. The 2015 boundaries will be torn up and the grid totally recast yet again. The MP who has tried to gain the trust of local people will once again need to contest a brand new locality. Never again will we have longstanding respected MPs who serve the same locality for decades. At best, MPs will dot about from place to place within their region, shifting loyalties every five years.

It gets worse. Lib Dems in particular rely tremendously on building a local reputation over the years, on targeting years ahead, on the respect that comes to a good incumbent MP. None of that will be possible under the new system. Expect to see our representation halved and our MPs driven back to the Celtic fringes.

This appalling mistake can be overturned. Once people understand that it would turn respected local MPs into rootless wandering national nonentities, they will reject the new system. Lib Dems must lead the opposition to unnatural boundaries.

What the Tories want, which is to eliminate pro-Labour bias, is perfectly justifiable. Labour's defence of the *status quo* is not. We should aim to persuade the Tories on this issue, rather than fight them. We should go back to the mathematicians and ask them to devise a more appropriate and flexible system. A system which gets rid of the bias, while preserving stable constituencies based on natural localities.

28 August 2010

Written evidence submitted by Keep Cornwall Whole (PVSCB 03)

Summary

- The draft Parliamentary Voting System and Constituencies Bill includes the key principle of achieving constituencies with very similar sized electorates. It is proposed that all constituencies throughout the United Kingdom, with a very small number of exceptions, must be within 5% of the average UK electorate.
- The rigidity of the Bill means that Cornwall would inevitably have at least one cross border seat with Devon, despite its exceptionally distinct Celtic history and culture, unique geography as a peninsula bounded by the Tamar River, special constitutional position, and a specific economic profile that receives EU Convergence Funding.
- Keep Cornwall Whole is a cross-party campaign group that representing a cross-party and cross-geographical consensus within Cornwall. It operates in a non-partisan consensual way and seeks to ensure that the Bill is modified in order to protect the historic integrity of Cornwall.
- Several other areas with a clear sense of identity – geographically, socially, culturally, historically and economically – could also be adversely affected by the proposal.

- We consider that this would be unreasonable, and that a better balance can be achieved between numerical equality and accurate representation of people and place. We suggest a number of ways of achieving this.

About Us

Keep Cornwall Whole is an organisation set up by the Town Mayor of Saltash in specific response to this Bill. Its steering group has representation from all significant political groups within Cornwall including the Conservatives, Liberal Democrats, Labour, Mebyon Kernow and the Green Party, as well as Independent councillors.

It is supported by Cornish Members of Parliament, local political leaders and Town and Parish Councils, a number of Cornish cultural organisations, and several hundred registered supporters of our Facebook Group.

Evidence

1. The Bill currently states that constituencies, with a small number of exceptions, must have electorates within 5% of quota, which the Boundary Commission currently estimates to be around 75,500, thus providing a range of 71,725 – 79,275.
2. As of 1 December 2009, Cornwall's electorate was 416,166, giving it an 'entitlement' of 5.51MPs.
3. This would make it mathematically impossible for Cornwall to have a whole number of MPs to itself – 5 MPs would average 1.10 of quota, and 6 MPs would average 0.92 of quota.
4. This is not just an issue that concerns the people of Cornwall. Many other parts of the United Kingdom could also be adversely affected by the Bill in similar ways, particularly islands and areas separated by estuaries.
5. For example Ynys Mon had 50,396 local government electors, or 0.67 of likely quota, and the Isle of Wight 111,283, or 1.47 of likely quota, and the Wirral, divided from Liverpool by the Mersey River, 241,570, or 3.21. Thus parts or all of each of these areas, each of which has a clear geographical division – a river or sea – as well as a clear identity, would certainly be joined with parts of other areas.
6. Furthermore, a cursory examination of the number of electors in each English County demonstrates that a number of other areas would be likely to have cross-border seats. Examples of counties that would have to 'share' parliamentary seats could well include Northumberland with Tyne and Wear, Durham with the former county of Cleveland, Northamptonshire with Bedfordshire, Norfolk with Cambridgeshire, Shropshire with Herefordshire and Worcestershire, Warwickshire with Oxfordshire, Wiltshire with Dorset, and Somerset with Avon. This is aside from issues likely to be raised within Scotland, Northern Ireland and Wales, and with the wards of major cities such as Birmingham which have very large electorates. This paragraph draws heavily on an article on the 'Polling Report' website.¹⁹⁵
7. We note that MPs throughout the United Kingdom have long represented areas that are much more than simply a group of individuals – they speak for their constituency. We contend that this is not simply for reasons of geographical simplicity, and that it follows

¹⁹⁵ <http://ukpollingreport.co.uk/blog/archives/2740>

that their constituency should wherever possible have a clear identity. If a constituency is composed of two or three areas with highly different identities, this will be particularly difficult to achieve and there is a severe risk that elements of it will go under-represented or indeed unrepresented.

8. We would further note that effective constituency representation relies on a degree of constituency stability as well as local links, and that 5 yearly reviews focused almost entirely on numbers would greatly weaken this.
9. In the case of Cornwall in particular, including the Isles of Scilly for parliamentary purposes, we wish to make a number of specific points as to why it has a very strong identity, and should not be joined with parts of Devon or Plymouth.
10. The East of Cornwall is made up entirely up small towns and rural areas, in direct contrast to the City of Plymouth in particular. Only Bodmin and Saltash have populations of over 15,000, and none over 20,000. Even compared to small towns and rural areas in West Devon the nature of the respective towns and rural areas is quite different to even the casual observer.
11. The Office of National Statistics, when amending the areas for which it prepares statistics, supported and implemented, “the separation of Devon and Cornwall into two separate areas, recognising the very different economic conditions of the two counties, and Cornwall’s sparsity of population, geographical peripherality and distinct cultural and historical factors reflecting a Celtic background”
12. Prior to the implementation of Proportional Representation for European Parliamentary Elections, the Flather Report from the EU Parliamentary Commission acknowledged a strong Cornish case to be a separate constituency from “West Plymouth”, particularly in terms of historic and cultural distinctiveness.
13. That Cornwall is a Duchy with a special constitutional position further sets it apart from the rest of the UK. Other arrangements that recognise the distinctiveness of Cornwall include local government boundaries, diocesan boundary, PCT boundary, the structures of a great many voluntary and charitable organisations, and European Objective One and Convergence funding.
14. The Cornish Language and the Cornish Gorsedd are two obvious examples of historical and cultural distinctiveness. The Language is protected under the European Charter for Regional or Minority Languages, which amongst its provisions states that
 - 7.1 In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:
 - b. the respect of the geographical area of each regional or minority language **in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question.**
15. The Objective One and Convergence funding alluded to above, clearly demonstrates that Cornwall as a whole faces different economic issues to Devon. These are issues judged worthy of special funding intervention from the European Union, which treated Cornwall as a region in its own right.

16. It has been an accepted principal of ethnic categorisation in recent years that people are of the ethnic background that they identify themselves as. When residents of Cornwall have been given the opportunity to state their ethnicity, significant numbers have considered themselves to be Cornish as well as British, and there is a very clear geographical area to accompany that identity.
17. We therefore contend that to join parts of Cornwall to parts of Devon for parliamentary purposes would clearly go not only across local boundaries, but also across a regional boundary, which some in Cornwall consider to be a national boundary.
18. We do not contend that there are no links between Cornwall and Devon – clearly there will always be a need for cross-border co-operation on specific issues. However, the same is true of a number of counties, regions and even countries that nevertheless would not be considered appropriate to share parliamentary representation – for example, several areas on the border of England and Wales.
19. We would emphasise that were there to be 5 or 6 wholly Cornish Constituencies, the average size deviation from quota would not differ greatly from 5% - being approximately 10% or 8% respectively. Therefore Cornwall would need only a small statistical allowance to accommodate a very large economic, cultural and social distinction.
20. We would further re-emphasise that Cornwall is not the only area with special circumstances that would be affected in this way, albeit we believe it to be the strongest example, particularly given the historical context.
21. Whilst the Bill does currently allow the Boundary Commission to consider the following factors
 - (a) special geographical considerations, including in particular the size, shape and accessibility of a constituency;
 - (b) local government boundaries as they exist on the most recent ordinary council-election day before the review date;
 - (c) any local ties that would be broken by changes in constituencies; and
 - (d) the inconveniences attendant on such changes.
 This is **only** within the context of the 5% limit
22. We contend that this 5% limit makes the notion of special circumstances virtually irrelevant, since they can apply only with a very narrow numerical tolerance.

Recommendations

23. Whilst the primary aim of our group is to secure the status of Cornwall as a distinct area for parliamentary purposes, we recognise a wider point: that this Bill will cause a large number of distinct areas to have their identity weakened, and will damage many historic and cultural links, as well as damaging constituency stability.
24. It is our view that the Bill could, and should, be modified in order to protect the historic integrity of Cornwall. Options include the following:
 - (i) Either: to specify additional areas in the Bill to be protected, including Cornwall, **or**
 - (ii) To amend the Bill to ensure new constituencies respect “county” boundaries, **or**
 - (iii) To amend the Bill such that the Boundary Commission would be required to propose seats within 5% of the quota **except** where special considerations apply to such an extent that make the 5% limit inappropriate. Such considerations would include historic, cultural, social, economic, political and geographical factors.

25. Option (i) would see the position of a number of places enshrined in the Bill, as has already been done for Orkney and Shetland, and the Western Isles. In the case of Ynys Mon or the Isle of Wight this could be done as a single constituency. In the case of Cornwall, or other multi-member areas with special circumstances, this could be done by specifying the total number of MPs within the Bill, and leaving internal boundaries to the discretion of the Boundary Commission.
26. Option (ii) is self-explanatory. It ensures some stability and respect of traditional boundaries, whilst still achieving reasonable electoral equality across both Cornwall and England.
27. Were the Committee not to favour the recommendations in paragraphs 24 and 25, we would suggest that Option (iii) represents a way to achieve a balance between numerical equality and accurate representation of people and place. This option would reinstate the Boundary Commission's discretion to make judgements as to appropriate boundaries without unbreakable numerical restraints. The clause of the Bill that allows the Boundary Commission to take certain factors into account, reproduced in paragraph 19, could be amended to be **notwithstanding** the 5% limit, or to ordinarily require a 5% limit but allow for this to be disregarded in special circumstances. For example, "in circumstances where the Boundary Commission of England considers these considerations to be of such over-riding weight that they should take precedence over the provisions of rule 2, the Commission may determine boundaries that do not meet the provisions of that rule".
28. Reinstating the Boundary Commission's discretion in this manner, would also ensure that exceptions to the 5% rule would be based on the evidence and independent judgement of the Commission.
29. We have considered, but not recommended, that the Bill could be amended to allow for a greater degree of numerical flexibility – for example 10%. However we note that this course of action, would certainly not encompass the needs of areas such as Ynys Mon or the Isle of Wight, and would be difficult to achieve within Cornwall.

We also contend that 'special geographic considerations' can be interpreted in too narrow a way, and recommend that it be replaced with "special economic, social, historical, cultural or geographic considerations".

1 September 2010

Written evidence submitted by the Secretaries to the Boundary Commissions
(PVSCB 04)

Introduction

1. This evidence only addresses Part 2 of the Bill, since Part 1 deals with matters in which the Commissions have no locus. However, we note that since both First-Past-The-Post and Alternative Vote result in the election of a single member for each constituency, the requirements of constituency design will be the same for both systems.

2. We will be happy to discuss any of the matters in this evidence when we attend the Committee's evidence session. The evidence has been divided into the following general topics:

- the resource implications for the Commissions of the review process provided for in the Bill;

- the practical implications of the rules as set out in the Bill for the approach by Commissions to a review;
- the provisions in the Bill on consultation; and
- other issues.

Resource implications

3. The changes to the review process will reduce the resource requirement of each review slightly, but the frequency of reviews will be approximately twice the present frequency. The effect of the Bill will be to increase the overall resources required for boundary reviews, because of the increased frequency of reviews. The Secretariats have estimated that, for the Bill as introduced, the first reviews after its passage would cost a total of £12.8m across all 4 countries. The corresponding cost of the last reviews (5th Periodic Reviews) was £13.6m.

4. The resource estimates have been made prior to decisions by the Commissions on how best to carry out the review. Also, estimates have been made on the provisions of the Bill as introduced: amendments to the Bill may have resource implications.

5. We note that Commissions will retain the power to request the appointment of Assistant Commissioners, and may wish to exercise that power to obtain expert assistance in assessing and reporting on written representations.

6. Currently within the Welsh and Scottish Commissions, Secretariat staff are continuously employed, with their tasks changing between Westminster, devolved body and local government reviews (since the Secretariats also supports the Local Government Boundary Commissions in those countries). The Bill would increase the variability of the workload making the recruitment and retention of staff with the specialist skills required more important for the future.

7. In the Secretariat to the Boundary Commission for England, where the Commission Secretariat only supports parliamentary boundary work, the opposite situation applies: the Bill will provide near-continuous work, thereby improving core staff stability.

8. In Northern Ireland, the Secretariat only supports parliamentary boundary work. However, the Secretariat is only in place for the duration of a Review. Between reviews, the Commission operates on a "care and maintenance" basis with a Secretary nominated by the Secretary of State with concomitant difficulties in recruiting and retaining experienced staff.

Practical implications

9. When designing constituencies, each Commission develops a scheme that fits the whole of its area of responsibility. Therefore it is not possible to say that constituency design has any particular geographic starting point.

10. The changes to the total number of constituencies, and the tighter limits on the number of electors in each constituency, will result in a complete redrawing of constituency boundaries.

11. Many of the practical implications of the Bill result from the electoral parity target to be applied under the new Rule 2(1). The electoral parity target may require the Commissions to work with electorate data below ward level in many cases.

12. In Scotland, the General Register Office for Scotland (GROS) produces a 6-monthly map dataset showing the extent of each postcode. When conducting a review, the Boundary Commission for Scotland collates electoral register data to count electors for each postcode, and then combines that with the GROS data. That allows the Commission to count electors by very small areas: there are around 140,000 unit postcodes and 4 million electors in Scotland, therefore the average number of electors per unit postcode is less than 30.

13. Even working with electorate aggregated by unit postcode, there is a small degree of uncertainty in the data. This uncertainty arises since the electoral register contains a number of entries with incomplete or inaccurate postcodes.

14. In Scotland, England and Wales, Ordnance Survey produces a unit postcode boundary product which is sufficient, although not as detailed as the GROS product in Scotland.

15. The English Commission has not developed the necessary procedures to work with the full electoral register data because, hitherto, it has not needed to. The number of electors (in excess of 38m) and Electoral Registration Officers (326) would make this a very large task.

16. In Wales, early modelling suggests that the required electoral parity may be achieved by using electoral divisions (wards) as building blocks for constituencies. Should a smaller unit be required, communities (parishes) are defined across all of Wales. Thus, the Welsh Commission expects that it will be able to use a consistent and recognisable approach to constituency design across Wales.

17. In Northern Ireland, the building block for constituencies will be the local government ward. However, in order to achieve electoral parity it is likely that, in some cases, wards will be divided between constituencies. The software in use in Northern Ireland is sufficiently flexible to allow a range of such units to be employed, such as townlands (which are a unique feature in Ireland), postcodes, or Census output areas.

18. The Bill limits the maximum area of any constituency, and exempts constituencies close to this maximum from the lower limit on electoral parity. This only applies if a Commission is satisfied that it is "not reasonably possible" to meet the electoral parity target. The geography of the United Kingdom means that this exemption will only apply in highland Scotland. The Scottish Commission will examine how to design constituencies within these new rules: the Secretariat's current view is that there are likely to be 0, 1 or 2 constituencies to which this exemption applies.

19. The electoral parity target will result in many constituencies crossing local authority boundaries. Early modelling suggests that in Scotland between 15 and 20 constituencies (of 50), and in Wales between 23 and 28 constituencies (of 30), would cross a local authority boundary.

20. In England, the Commission first recommended constituencies that crossed London borough boundaries at its fourth general review. At its fifth general review, in order to recommend constituencies with electorates closer to the electoral quota, it crossed boundaries to a much greater extent – 34 constituencies crossed a London borough, Non-Metropolitan County, or Unitary Authority boundary. It expects to cross boundaries to an even greater extent in a review carried out under the terms of the Bill.

21. In Northern Ireland, for many years constituency boundaries have generally crossed local authority boundaries due to the small size of most local authority areas, and the resulting difficulties in achieving parity.

22. It is likely that the English and Scottish Commissions will want to take local authority areas into account when designing constituencies. As part of that, each Commission may wish to identify which local authority areas to group together for constituency design at an early stage of a review. In Wales, local authority boundaries will be taken into account wherever possible, but as noted above, most constituencies are likely to cross a local authority boundary.

23. The Bill continues to give the Commissions discretion in constituency design, within the electoral parity and area requirements. We believe that this discretion is essential in order to retain a local dimension to an otherwise mathematical exercise.

24. However, the application of the electoral parity target is likely to result in many communities feeling that they are being divided between constituencies.

Consultation

25. The Commissions' experience is that while local inquiries have served a useful function, many of those attending have a specific party political affiliation which significantly determines their evidence. While local inquiries may not have been a frequently-used way for ordinary members of the public to engage with a review, they provide an opportunity for all to present their views. In practice, the main participants at inquiries have been representatives of political parties and local authorities. While most of the issues which are raised are presented through written evidence to the Commission, others only emerge at an inquiry.

26. A longer consultation period may improve the quality of arguments and evidence presented in written submissions for two reasons: it will be the only means of presenting an argument, and a 12 week consultation period will allow for more detailed preparation of an argument. The Bill does not specify the means of making representations. We believe it should specify written representations, to allow full and fair assessment of all representations.

27. Local inquiries, chaired by a person skilled in dealing with and assessing evidence, are a useful process for forming a judgement on the arguments presented. That task will now fall to the Commissions, and will take time to carry out thoroughly.

28. Schedule 1 to the 1986 Act is not amended by the Bill, and allows a Commission to request the appointment of Assistant Commissioners. It may be that a Commission may still find it useful to ask an Assistant Commissioner to assess and evaluate written evidence submitted to the Commission.

Other issues

29. The process for Scottish Parliament boundary reviews is defined in separate legislation, and is almost identical to the current process for reviewing Westminster constituencies. The Bill will result in substantial difference between the 2 processes. This is likely to be confusing for those involved, and there would be benefits in ensuring that the review processes for Scottish Parliament reviews and Westminster reviews remain the same.

30. The Bill decouples Welsh Assembly constituencies from Westminster constituencies and removes any power to review Welsh Assembly constituencies after the completion of a set of interim reviews currently in progress. There do not appear to be any current plans to introduce legislation setting out the timing and process of future Welsh Assembly constituency reviews. The timing of such reviews will have an important impact on how the joint secretariat will efficiently manage its resources for local government, Westminster and Welsh Assembly reviews, assuming that there will still be a requirement for this.

31. The constituencies for the Northern Ireland Assembly are the same as the Westminster constituencies, with six Assembly seats for each constituency. The link between Westminster and Northern Ireland Assembly constituencies is not altered by the Bill.

32. Strict electoral parity, and a fixed total number of constituencies, will result in frequent constituency redesign. For example, looking at electorate data from the last 10 years, Scotland's, England's and Northern Ireland's allocation of constituencies would have changed on each occasion if reviews had been held 5-yearly since 2000. Wales' allocation would have been unchanged. When the number of constituencies in a country changes, it is likely that many constituencies will have to change in order to ensure continued compliance with electoral parity.

Bob Farrance, Secretary, Boundary Commission for England
Liz Benson, Secretary, Boundary Commission for Northern Ireland
Hugh Buchanan, Secretary, Boundary Commission for Scotland
Edward Lewis, Secretary, Boundary Commission for Wales

2 September 2010

Supplementary written evidence from the Secretaries to the Boundary Commissions (PVSBCB 04A)

Following the evidence session on 14 October, the Committee asked the Secretaries to the Boundary Commissions some additional questions in writing. Below are the responses to these questions.

Q1 Has the Boundary Commission previously applied different criteria when assessing boundaries in isolated rural areas, than in urban ones, and if so what were they?

A1 The legislation governing boundary reviews sets down the rules for constituency design, and each Boundary Commission applies those rules in a consistent manner across its area of responsibility. The rules do not differentiate between urban and rural areas, other

than to allow a Commission to take into account "special geographical considerations, including in particular the size, shape and accessibility of a constituency". Commissions have applied this rule to rural constituencies in various cases, balanced with each of the other rules.

Q2 At what stage will it be possible for representations to be made on the names proposed for a new constituency?

A2 Names for constituencies form part of a Commission's proposals in the same way as the boundaries of constituencies. Therefore, representations can be made on names in the same way, and at the same stages, as they can be on any other aspect of a Commission's proposals.

Q3 Is it correct that taking written rather than oral submissions from local people will be more efficient and just as effective as the current system of taking oral evidence?

A3 Having only written submissions is different from the practice in previous reviews. As a result, it is impossible to predict how it will work in practice. However, the Commissions' experience during previous reviews has been that almost all major issues are initially raised in written submissions, and that these issues are then reiterated and elaborated in oral evidence at public inquiries.

In Wales, it is necessary to provide Welsh language translation facilities at each Local Inquiry. At the Fifth Review, several of those who made their representations through the medium of Welsh asked to see what had been recorded to ensure that there had not been any mis-translation. Written submissions in Welsh were published in that language and English language translations were made for staff to use as working documents but were not published.

Q4 Is the Boundary Commission for Scotland aware of the considerable concern that the most recent review of Scottish Parliament boundaries has created electoral units which bear no relationship to other electoral divisions (Westminster seats; local government wards) which may increase voter confusion and identification with those who represent them?

A4 The Boundary Commission for Scotland is aware of the difficulties that arise as a result of different boundaries which are not coterminous. However, the Commission concluded during its First Periodic Review of Scottish Parliament Boundaries that the requirement to have 73 Scottish Parliament constituencies and 59 Westminster constituencies made non-coterminous boundaries unavoidable. The introduction of multi-member wards, with larger electorates than their predecessors, meant that wards could no longer be used as building blocks for constituencies in all cases. Further explanation is given in paragraphs 1.4 and 2.4 of the Commission's report on the First Periodic Review of Scottish Parliament Boundaries, which is available in the House of Commons library, and on the Commission's website.

Bob Farrance, Secretary, Boundary Commission for England
Liz Benson, Secretary, Boundary Commission for Northern Ireland
Hugh Buchanan, Secretary, Boundary Commission for Scotland

Edward Lewis, Secretary, Boundary Commission for Wales

14 September 2010

Written evidence submitted by Professor Robert Hazell and Mark Chalmers
(PVSCB 05)

This memorandum focuses on three aspects of the government's plans for a referendum on AV, to be held in May 2011. These are the arguments for and against holding a referendum on the same day as other elections; the impact on voter turnout; and the need for public education. It draws in particular on the experience of the two referendums on electoral reform held in New Zealand in the early 1990s, and the more recent experience of four referendums on electoral reform held in Canada.

Summary

- International experience suggests that combining the referendum with an election will increase voter turnout.
- Evidence from US states indicates that a referendum on a salient issue will lead to increased electoral participation. Referendums on less salient issues tend to have lower voter turnout.
- In general, electoral reform is not seen as a salient issue, especially when the proposed reforms are modest.
- Voter education is connected to the legitimacy of the referendum. For a referendum to be considered legitimate, voters must be able to make an informed decision based on the best available evidence.
- The public education programme used in New Zealand prior to the 1992 and 1993 referendums on electoral reform was very effective.
- Having an independent body organise the public education programme ensures that the public has an impartial source of information.
- Low levels of public education are associated with voting against reform.
- By campaigning for or against the referendum question politicians can increase public awareness and facilitate education.

The Referendum Date of May 2011

Perhaps the most controversial aspect of the AV referendum is the proposed date of 5 May 2011. It means that the referendum will take place on the same day as elections in Scotland, Wales, Northern Ireland and local elections in England. While there is no law or established convention which prevents a referendum from taking place at the same time as an election, a number of MPs and representatives of the devolved administrations have called for the date to be moved. This section will consider the arguments for and against combining the referendum date with that of an election.

There are two principal arguments in favour of holding the AV referendum at the same time as these elections. The first is based on cost. Deputy Prime Minister Nick Clegg has stated that combining the referendum and election will save £17 million.¹⁹⁶ The second argument

¹⁹⁶ See: <http://www.bbc.co.uk/news/10494223>.

is that it will increase voter turnout thereby enhancing the legitimacy of the outcome. In general, international evidence suggests that combining a referendum date with that of an election does result in increased voter turnout compared to holding a referendum on its own. However, there are a number of caveats.

Increased turnout in referendums

New Zealand has considerable experience with national referendums. Table 1 shows that voter turnout in New Zealand has been significantly greater when a referendum is held on the same day as a general election. This is clear when comparing the turnout figures for the two referendums on changing the electoral system held in 1992 and 1993. The 1992 referendum consisted of two parts: Part A asked voters whether they wanted to retain the first-past-the-post (FPTP) system or to change the voting system; Part B asked voters to select one of four alternative voting systems to replace FPTP. Turnout for the 1992 referendum was 55.2 percent. In the second referendum on electoral reform held in 1993 which gave voters the option of retaining FPTP or adopting a MMP system, turnout was 85.2 percent. Most commentators attribute this 30 percent increase in voter turnout to the fact that the 1993 referendum coincided with a general election.¹⁹⁷

Table 1: New Zealand Referendum Turnout¹⁹⁸

Date of referendum	Issue	Turnout (%)
9 March 1949	Off-course betting	54.3
3 August 1949	Compulsory military training	63.5
23 September 1967	Term of Parliament	69.7
27 October 1990*	Term of Parliament	85.2
19 September 1992	Voting system	55.2
6 November 1993*	Voting system	85.2
2 December 1995	Number of full-time fire fighters	27
5-26 September 1997 (held by postal ballot)	Compulsory Retirement Savings Scheme	80.3
27 November 1999*	Size of the House of Representatives	84.8
27 November 1999*	Justice system reform	84.8

* Referendum held on same day as general election.

While New Zealand shows that turnout for referendums tends to be higher when they are held at the same time as elections, research in the United States suggests that the reverse is also true: electoral turnout is higher in states which hold referendums at the same time. Gilliam found that voters in states with a salient referendum on the ballot tend to turn out for congressional elections at higher rates than voters in states without a referendum.¹⁹⁹ Similarly, Tolbert, Grummel and Smith concluded that ‘the presence and usage of the initiative process is associated with higher voter turnout in presidential and midterm

¹⁹⁷ Oonagh Gay and John Woodhouse (2010), Referendum on electoral reform, House of Commons Library, Standard Note: SN/PC/05142, at pg. 10.

¹⁹⁸ Figures obtained from Elections New Zealand at: <http://www.elections.org.nz/elections/referendum/referendums.html>.

¹⁹⁹ Franklin Gilliam Jr. (1985), Influences on Voter Turnout for U.S. House Elections in Non-Presidential Years, *Legislative Studies Quarterly* Vol. 10(3), at pg. 344.

elections.²⁰⁰ Thus, just as elections can have a positive impact on turnout for referendums, referendums can, provided that they attract sufficient public interest, increase electoral participation.

However, turnout in referendums is not necessarily lower than in elections when the two are held separately. For example, the 1992 federal referendum in Canada on the Charlottetown Accord had a turnout of approximately 72 percent. Similarly, the 1995 Quebec sovereignty referendum drew 94 percent of registered voters, a rate substantially higher than in any provincial or federal election. But both referendums related to issues of considerable national significance. Referendums held on less salient issues run the risk of lower turnout, as was the case in New Zealand in 1992.²⁰¹ The Puerto Rico statehood plebiscites, the 1980 Swedish nuclear power referendum, and the Spanish referendum on joining NATO are all further examples in which turnout was significantly lower than in the most recent comparable election.²⁰²

Evidence from Canadian provinces suggests that electoral reform is not regarded as a salient issue by the general public. In October 2007, Ontario held a referendum on electoral reform at the same time as the provincial general election (see Table 2). Turnout for the general election was low at 52.8 percent. The proportion of votes cast in the referendum was 51.1 percent. This is the case even though voters in Ontario were given the option of much more radical electoral reform than is being proposed in the UK: the Citizens' Assembly had proposed a switch from first past the post to a Mixed-Member PR system. In Prince Edward Island, a province known for its high voter turnouts, only 33 percent of those eligible voted in the 2005 referendum on electoral reform (which was not combined with a provincial election).²⁰³ This suggests that combining the AV referendum with elections may help to increase voter turnout.

Table 2: Canadian Provincial Referendums on Electoral Reform

Province	Date	Issue	Turnout (%)	Yes (%)	No (%)
British Columbia	17 May 2005*	Switch from FPTP to STV	58	57.69	42.31
P.E.I.	28 November 2005	Switch from FPTP to MMP	33 ^a	36.42	63.58
Ontario	10 October 2007*	Switch from FPTP to MMP*	53	36.9	63.1
British Columbia	12 May 2009*	Switch from FPTP to STV	50	38.82	61.18

* Referendum held on same day as provincial election

²⁰⁰ Caroline Tolbert, John A. Grummel and Daniel A. Smith (2001), The Effects of Ballot Initiatives on Voter Turnout in the American States, *American Politics Research* Vol. 29(6), at pp. 643-644.

²⁰¹ Lawrence LeDuc (2002), Opinion change and voting behaviour in referendums, *European Journal of Political Research* Vol. 41, pg. 715.

²⁰² See Lawrence LeDuc, Referendums and Elections: How Do Campaigns Differ?, at: <http://www.essex.ac.uk/ecpr/events/jointsessions/paperarchive/copenhagen/ws3/leduc.pdf>.

²⁰³ For example, during the 2003 provincial election which took place just hours after a hurricane hit the province, turnout was 83.27 percent.

^a Because no enumeration of electors was conducted, and no official list of electors prepared, no official count of electors is available for the plebiscite. The figure of 33 percent is an approximate idea of voter turnout based on the number of eligible voters for the 2003 provincial election. See Jeannie Lea (2006), 'The Prince Edward Island Plebiscite on Electoral Reform', *Canadian Parliamentary Review* Vol. 29(1), pg. 7.

It has been argued that there may be differential turnout rates in the various regions of the UK if the referendum is held on 5 May. The former chief operating officer of the Conservative Party has expressed concerns that holding the referendum on a day when Scotland, Wales and Northern Ireland hold devolved elections but there are no elections in London could lead to a 'skewed result'.²⁰⁴ This seems far fetched. General elections see differential turnout, between different regions in the UK and between different constituencies, but people do not challenge the fairness of the result. What matters is that everyone has an equal opportunity to vote, even if they choose not to exercise it.

Risks in combining referendums with elections

Finally, it should be noted that section 6(5) of the Canadian Referendum Act 1992 states that, 'Writs of referendum may not be issued during a general election...'²⁰⁵ The rationale is to prevent an issue of constitutional significance from being lost in or associated with other campaign issues. Hence neither of the Canadian federal referendums discussed above – both of which achieved high turnouts – occurred on the same day as a general election. In contrast, no similar restriction exists at the provincial level and it is the norm for referendums to take place at the same time as provincial elections.²⁰⁶

In evidence to a UK House of Commons select committee in 2002, the first Chairman of the Electoral Commission warned of the 'danger of an election on a party basis cross cutting with a major issue of principle which is not on a party basis.'²⁰⁷ Moreover, Scotland's deputy first minister has expressed concerns that the Scottish parliamentary elections will be 'overshadowed' by the referendum.²⁰⁸ The Lords Constitution Committee has recommended against combining referendums and general elections, noting that in the case of other elections, 'there should be a presumption against holding referendums on the same day as elections but that this should be judged on a case-by-case basis by the Electoral Commission.'²⁰⁹

The main causes of concern seem to be that: (1) voters will be unaware of the existence of the 'second order' poll; (2) they will be confused by the clash of political arguments about different issues taking place at the same time. On the second question, there is no social science evidence that we are aware of. On the first, the likelihood is that the referendum is the second order poll, and that it will be overshadowed by the elections rather than *vice versa*. That has been the experience in other countries which have had referendums at the same time as elections. In Canada, and in New Zealand in 1993, the political parties remained silent on the referendum issue, not least because they were concentrating their efforts on fighting the election, not the referendum campaign.

²⁰⁴ Patrick Wintour, AV referendum: May date gets cross-party challenge, *Guardian* 5 July 2010, at: <http://www.guardian.co.uk/politics/2010/jul/05/av-referendum-alternative-vote-reform>.

²⁰⁵ Referendum Act, S.C. 1992, c. 30, sec. 6(5).

²⁰⁶ For example, British Columbia and Ontario. See Henry Milner (2004), First Past the Post? Progress Report on Electoral Reform Initiatives in Canadian Provinces, *Policy Matters* Vol. 5(9).

²⁰⁷ HC 1077-1 2001-2, Q44.

²⁰⁸ Patrick Wintour, AV referendum: May date gets cross-party challenge, *Guardian* 5 July 2010, at: <http://www.guardian.co.uk/politics/2010/jul/05/av-referendum-alternative-vote-reform>

²⁰⁹ HL Paper 99 2009-10, para. 145.

That highlights the need for a separate source of information and public education about the referendum issues, which is the final subject addressed in this paper.

Voter Education

The second aspect of the AV referendum which requires careful consideration is the voter education programme. As well as turnout, voter education is a vital component of the legitimacy of any referendum. Schedule 1, Section 7 of the Parliamentary Voting System and Constituencies Bill 2010 provides that, ‘The Electoral Commission must take whatever steps they think appropriate to promote public awareness about the referendum and how to vote in it.’²¹⁰ In addition, the Political Parties, Elections and Referendums Act 2000 states that the Electoral Commission shall carry out ‘programmes of education or information to promote public awareness’ of current and pending electoral systems or make ‘grants to other persons or bodies for the purpose of enabling them to carry out such programmes.’²¹¹ How the Electoral Commission interprets its mandate along with the available budget will play a significant role in determining the form and success of the public education campaign.

Prior to the 2007 electoral reform referendum, Elections Ontario was tasked with carrying out a public education campaign. However, there is nearly universal agreement that this campaign was wholly inadequate. This is due to the fact that Elections Ontario interpreted its mandate very narrowly. It simply informed voters that there was going to be a referendum and that their vote was ‘important,’ rather than providing materials explaining the current and proposed voting systems. The public’s primary source of information came from editorials in the major newspapers which were largely against reform. Moreover, the debate about the merits and demerits of reform took place mainly among elites and, according to one expert, occurred in a ‘vacuum insofar as much of the public was concerned.’²¹² As such, voters in Ontario were poorly informed which may help to explain why the reform was rejected by 63 percent of voters.

Similarly, the public education programme in P.E.I. prior to the 2005 referendum was heavily criticised. A lack of public education resulted from Elections P.E.I. having been given an inadequate budget.²¹³ The government at the time was also criticised for not allowing enough time for a proper education programme before the referendum. The fact that many people said that they did not understand the proposed voting system has been used to explain the low turnout in this referendum.²¹⁴ In British Columbia, the members of the Citizens’ Assembly which proposed the change to STV were dismayed at the lack of

²¹⁰ Parliamentary Voting System and Constituencies Bill 2010, Sch. 1, sec. 7.

²¹¹ Political Parties, Elections and Referendums Act 2000, sec. 13 (4)(a)(b).

²¹² Lawrence LeDuc, Heather Bastido and Catherine Baquero (2008), *The Quiet Referendum: Why Electoral Reform Failed in Ontario*, Paper presented at the annual meeting of the Canadian Political Science Association, University of British Columbia, June 4-6, at: <http://www.cpsa-acsp.ca/papers-2008/LeDuc.pdf>.

²¹³ Andre Barnes and James Robertson (2009), *Electoral Reform Initiatives in Canadian Provinces*, Library of Parliament, pg. 9.

²¹⁴ *Id.*

formal public education and therefore undertook their own campaign to raise awareness and answer voters' questions.²¹⁵

In contrast, the voter education programme in New Zealand was widely regarded as having been a great success. Prior to the 1992 referendum, the New Zealand government decided to fund a public education programme. In order to ensure that information was impartial, the Minister for Justice established an independent body to organise the programme known as the Electoral Referendum Panel chaired by the Chief Ombudsman. The Panel prepared a six-page brochure outlining the referendum process and each of the five voting systems. This was delivered to every household in the country. The Panel also produced a more detailed official guide to the referendum, sponsored seminars, and funded three television programs on the referendum.²¹⁶ Following an analysis of electoral reform in New Zealand, the Constitution Unit concluded that the voter education programme 'was a great success, with the material produced by the Panel gaining voters' trust as untainted by any particular agenda.'²¹⁷ Another advantage of establishing an independent body, which is particularly relevant to the UK, is that it 'enables the government to campaign actively for one or both sides...'²¹⁸ It is worth noting that in none of the electoral reform referendums in the Canadian provinces did a government take an official position on the proposed reform. Consequently, electoral reform received relatively little attention from the media as they instead focused on election issues.

International experience suggests that referendums on complex issues with relatively short campaign periods make reforms less likely to succeed. This can be seen from the referendums in Canada on the Charlottetown Accord, and in the 2005 referendums on the European Constitutional Treaty.²¹⁹ Ultimately, low levels of public knowledge work in favour of the status quo rather than reform. While a robust public education programme is no guarantee that reform will be successful, it is necessary to ensure that citizens are aware of the referendum and well informed of the issues they are being invited to decide. This is especially important when the issue under consideration is one of national constitutional significance.

We hope to do some further work on the minimum requirements of an effective public education programme, and to submit a further memorandum about that.

25 August 2010

²¹⁵ See stv.ca/citizensassembly. The government allocated approximately \$500,000 to fund a neutral public education programme.

²¹⁶ Stephen Levine and Nigel Roberts (1993), The New Zealand Electoral Referendum of 1992, *Electoral Studies* Vol. 12(2), pp. 160-161.

²¹⁷ Ben Seyd (1998), Regulating the Referendum, *Representation: Journal of Representative Democracy* Vol. 35(4), pp. 196-197.

²¹⁸ *Id.*

²¹⁹ See Lawrence LeDuc, Heather Bastido and Catherine Baquero (2008), The Quiet Referendum: Why Electoral Reform Failed in Ontario, Paper presented at the annual meeting of the Canadian Political Science Association, University of British Columbia, June 4-6, at: <http://www.cpsa-acsp.ca/papers-2008/LeDuc.pdf>

Written evidence submitted by Dr Stuart Wilks-Heeg, Executive Director of Democratic Audit (PVSCB 06)

I am the Executive Director of Democratic Audit, an independent research organisation based at the University of Liverpool. This note supplements evidence already submitted to the Committee by Lewis Baston on behalf of Democratic Audit and focuses principally on issues concerned with the electoral registers. My evidence draws principally on research I undertook during an Economic and Social Research Council research fellowship with the Electoral Commission from 2009-10. I am also a Senior Lecturer in Social Policy at the University of Liverpool.

SUMMARY

- There are a number of concerning issues associated with this Bill. They include: the conflation of a referendum on electoral reform with reviews of constituency boundaries; a seemingly arbitrary decision to reduce the House of Commons from 650 to 600 MPs; and the haste with which the Bill has been introduced.
- It is not clear that the electoral registers are ‘fit for purpose’ in undertaking radical changes to reduce and equalise constituencies. Recent research into the completeness and accuracy of the electoral registers highlights that there has been a sharp fall in registration levels over the past decade, and variations in under-registration appear to be growing.

General observations

1. Democratic Audit’s view is that, measured against the principle of pursuing constitutional reform via informed, evidence-based policy-making, there are a number of serious deficiencies in the Bill. In particular:

- While there may be political reasons for marrying the proposed referendum on the Alternative Vote with proposals to reduce the total number of MPs and equalise constituency electorates, there is no policy rationale for introducing the measures in the same Bill.
- The justification for reducing the number of MPs from 650 to 600 has not been clearly made, particularly in representative terms, and the target figure of 600 seems entirely arbitrary. For instance, while the UK may appear to have a lower ratio of MPs to electors than many comparable countries, it also has far higher ratio of local councillors to electors than any country in Western Europe.
- The ‘reduce and equalise’ objective in relation to parliamentary constituencies is more far-reaching and ambitious than anything attempted by previous boundary reviews. Yet, the Bill has been introduced with much haste, militating against expert consultation, proper pre-legislative scrutiny and informed debate – both within and without the Houses of Parliament.
- Recent evidence about possibly substantial variations in the completeness of the electoral registers raises important issues about the proposals to reduce and equalise constituencies. Since constituency size is measured by the sole criterion of the number of registered electors, there is a risk that areas in which under-registration is currently concentrated will also become ‘under-represented’ in Parliament.
- Key research evidence about the completeness and accuracy of the December 2010 electoral registers (on which the boundary reviews will be based) will become available

following the 2011 Census. Matching Census records against register entries is the most reliable way of estimating the completeness and accuracy of the registers and the opportunity to do so arises only once in a decade. The current proposals do not appear to allow for this evidence to be taken into account. It not unthinkable that Census-based estimates, which will become available during the period in which the new boundaries are determined, could serve to undermine the credibility of the exercise.

- The government has also indicated that it intends to accelerate the introduction of individual voter registration. A substantial change to the system of registering electors and a far-reaching set of boundary review will therefore take place simultaneously. Based on the experience in Northern Ireland, it is likely that individual registration will result in significant changes in registration levels – nationally, regionally and locally. Since the boundary review process will be based on the December 2010 electoral registers, there is every chance that the more ‘equalised’ constituencies in 2015 will come to exhibit greater variations in the number of electors than among the constituencies they will be replacing.

The state of the electoral registers

2. The remainder of this submission is concerned exclusively with issues concerning electoral registration. I was the lead author on the Electoral Commission’s 2010 report. *The completeness and accuracy of electoral registers in Great Britain*.

3. Until very recently there was a serious dearth of evidence about the state of the electoral registers. Between the late 1990s and the mid-2000s, no research at all was published on electoral registration. This meant that the opportunity was missed to undertake detailed comparison of the December 2000 registers against the April 2001 Census of Population. The Electoral Commission (EC) began to fill this research gap after 2005, beginning with a retrospective study of the completeness and accuracy of the 2000/01 registers. The EC’s report on electoral registration published in March 2010 is therefore the most detailed account of the state of the registers for almost a decade.

4. The key findings from the EC’s 2010 report were that:

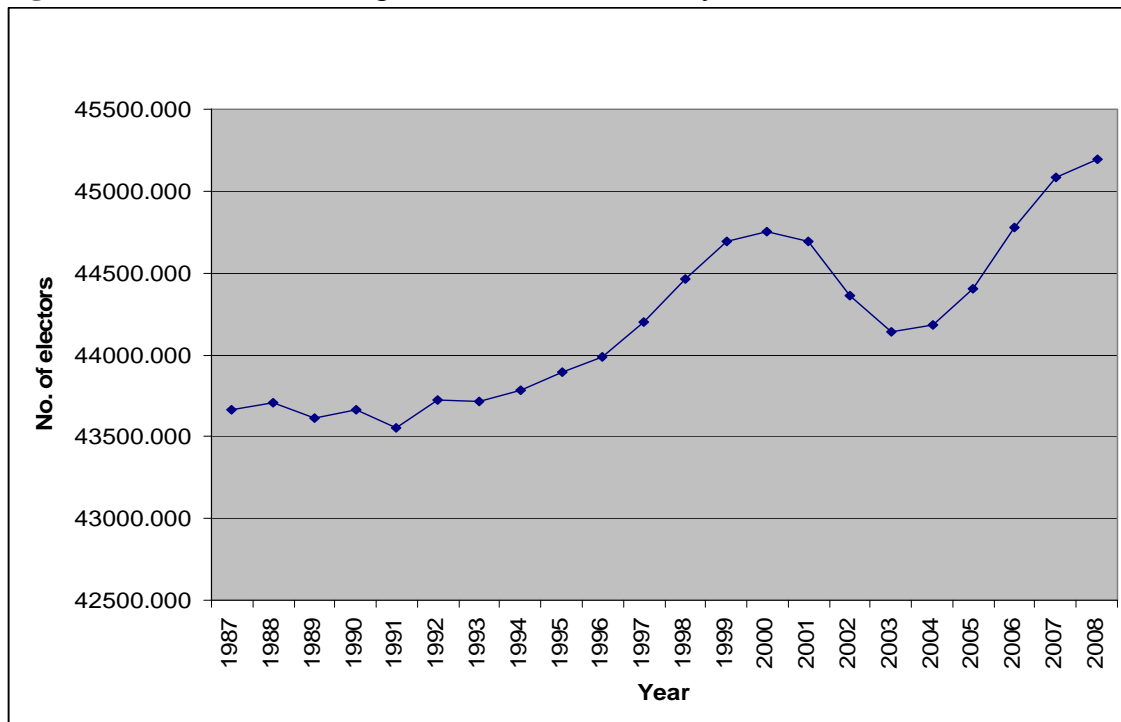
- The completeness of Great Britain’s electoral registers remains broadly similar to the levels achieved internationally.
- There is evidence of a gradual long-term decline in the completeness of Great Britain’s electoral registers since the 1970s.
- There was a particularly sharp fall in registration levels from 2000-2005, since which time registration levels have stabilised.
- As in previous decades, under-registration is concentrated among specific social groups, with registration rates being especially low among young people, private renters and those who have recently moved home.
- There appear to be widening local and regional variations in UK registration levels, with metropolitan and unitary areas outside of Greater London experiencing the greatest levels of decline.
- While the vast majority of local registers are likely to be more than 90 per cent complete, a growing minority of local registers are likely to be less than 85 per cent complete.
- The highest concentrations of under-registration are most likely to be found in metropolitan areas, smaller towns and cities with large student populations, and

costal areas with significant population turnover and high levels of social deprivation.

- Owing to population movement, the completeness of local registers is likely to decline by an average of 10 percentage points within the annual lifecycle of the electoral registers.
- Case studies in eight local authority areas revealed that variations in levels of completeness are mirrored by variations in levels of accuracy – in large part reflecting the impact of contrasting local migration rates. Registers in metropolitan areas tend to be both less complete and less accurate because of higher levels of population movement.
- There is scope for some immediate improvement in electoral administration, mostly through the more effective identification, dissemination and adoption of good practice among local authorities. This would be likely to reverse at least part of the decline in registration levels, most notably in metropolitan areas – but there are limits to what Electoral Registration Officers (EROs) can achieve under the current system.
- In the medium-term, maximising the completeness and accuracy of the electoral registers will require significant reforms to the current system of electoral registration. Plans for the phased introduction of individual elector registration in Great Britain from 2011-14 represent a significant opportunity to undertake such reforms.

5. Very little was known about recent trends in registration levels before the EC research was published earlier this year. The report established that there were clear grounds for assuming that registration levels had fallen quite dramatically in the period from 2000-2005, pointing to a far deeper dip in registration than had been associated with the introduction of the Community Charge ('poll tax') in the early 1990s – see figure 1.

Figure 1: Total number of registered UK Parliamentary electors

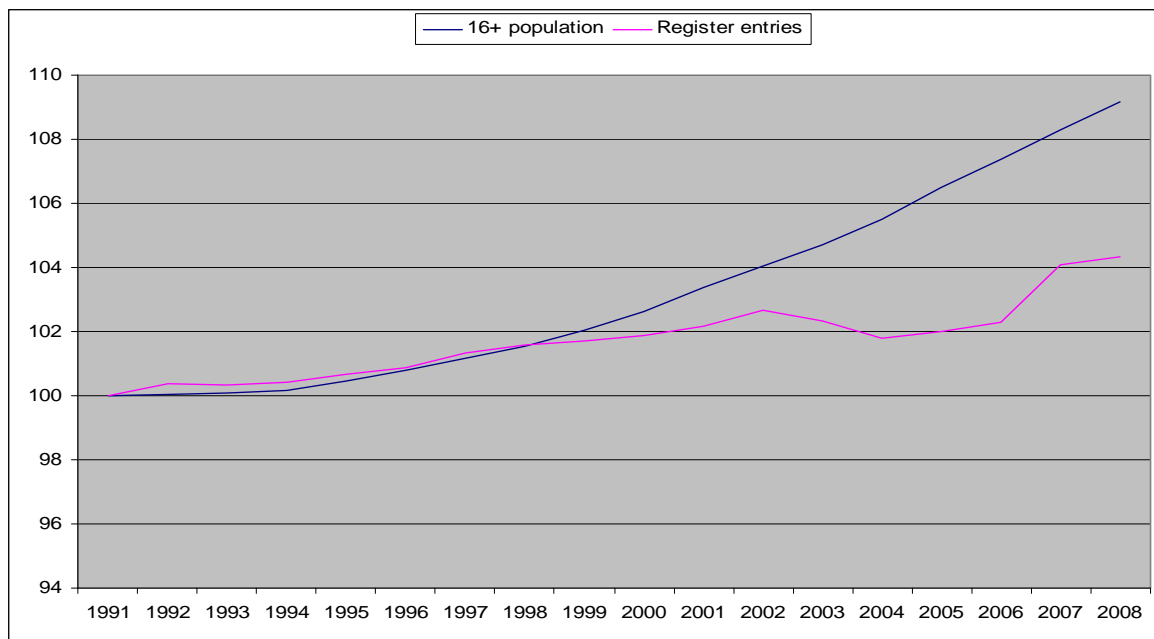


Source: ONS Electoral Statistics.

6. This decline in the number of registered electors from 2000-2005 occurred at a time when the notionally eligible population continued to grow – see figure 2. As a consequence, the UK’s notional registration rate (a relatively crude measure of the completeness of the registers) fell from around 95% in the late 1990s to 90.5% in 2006. In 1983, the notional registration rate had been 97.8%.

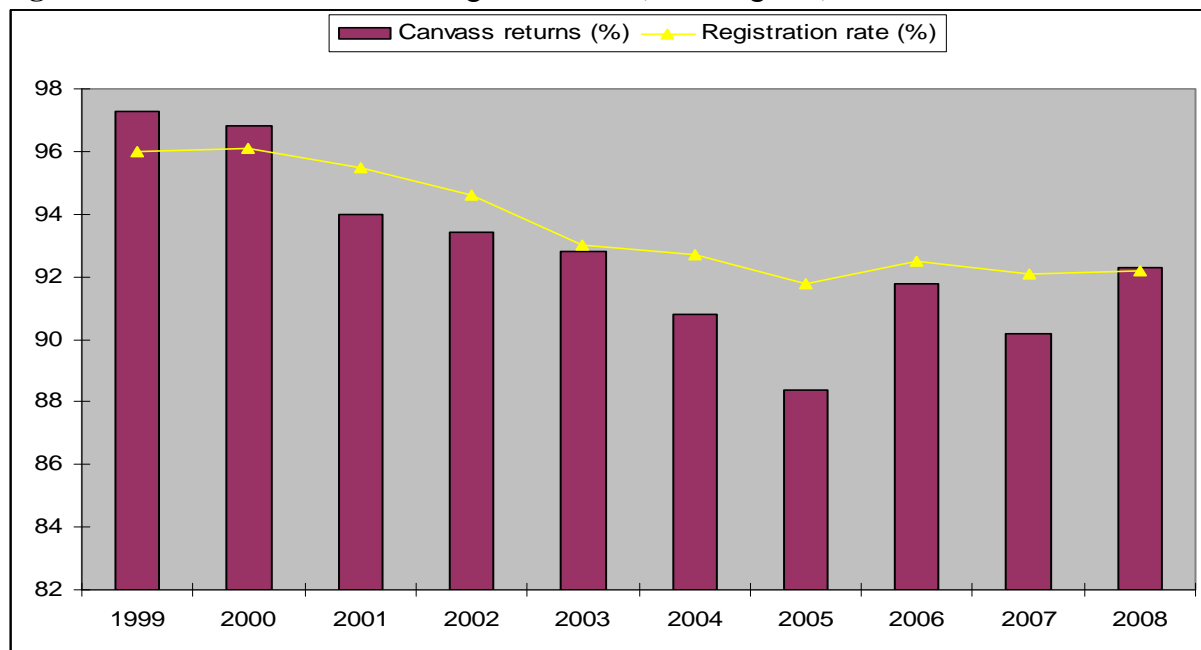
7. The decline in register entries in the early 2000s was also associated with a clear decline in levels of household response to the annual canvass of electors. This decline in canvass response appears to have been most marked in metropolitan areas – particularly the areas covered by the former Metropolitan County Councils in England. By way of illustration, figure 3 shows how the registration rate declined alongside the canvass response rate in England’s largest local authority (Birmingham) from 1999-2005, followed by a modest recovery from 2006-08.

Figure 2: Growth in the population aged 16 and above and growth in entries on the electoral registers, England and Wales, 1991-2008 (1991=100)



Source: ONS Mid-Term Estimates; ONS Electoral Statistics

Figure 3: Canvass return rate and registration rate, Birmingham, 1999-2008



Sources: Association of Electoral Administrators; Electoral Commission Performance Standards data; ONS Electoral Statistics, ONS Mid-Term Estimates

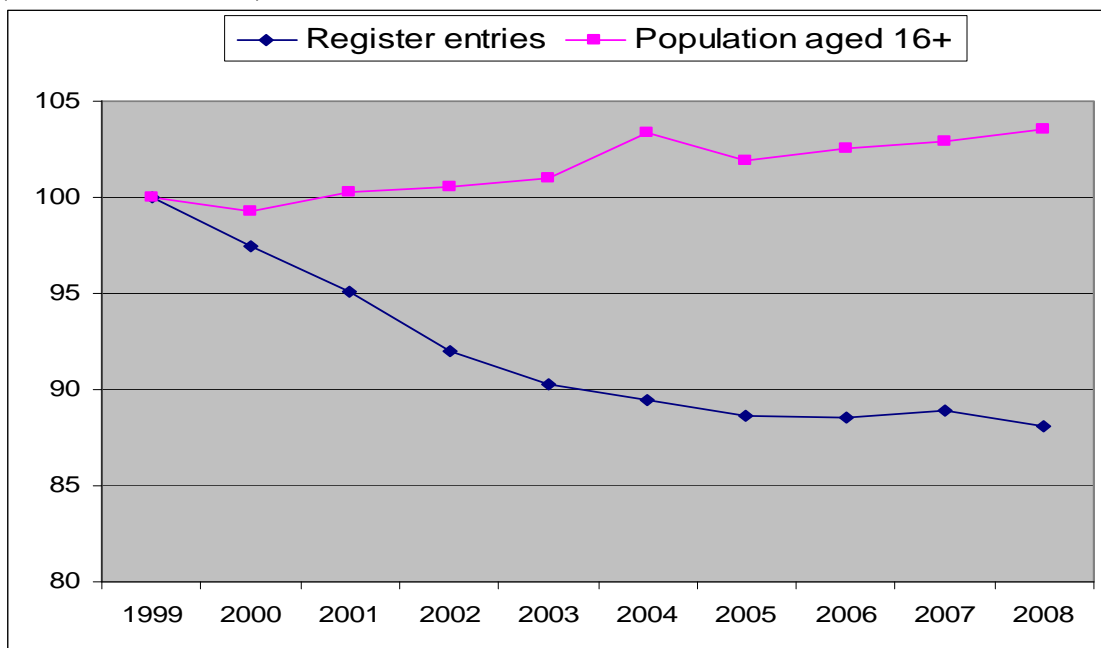
8. This emerging evidence about the state of the electoral registers is particularly important because the proposals involve both reducing the number of constituencies and equalising the number of electors in each. There are significant concentrations of seats with

smaller electorates in a number of metropolitan areas – notably Merseyside, the West Midlands and parts of West and South Yorkshire. Given existing registration levels, it would appear inevitable that these areas will ‘lose’ representation relative to other areas. Yet, based on existing evidence about local variations in registration levels, it is clearly conceivable that were a successful registration drive to take place in these areas during the 2010 annual canvass of electors tens of thousands of electors could be added to the registers in individual metropolitan areas. Such a scenario would be likely to bring a number of constituencies with smaller electorates significantly closer to the arithmetic mean. This could, in turn, have profound implications for the outcomes of the boundary review process.

9. The EC’s research highlighted that the rates of completeness of individual electoral registers (the percentage of missing entries) tends to mirror the rates of accuracy of those registers (the percentage of entries which are redundant or false). It could be argued that this will mean that inaccuracy will tend to counter-balance incompleteness, thereby producing electoral registers which approximate quite well to the total number of eligible electors. It will only be possible to test the validity of this argument once the evidence is available from research matching entries on the 2010 electoral registers against the 2011 Census records. However, based on the EC research, I would argue that this assumption is likely to be flawed.

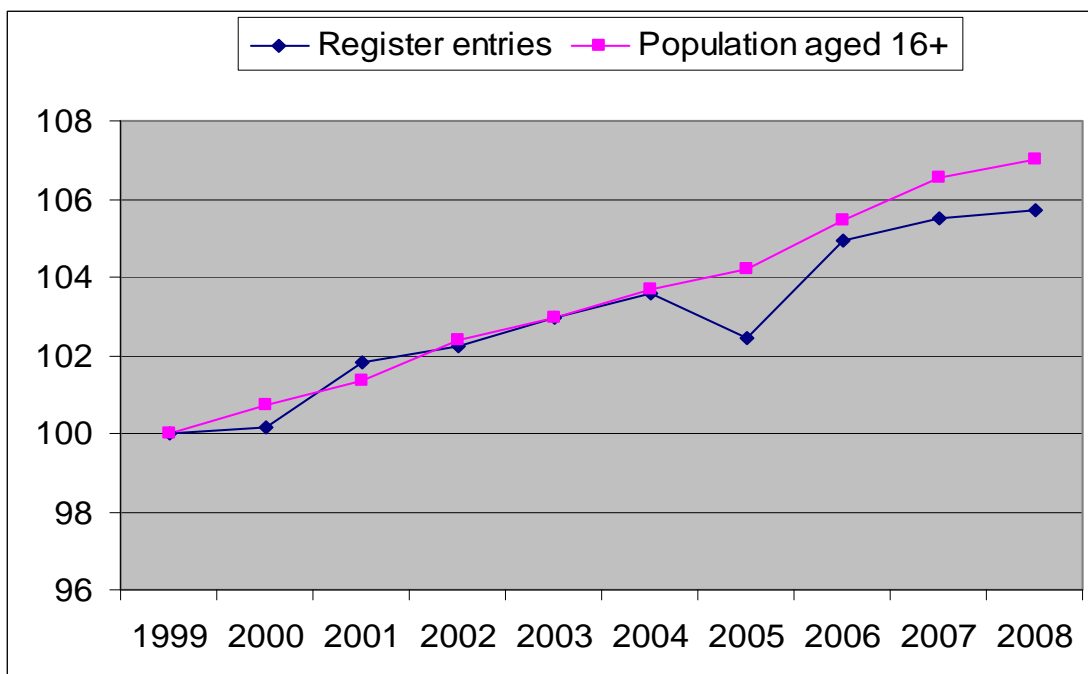
10. The EC research includes detailed case studies of the registers in eight local authority areas, based on surveys carried out by Ipsos MORI. These surveys demonstrated that completeness and accuracy rates tend to mirror one another – this is largely because the principal cause of both missing entries and redundant entries is the same, namely population movement. However, additional analysis of registration trends in the eight areas suggests that the areas with lower rates of completeness and accuracy were generally those in which the number of registered electors has failed to keep pace with the growth in the notionally eligible population over the past decade. This was particularly evident in the case of Glasgow. Conversely, the areas which were found to have the most complete and accurate registers tended to be those where the registered electorate had grown at the same pace as the adult population. This was well illustrated by the case of Hambleton, a sparsely populated rural district in North Yorkshire. Figures 4 and 5 highlight these patterns.

Figure 4: Local government electors and population aged 16+, Glasgow, 1999-2008 (indexed: 1999=100).



Estimated completeness of Glasgow register (September 2009): 74%; estimated accuracy of Glasgow register (September 2009): 77%

Figure 5: Local government electors and population aged 16+, Hambleton, 1999-2008 (indexed: 1999=100).



Estimated completeness of Hambleton’s register (September 2009): 89%; Estimated accuracy of Hambleton’s register (September 2009): 91%.

3 September 2010

Written evidence submitted by the Labour Campaign for Electoral Reform
(PVSCB 07)

- **Labour reformers support the AV referendum**
- **There is more need for discussion on various other aspects of the Parliamentary Voting System and Constituencies Bill as outlined below**

Introduction

The Labour Campaign for Electoral Reform (LCER) is in favour of much of the substance of the Parliamentary Voting System and Constituencies Bill but does not believe that a change in the electoral system and changes to constituency boundaries need to be dealt with in one Bill. We believe that the proposals on implementation of ‘reduce and equalise’ are flawed, that the reduction of seats has not been adequately discussed and that the consequences may be a worse service for the electorate from overworked politicians. Putting all these issues together in one Bill seems to forget the democratic need on constitutional reform to move by discussion and consensus, across party and involving the citizens it will affect.

There is no philosophical, legal, practical or parliamentary reason for combining the referendum with boundary changes. While no one can dispute the principle of equalisation, there is no evidence that the current boundaries cause a major distortion of the electoral system. Nothing justifies such a hurried non consensual review. We support the idea of holding the AV referendum in May 2010.

LCER believes that the following issues need to be thought about separately:

1. The AV Referendum

Labour reformers fought for the AV referendum to be legislated upon before the General Election. On 9 February 2010 nearly 300 of the 365 MP who voted AYE to the amendment to the Constitutional Reform and Governance (CRAG) Bill were Labour MPs. Unfortunately this fell at Wash Up but made it into the Labour 2010 Manifesto as a promise to the electorate. Labour MPs can be expected to support the principle of holding of an AV Referendum to let the people decide, though as we shall argue, this does not mean endorsing the composite Bill tabled by the Coalition.

2. The Timing of the Referendum

It is important to maximise turnout in the referendum and this is likely to happen if the referendum is held on the same day as other elections. When asked in a questionnaire Labour reformers were keen on holding different elections in the same year on the same day. However we do note that this may create problems for colleagues in Wales and Scotland. They have not been consulted in any real manner during the drafting of the current Bill. who should have been involved in the discussion leading to the Bill. We recognise also that in English local elections, there may be some confusion but maybe more for the Parties fighting each other but agreeing in the referendum than for the voter. LCER therefore neither endorses nor rejects the current proposal.

3. The Alternative Voting system

An overwhelming majority, seven to one, of those who responded to our questionnaire in 2008 would support a one line bill changing 'X' to preference voting (1, 2, 3 ...) and most thought this should be done before the General Election or failing that in Labour's manifesto. Many supported the idea that this should be done with the Liberal Democrats in either case.

The most powerful argument for Alternative Vote was thought to be that it would unravel tactical voting. The LCER membership also judged that AV was the greatest level of reform that could win the support of the then Labour leadership. AV would have different effects depending whereabouts in the country we were discussing. The majority felt AV favoured the Lib Dems, but almost as many felt it was politically neutral, with favouring Labour coming next and favouring the Conservatives only backed by a few. (The role of UKIP may not have been factored in at that time.) There was a sizable minority which thought that AV does not solve the problem on its own without a top up, as in AV+, and that in order to give first preferences a weighting they could be used to assess the parties popularity and rights to state funding.

There was split support for the Australian Model because compulsory attendance is included as well as AV for the lower house and STV for the upper house. Some voted for it without the compulsory element and some voted against it because of that. However there was majority support for AV/STV being the way forward, by 7 to 4, ie doing it "the Aussie way".

There is no reason to expect an increase in spoilt ballots with AV as a single X is still a valid vote, a first preference. In the Scottish local elections in 2007, voters used the X, rather than the one, and parties seem to prefer that voters only voted for their candidates, and where two to give only a 1 and a 2.

4. Supplementary Vote

Questionnaire consultation on Alternative Vote versus Supplementary Vote (or as Professor Patrick Dunleavy calls it "London AV") showed overwhelming preference for AV to the extent that people wanted to change SV to AV in mayoral elections.

5. Reduction of number of MPs

LCER, probably along with a significant proportion of the electorate, fear this is a knee jerk reaction to the MP expenses scandal and is being sold as cost cutting. We believe that the reduction by 50 seats to 600 is not only arbitrary but will, together with the boundary changes, massively disrupt relationships and representation, the logic of which lie at the heart of single member constituencies. As many have pointed out this would be the most dramatic reduction of MPs since the 1920s when Irish MPs left the House of Commons. Voters may as a result of this process end up disappointed by the larger constituencies with less logical boundaries and less support from their MP. Patronage will also increase with a larger percentage of MPs seeing their role to support the government rather than to scrutinise legislations and keep government accountable to the people.

6. The Trade Off with Devolution

The UK was until 1997 the most centralised western democracy. We note that when the Scottish Parliament was created there was a reduction in the number of Scottish Westminster seats. In principle a similar argument could be advanced if the Welsh Assembly were to receive significantly enhanced powers.

This process however seems to be proceeding without any consideration of the relationship with devolution or the lack of devolution within England.

7. Equalising of constituencies

LCER and the Labour Party supports the principle of equal constituencies as set out in the *People's Charter* drawn up by the Chartists. However we believe that equalisation should be based on the population over 18 rather than the registered voters. This may be about the same figure in settled communities but will diverge widely in urban and particularly inner city areas where mobility is high. It would be a good exercise to check mobility against constituency size. Population mobility has implications ranging from changes in parliamentary representation, impact on local economic growth, housing markets and demand for local services, including the workload for MPs and capacity to resolve casework. The argument that Labour in government did nothing to increase registration does not apply because there is a fundamental and continuing underestimation of the actual population in some areas. This may amount to as many as 3.5 million who for mobility, multi-let accommodation, language, age, ethnicity or disability reasons are not reflected in current registers of voters. This does not apply only to Labour constituencies. Some MPs say that the majority of those who contact them and visit their surgeries are not on the register, while living in their constituency. It has been suggested that there is need for a new statutory body to work proactively with local councils to increase voter registration. Voter registration is not part of the Electoral Commission's remit and local councils will be unable to invest much in it in the current climate of spending decisions. Although councils have a vested interest in an accurate estimate of residency numbers as this affects their funding from national government.

8. Representation in Parliament

Following the Speaker's Conference, it has been suggested by the Fabian Society and the Centre for Women and Democracy, that the proposed reduction in seats following the 'equalise and reduce' policy may mean that women, ethnic minority and other underrepresented groups lose out. We would argue that impact assessments are important in relationship to equality of participation and representation as well as budgets.

9. Local identity and distinctiveness

It is important that boundaries are not imposed according to an arbitrary formula but which respect established patterns of community and form coherent geographical units. Ignoring local authority boundaries, will dilute the very local characteristics which lie at the heart of the argument for the need for single member constituencies. We can see no principled case for the proposal in the Bill which seeks to protect County boundaries but to ignore District and Unitary boundaries, or to ignore ward boundaries. The likely outcome of this process is to reduce the extent to which Parliamentary constituencies are seen to relate to identifiable communities or MP are able to work closely with local government. It is worth nothing that one reason often given for choosing AV over more proportional systems is that voters prefer MPs to represent an identifiable area. It is ironic that this Bill effectively encourages the Commission to destroy seats based on identifiable and often urban centres.

While it is impossible to predict with any accuracy the outcome of this process it is at least a real possibility that the it will reduce the diversity of representation in the South East, South West and East of England, particularly it could contribute to virtually eliminating Labour in regions where nearly 20 per cent of the vote already gives Labour only 5 per cent of the seats. We are as reformers also concerned about the lack of Conservative representation in urban areas, the north, Wales and Scotland.

10. Boundary Reviews

In the absence of Public Inquiries, the recommendations of the Boundary Commissions will not be properly exposed to full scrutiny and counter-proposals to scrutiny and cross-examination. This may lead to more judicial reviews should people believe this infringes the European Convention of Human Rights. Although Inquiries have been seen to be mainly about party interest in fact with so many changes planned genuine local considerations could be missed under the proposed arrangements. The Coalition's decision to remove any weighting to ward, District or unitary boundaries makes it much more likely that proposals will be produced which offend the local sense of identify with their MP that most voters prefer to see. There are also concerns being raised about the ultimate role of the Minister in deciding whether or not to accept these boundary commission recommendations (in England).

11. Bias in the current system

Although at first glance the current voting system seems to help Labour it may be that adding up the votes received for each party is not a meaningful exercise. The vote for any party means different things in different categories of constituencies because we are not voting for a Prime Minister or even a government party but an individual MP. In most constituencies, except for rare three-way marginals, there are two clear parties in contention except in majority (safe) seats. This means, in England at least, we have three two-party systems, Conservative v Labour, Conservative v LibDem, and Labour v LibDem. In safe Labour seats, turnout is low which underestimates the Labour total vote. Settled and more middle-class voters may vote even where their vote does not count under the current voting system. In Conservative v LibDem seats, Labour tactical voting squeezes the third placed Labour candidate's vote. Only in marginal constituencies where Labour is in contention do we see an honest reflection of Labour support. These changes will not change this bias unless we introduce AV where at least the tactical vote can be seen for what it is. A similar analysis can be done for the other parties' vote. Larger Conservative seats with settled communities may well reflect the actual population whereas the argument for smaller urban Labour seats is that the registered vote is not the same as the population were mobility is higher.

12. The inevitability of this Bill being passed

For the first time in recent years there is a historic majority for this Coalition Government in both Houses of Parliament so there are few checks and balances. It is likely therefore that the Bill will go through without much amendment. It is therefore important that specific objections to individual parts of the Bill are subject to scrutiny and given the time they need to be discussed at every stage and not written off as party tribalism or oppositionalism for the sake of opposition. We incidentally agree with the Political and Constitutional Reform Committee that the Government's timetable for the Parliamentary Voting System and Constituencies Bill has denied an adequate opportunity to scrutinise the Bill before second reading.

3 September 2010

Written evidence submitted by the New Economics Foundation (nef) (PVSCB 08)

Summary

- **nef** believes fundamental reform of the UK's electoral system is needed to achieve a better, fairer and more sustainable economy and society for all. We therefore welcome the referendum on electoral reform and back the 'Yes' campaign.
- However, we feel that the process for designing and initiating the referendum has been highly undemocratic and that the Alternative Vote system on offer is not the system which best meets the criteria for a democratic electoral system.
- We call for this issue to be looked at again by a citizen's convention.

In detail

1.0 **nef**'s position is that our political institutions require fundamental reform. In particular our system for electing MPs is simply not fit for a modern, multi-party democracy. The Alternative Vote (AV) system has a number of advantages over our current system.

1.1 **nef** argues that an electoral system should be chosen based on how far it meets five key criteria:

1. **Equality:** offering all voters equal electoral power. Essentially, this means an electoral system which is fair to voters.
2. **Proportionality:** ensuring that the value of a vote is the same, no matter which party or candidate it is for. Essentially, this means an electoral system which is fair to parties.
3. **Responsiveness:** Citizens should have access to a responsive representative who understands the needs of their area. At the moment, this is achieved through the MP constituency link, but other systems may offer similar benefits.
4. **Independence:** Representatives should have an appropriate degree of independence from the party hierarchy, and instead encourage them to consider the views of their electorate.
5. **Transparency:** The electoral system should provide as clear as possible a signal of voters' preferences, without distortions such as tactical voting.

1.2 It should be recognised that these criteria may be in conflict and that no electoral system will completely fulfil all of them. The process by which a system is chosen must offer an opportunity for all the options to be evaluated against these and other criteria in a considered and democratic manner.

1.3 It's also worth noting that the electoral system is not the only barrier to meeting these criteria. Other factors, such as voter registration processes or candidate selection procedures will also have an impact.

1.4 As described in the **nef** report *Spoiled Ballot*,²²⁰ our current, "First Past the Post" (FPTP) system produces a highly unequal distribution of electoral power amongst voters. Voters in the roughly 20% of constituencies which are marginal have much greater

²²⁰ Marks, Nic (2005) *Spoiled Ballot: Why less than three per cent have a fair share of democratic power in Britain* (London: new economics foundation). Available at: <http://www.neweconomics.org/publications/spoiled-ballot>

influence over the composition of the government than those living in safe seats. In all seats, FPTP also undermines transparency by encouraging tactical voting, as, for voters, influencing the result means voting for a party with a chance of winning in that constituency. Furthermore, FPTP is disproportionate, leading to overrepresentation of larger parties and under representation of smaller parties unless their support is highly geographically concentrated.

1.5 We welcome the referendum on moving to an Alternative Vote system. We support the implicit recognition of the principle that it is for citizens to decide on major constitutional issues, not their elected representatives. We also hope that the referendum opens up a space for national debate about our political institutions and the possibilities for reform.

1.6 We feel that AV has significant advantages over FPTP and support a ‘yes’ vote in a reform referendum. AV offers all voters the opportunity to signal their political preference via their first vote, without sacrificing their political power. It will therefore offer a truer picture of public preferences and tactical voting at the level of first preferences making the system more transparent. AV will also increase somewhat the number of seats which are contested, reducing inequality of voting power to a limited extent.²²¹

1.7 We also welcome the use of preferential voting for Westminster elections. Preferential voting (the rating of options in order of preference rather than selecting a single option as under FPTP), which is used in AV, offers a more nuanced way for voters to express preferences and is used by **nef** in some of our public engagement tools.²²²

1.8 However, AV will not make significant strides to responsiveness, independence or proportionality, and does not offer sufficient progress towards equality. Therefore we would not recommend it as a final settlement for Westminster elections.

1.9 Further, we feel that the way this referendum has come about has been profoundly undemocratic. The options to include on the referendum were decided in secret negotiations between representatives of those who have the most visible vested interest in the system: the major political parties.

1.10 We believe that, in keeping with the principle that it is for citizens to decide on major constitutional issues, not their elected representatives, we call for future decisions on electoral reform, and other similarly significant constitutional issues to be made in a way which puts the design of the question, as well as the final decision, in the hands of citizens.

1.11 One model of how this might work is a citizen’s convention. A citizen’s convention is a gathering of a representative group of citizens, which could range in size from fifty citizens to more than a thousand. These citizens would be asked to consider the criteria, look at the evidence and make a recommendation as to the options which should be put to the wider public in the form of a referendum. To assist them in the decision they would be aided by a neutral facilitator, have access to expert opinions from all perspectives and be given time to share views and experiences. A process of this kind will enable participating

²²¹ For an authoritative examination of the features of different electoral systems see Hix, Simon et al (2010) *Choosing an electoral system* (London: British Academy Policy Centre) <http://www.britac.ac.uk/policy/choosing-electoral-system.cfm>

²²² See for example Walker, Perry (2010) *Crowdwise Briefing* (London: new economics foundation). Available at: <http://www.neweconomics.org/projects/crowd-wise>

citizens to apply their own values, knowledge and experiences to the question of what electoral systems should be considered, and make informed and considered recommendations to the wider public.²²³

1.12 An outstanding example of how this might work in practice is the British Columbia citizen's assembly where a panel of citizens were empowered to make a recommendation on electoral reform for the state legislature²²⁴.

Electoral Reform and the Great Transition

2.0 Achieving a Great Transition to a fairer, more sustainable social and economic system will require decisive and ambitious action by central government. For this to occur, government will need to come under sustained pressure from citizens and civil society organisations to offer a counter-balance to influence powerful groups who benefit from the *status quo*. In order for the pressure for change to be effective, we need an electoral system which offers all groups in society access to electoral power, instead of concentrating it in a number of affluent 'marginal' areas, and one which permits a wide range of voices into formal political debates instead of shutting out all but the most established.

6 September 2010

²²³ For more information on deliberative approaches like a Citizen's Convention see Walker, Perry (2003) *We the People* (London: new economics foundation) <http://www.neweconomics.org/publications/we-people>

²²⁴ For more information see Perra, Leo (2004) "A Presentation on Province-Wide Citizen Participation", a presentation to the Sino-Canadian Seminar on Public Participation in the Legislative Process, given July 13 2004. Available at: http://www.citizensassembly.bc.ca/resources/china/China_presentation.pdf

Written evidence submitted by Rt Hon Denis MacShane MP (PVSCB 09)

I hope your Committee will come out decisively against AV which taken with the proposal to reduce the number of MPs means that citizens will have fewer representatives and rights in relationship to the centralised state system. Britain has no intermediary levels of government other than the Scottish and Welsh systems. There are no provincial, regional or state governments as in Australia, Canada, the US or most European countries. Citizens come straight to MPs with a host of problems as they have no other representatives to speak for them in terms of their relationship with the state. The idea that there should be fewer MPs serving ever-more citizens is a serious assault on democracy. If anything there may be a case for more MPs given that there is little possibility of bringing in more devolved levels of government.

I would support 4-year fixed terms, the norm in America, Germany and other (not all) EU member states.

On electoral reform, the 1929-31 Labour government proposed AV but it was shot down in the Commons with Winston Churchill pointing out that the least popular candidate can overtake the most popular candidate on the basis of transfer votes from every other political faction that failed to win support. How ironic if the second or third preferences of BNP or UKIP voters decided who was elected as an MP.

There is no perfect electoral system. Full PR gives the nightmare of Israel's government but equally the relative stability of a Swedish administration. There was once a fashionable view that coalitions in and of themselves produce good government. Yet Britain's electoral system has produced both good and bad governments. There are plenty of example of coalition governments being complete disasters. Italy and Germany today are hardly happy, well-governed nations under their respective coalition. AV has produced good, bad and sometimes terrible governments in Australia. *The Guardian's* Martin Kettle points out that social democracy lacks a majority in most European countries. But 'twas always thus. The last time the Danish Social Democrats had a majority was in 1909. In the 1950s and 1960s France, Italy and Germany were ruled by enduring centre-right dominated party coalitions.

In Britain since 1945, Labour has ruled for 30 out of 65 years. This is as good if not a better record of longevity in power than all European left parties outside of Scandinavia and better than Australia or Ireland where electoral systems are closer to AV than Britain's first past the post system. Of course your Committee is not allowed to make its recommendations on the basis of party advantage. But if one of the key desired goals of democratic politics is a regular alternance of power then the evidence suggest that FPTP has delivered that better in the UK since 1945, than AV or other electoral systems used elsewhere.

This suggests that electoral reform may not be the Koh-i-Nor of democratic politics. It is policy and, yes, personality that decide how people vote. This is not to argue that electoral reform should be resisted but to set the debate over AV or other systems of voting in a broader context as part of a wider programme of policy.

15 July 2010

Written evidence submitted by Dr Graeme Orr and Professor K D Ewing (PVSCB 10)

Summary.

This submission:

- (i) briefly explains AV and its various forms;
- (ii) recommends the Committee considers specifying in advance which type of AV is being proposed, and suggests that optional preferential voting is the better option;
- (iii) highlights issues in referendum law which may require attention prior to the referendum, notably the application of expenditure limits to the media; and
- (iv) alerts the Committee to Australian experience of how shifting from first-past-the-post to AV may affect electors and campaign practices. These regulatory questions are not pressing prior to the referendum but would need to be faced if AV were to be legislated.

Introduction

1 The Alternative Vote (AV) is a well established system of voting, most closely associated in modern times with Australia. It has been used for Australian national elections since 1919, and is employed in six out of eight State and Territory lower houses. Whilst it is not widely used elsewhere:

- AV is not an Australian invention. It was developed by an American in the 19th century as a variant of the ‘single transferable vote’ (STV) which was developed in the UK and championed by the likes of John Stuart Mill.
- AV has been on-and-off the UK policy agenda for a century. It was recommended by a Royal Commission on Electoral Reform in 1910, and proposals for AV were contained in a (Labour) government bill introduced in 1930.
- AV is similar to, but cheaper than, runoff or second ballot elections, a la France (and for this reason was recommended by the Royal Commission in 1910 in preference to the second ballot). In the USA, reformers who support AV call it ‘instant runoff voting’.

2 The essence of either AV or STV is that the ballot enables the elector to rank candidates in order of preference. STV is employed in multi-member electorates: if a large number of members are to be elected, it generates a form of proportional representation. AV is preferential voting in single-member constituencies. A sample Australian AV ballot can be found at: http://www.aec.gov.au/Voting/How_to_vote/Voting_HOR.htm In AV, if no candidate gains 50% of the ‘primary votes’ (aka ‘first preferences’) the ballots of the least favoured candidates are then scrutinised, and allocated according to their supporter’s second preferences. And so on until a majority winner emerges.

3 AV is thus majoritarian, not proportional. This is borne out by Australia’s long history of stable government, with a two-party system dominating its lower houses. AV’s main benefits over first-past-the-post are:

- (a) Increasing electoral choice. By being able to rank all candidates, electors have more choices. Supporters of minor parties are less likely to feel their ballot is wasted. Tactical voting and ‘vote-swapping’ should all but disappear. Party decisions to stand candidates will be less driven by tactical fears of ‘vote-splitting’. If electors feel their votes have more saliency, turnout may improve somewhat.
- (b) Increasing a sense of legitimacy in electoral outcomes. (Though some will feel AV emphasises an electoral choice between the least disfavoured rather than the most favoured).

4 AV will not disturb the UK's three-party system, although depending on how electors' preferences fluctuate and are expressed, it will probably enable the Liberal Democrats to improve their vote-to-seat share. In some ways AV may actually reinforce the 'cartel' nature of the major party system. We note ways in which AV emphasises the power of party machines, in paragraphs 17-20 below.

What Type of AV?

5 A central issue for Parliament in framing the referendum is 'which type of AV will be proposed?' By this we mean, how many preferences will electors be required to express to cast a valid or formal ballot?

- (i) A minimum of one. This is known as optional-preferential voting (OPV).
- (ii) A full set of preferences – electors must rank all candidates on offer.
- (iii) Two. This is known as the supplementary or contingent vote.

For reasons of principle and culture we recommend OPV. In any case it is desirable to concretise the debate so that the referendum not be conducted in the abstract, but the type of AV be specified. We will briefly 'rank' the three types.

6 OPV gives electors maximum choice. They do not need to choose between parties or candidates about whom they may have no preference or information. They do not have to make invidious choices between two extremist parties, or between parties they may see as undifferentiated. OPV probably best suits the UK's system of voluntary voting. It is used today in lower house elections in New South Wales and Queensland. The downside of OPV is that its outcomes may seem less majoritarian than if full preferential voting were mandated. In a worst-case scenario, it can fall back into first-past-the-post (eg if most electors just plumped with '1' on their ballot). There is room for a party which believes it would benefit through vote-splitting to encourage this by appealing to the electorate to 'just vote '1'.

7 Full preferential voting forces electors, especially minor party supporters, ultimately to choose between the major parties. It is employed in Australian national elections and three States. It may be justified by reasoning that since someone must represent and govern for us, it is reasonable for Parliament to require us to choose between the major parties. However that approach fits better with the Australian system of compulsory voting than more liberal UK traditions. Parties may also prefer full preferential voting since it means their preference recommendations are more likely to be followed, by supporters unable or unwilling to differentiate all the options themselves. Mandating full preferential voting is likely to increase the number of wasted ballots, as some will make mistakes in numbering and others protest at being forced to rank candidates they cannot choose between. (Informal voting is likely to increase anyway, for reasons discussed in paragraphs 15-16 below.)

8 Finally, although toyed with by the Plant Report of 1993, the two-choice supplementary vote is especially unappealing. It has been described as a 'half-baked compromise'. It will not eliminate tactical voting: indeed an elector, given only one preference other than her primary one, is effectively asked to second guess which candidates will remain in the count. Unlike OPV it does not liberate or maximise electoral choice, but artificially restrains it. And unlike full preferential voting it does not ensure majoritarian outcomes. A form of optional two-choice or partial AV was included in the schedule to the 1930 Bill referred to above. The supplementary vote was experimented with in Queensland from 1892-1942, where it was known as the contingent vote.

Referendum Law Issues

9 A couple of issues involving the conduct of the referendum under the Political Parties, Elections and Referendums Act 2000 (PPERA) need to be considered. One is that the Electoral Commission is required to publish its views on the intelligibility of the referendum question, yet the government does not appear to be required to accept that advice. It is vital that the referendum question be as simple as is reasonable whilst remaining descriptive, but above all that it not be tendentious. This may be an issue given that within the government – indeed within each of the major parties – there will be political divisions over the AV proposal.

10 A second issue concerns public financing of referendum campaigns. The Electoral Commission has a key role in designating two groups to spend public money, in effect on a ‘yes’ and ‘no’ campaign. This is an especially significant duty. In many ways the referendum is not really a straightforward battle between supporters of first-past-the-post and supporters of AV, since there are other voting systems that could have been proposed, notably proportional representation. When multiple choice is limited to binary alternatives, the *status quo* can have an undue and artificial advantage: for example supporters of first-past-the-post may make odd bedfellows with supporters of proportional representation, to defeat the ‘compromise’ option of AV. (Similarly, in the 1999 Australian Republican referendum monarchists and those seeking a directly elected President defeated the compromise option of a parliamentary appointed head of state in a two-way vote, even though a majority of Australians were republicans. Given that the UK referendum is really only an indicative vote, in principle it ought ask citizens to rank first-past-the-post, AV and proportional representation: but this of course would increase the complexity of the debate).

11 A third issue concerns the policing of expenditure limits. The official or designated campaigns can spend up to £5 million each; the parties have a similar limit, though due to vote shares in 2010, only the Conservatives are entitled to the full limit. Third parties are limited to £500 000. Curiously, unlike in the spending limits that apply to elections, the definition of referendum expenses does not expressly exclude ‘the publication of any matter relating to an election, other than an advertisement, in ... a newspaper or periodical’. On the contrary, the list of referendum expenses refers to ‘any material to which section 125 applies’: this includes any material which provides general information about the referendum, or puts any argument for or against any particular answer to the referendum question. The Act would thus appear to limit newspapers to ‘spending’ at most £500,000 each in providing information or in advocating one position or another during the referendum campaign period. Moreover, newspaper companies will be able to do so only if they comply with the registration or notification procedures necessary to be a permitted participant; otherwise they will only be able to spend up to £10,000.

12 It is not entirely clear whether the drafters of PERA intended this result; although given the concentrated power of newspaper proprietors there is no reason in democratic theory why they should have unlimited rein to campaign when parties and other civic groups do not. Once this apparent oversight becomes known, there will no doubt be great pressure from the newspaper companies to change the law to their advantage. An alternative approach might be to amend the law the other way to apply the existing referendum rules in PERA so that they apply also to general elections.

Impacts of AV

13 In this final section, we sketch the key implications of AV from the Australian experience. We do this to inform the Committee and debate. However regulatory responses to these matters need not be faced until after the referendum, assuming AV is to be legislated in practice. The implications can be grouped into two sets of effects:

- (a) on electors
- (b) on parties.
- Electors – complexity and votes wasted to informality

14 The key effect of AV on electors is in widening choice. However this benefit is not cost free. The downside of increased choice is the potential for confusion. Informal voting in the UK under first-past-the-post is almost negligible, ranking 146th out of 146th in a recent international survey: under AV, Australia ranks 46th, with informal voting of over 3 percent of turnout being common at national elections. Informality, in the Australian experience, tends to disproportionately disenfranchise electors in constituencies with lower levels of education or higher levels of non-English speakers, where rates of informality tend to be higher than the 3 per cent average. Compulsory voting in Australia probably accounts for about 1 per cent of that 3 per cent: a proportion unlikely to be encountered under voluntary voting in the UK.

15 Informality in the UK will be exacerbated anyway by the introduction of a new voting system on top of the plethora of other voting systems used in European and sub-national systems, and the possibility of another system being adopted for the upper house at Westminster. Again, Australian experience is instructive: when voting systems change, or when electors are faced with several different systems, informality increases.

16 We do not wish to overstate the informality problem. Compared to the sense of votes being wasted under AV, informality is a regulatory problem rather than an argument against AV per se. Education and ballot design is crucial in minimising such wasted votes; although it is far from a perfect panacea. The need to minimise disenfranchisement through informality however is another argument for OPV over full preferential voting – since requiring electors to rank all candidates on offer increases the likelihood of mistakes, especially if, as is likely under AV, more candidates take part.

- Parties – campaign practices and preference deals

17 The least appreciated aspect of AV in the UK is its likely effect on campaign culture. The Australian experience is salutary. The key marginal seats, which decide the fates of governments, hinge on preference flows. Whilst AV expands electors' choices, it also – somewhat paradoxically – also empowers the party machines. There is a long history of learning and interchange of staff between Australian and British parties (especially between the Labour Party and the Australian Labor Party, and the Conservative Party and the Liberal Party of Australia): it seems inevitable that Australian practices under AV may at least be trialled in the UK.

18 In Australia, preferences have become a crucial form of political 'currency' and are the subject of deal-making between the parties. A typical example, unfolding as we write, involves a deal between Australian Labor and the Australian Greens: <http://www.smh.com.au/federal-election/greenslabor-preference-deal-20100718-10g33.html?autostart=1> Note that in Australia, a minor party typically looks to barter its lower house preference recommendations for a flow of preferences to it in the upper house,

where it is more likely to be in the hunt for seats. This would be replicated if the UK moved to AV for the Commons and proportional representation through STV for the House of Lords. But even with just AV in the Commons, deals will surely arise since the UK is not a simple two-party system (like the US): including the nationalist parties and now the Greens, there are at least six parties seriously vying for seats across Britain alone, and parties will seek to trade their preference recommendations in seats where they are weak for preference recommendations in seats where they are competitive.

19 This deal-making can have upsides. Indeed one of the benefits of AV is that it forces the major parties, and especially the parties hoping to win government, to take more seriously the views of those inclined to support other parties. Preference deals can bring minor parties in from the cold: for instance a party like the Greens or UKIP may generate policy leverage if it has sufficient support in key marginals to affect the outcome. Such developments may challenge traditional UK political sensibilities and look too much like log-rolling. Outside nationalist politics the focus in the UK until now has been very much on the major parties alone.

20 The classic method of communicating a party's preference recommendations is via 'how-to-vote' material: impressions of a ballot paper, ranked as the party suggests, distributed to electors through advertisements but most commonly as flyers distributed outside each polling station.

Deal-making and how-to-vote material raises several regulatory issues:

- (i) Electoral education. It is important that electors realise that the ranking of candidates is entirely up to them. Party how-to-vote material is a guide only. Yet the media typically talks as if parties 'directed' or 'allocated' preferences. Parties do little to correct this misperception: it generally suits them to have a perception that their preference recommendations are decisive.
- (ii) Ethics and electoral bribery. Some deals, such as purchasing preference support, are corrupting. Policing such arrangements is difficult when they occur in private; simpatico parties also share resources innocently. The current Representation of the People Act would need amendment to extend the notion of vote-buying to preference deals.
- (iii) Misleading campaign practices. A routine and lamentable feature of Australian campaigns in recent decades involves major parties issuing 'second preference' material. This is not guidance to the major party's supporters, but appeals to supporters of specific minor parties. Often, these appeals try to pass themselves off as if they came from the minor party: eg use of green paper and headings such as 'Thinking of Voting Green?' Attempts to use election day or post-election litigation and petitions to respond to such material is costly and untimely. How-to-vote material needs to be registered in advance and electoral authorities empowered to ban material that is not clearly authorised by its true party source. Even then, there have been cases of major party activists misleading voters orally and through their dress.

- (iv) Waste *versus* expression. Many Australians think the millions of how-to-vote flyers distributed at polling stations are a huge waste; yet to appear impartial, millions still politely accept flyers from every party. The freedom of political expression guaranteed under European law may militate against banning such flyers in the UK. The major parties in Australia will not ban them as they can man each polling station and it allows their activists to participate on polling day (UK party activists may be stretched, given they will also need to remain focused, on polling day, on last minute canvassing and encouraging turnout). Regulatory options in Australia have included: limiting the distribution of how-to-vote material close to polling stations with a cordon sanitaire, and displaying official posters in each polling station, showing each party's preference recommendations.

18 July 2010

Written evidence submitted by Professor Michael Thrasher (PVSCB 11)

A short note on electoral bias:

Elections fought under FPTP rules often result in outcomes that are disproportional. This often involves a 'winner's bonus' whereby the largest party overall in terms of vote share receives a larger share of seats. FPTP often results in a small bonus for the second placed party also. It is those smaller parties whose votes are broadly rather than narrowly (in terms of geography) distributed that suffer most in the translation of votes into seats.

Proportionality/disproportionality is not equivalent to electoral bias. Bias occurs when two (or more) parties that obtain similar levels of voter support nevertheless receive markedly different seat shares. There are a number of factors in any electoral outcome that combine together to explain the distribution of bias. In recent elections the bias has favoured the Labour party but this pattern is by no means fixed.

There is a common misconception that periodic boundary reviews should remove electoral bias. This view is mistaken because such reviews are only concerned with one element that contributes towards bias, *viz.*, unequal electorate size (malapportionment). Other elements are contributing towards overall bias. Apart from malapportionment these remaining elements are, vote distribution (geography); differential turnout (abstention); and the effects produced by competition from smaller parties. There are, in addition, the interaction effects that result from two or more of these components interacting with one another, for example, a party wins its seats in small electorate areas where abstention is also high.

Using a new method for decomposing bias for three-party systems (Borisjuk, Johnston, Thrasher and Rallings) the following three Tables reveal the size and distribution of the separate bias components for the actual (Table 1) and estimated (Table 2) 2005 general election and finally the recent 2010 general election (Table 3). The total bias (positive and negative) for the three main parties is also shown.

Table 1 shows the decomposition of electoral bias for the actual 2005 general election. Half of Labour's 83 seat positive bias is a function of its effective vote distribution – effective in the sense that it does not accumulate excessively large numerical majorities and neither does it acquire a large share of votes in seats that it does not win. The rule, “win small, lose big” operates in FPTP systems for parties wishing to optimise vote distributions. Labour is also benefitting relative to its competitors from low turnout. It is also apparent that malapportionment although a significant contributing factor to Labour's bias advantage in 2005 was responsible for only 11 of its 83 (13%) seat advantage. However, it is worth noting that the electoral component accounted for 12 seats of the Conservative 30 seat negative bias (40%).

Table 1: Components of three-party bias for actual 2005 election results

	Labour	Conservative	Lib Dem
Geography	41	-5	-46
Electorate	11	-12	-3
Abstention	16	-14	-10
Minor party	3	-3	-1
Net interactions	13	3	7
Total bias	83	-30	-52

Table 2 shows the decomposition of bias following the 5th Periodic Boundary Review. The overall bias advantage to Labour was reduced to 75 seats while the Conservative party benefitted overall. It is most important to note that the Review Process reduced the bias resulting from unequal electorates. Labour's advantage fell from 11 to 4 seats; the Conservative disadvantage was halved (from -12 to -6). The review process assisted the Liberal Democrats in terms of electorate bias but a spillover effect was an increase in negative bias from a recalibration of its vote distribution. Arguably, if the Review had been able to equalise electorates to an even greater degree then the malapportionment component may have disappeared altogether.

A crucial point is that the boundary review process takes no account of either turnout (abstention) or, formally speaking, the partisan nature of any constituency re-drawing that takes place. It is not, therefore, impacting directly upon the abstention or geography components.

Table 2: Components of three-party bias for estimated election results (2005)

	Labour	Conservative	Lib Dem
Geography	41	2	-49
Electorate	4	-6	2
Abstention	17	-14	-9
Minor party	3	-3	0
Net interactions	11	0	4
Total bias	75	-21	-52

A major part of the criticism of the boundary review process is that the electorates that are used to calculate the new constituency boundaries are out of date by the time the review is completed and even more so by the time of the election fought on those new boundaries.

If this criticism is substantiated then we should expect the electorate bias component to feature prominently in the distribution of bias following the 2010 general election result. Table 3 shows that the electorate bias component is indeed larger. In absolute terms there is a two seat greater advantage for Labour, an additional one seat disadvantage for the Conservatives while the two seat positive bias for the Liberal Democrats reduces to one seat. However, most bias is again contributed by the geography and abstention components.

Table 3: decomposition of bias (2010 general election)

	Labour	Conservative	Lib Dem
Geography	31	35	-74
Electorate	6	-7	1
Abstention	13	-11	-6
Minor party	2	-2	-1
Net interactions	11	-3	4
Total bias	63	12	-76

More generally, the overall bias favouring Labour reduces to 63 seats and a negative bias for the Conservatives now becomes a positive one of 12 seats. The bias against the Liberal Democrats rises from -52 to -76 seats, reflecting the party's vote and seat distributions in 2010.

20 July 2010

Written evidence submitted by Dr Michael Pinto-Duschinsky
(PVSCB 12)

1. This memorandum covers three topics:

- practical issues that need to be resolved in order to ensure the fairness and efficiency of the proposed AV referendum,
- arguments against the Alternative Vote, and
- issues relating to the equalisation of constituency electorates.

For the sake of brevity, the proposal for fixed term parliaments will not be covered.

REFERENDUM PRACTICALITIES

Is May 2011 too early?

2. If the practical problems are to be fully considered and resolved, it will be difficult to complete the preparatory work needed to ensure an efficient and fair national referendum and to permit adequate discussion on the floor of the House of Commons in time for the proposed referendum date of May 2011.

Should a referendum coincide with an ordinary election?

3. There are arguments of democratic principle against holding a constitutional referendum on the same day as a regular election.

What is the appropriate margin of approval for a constitutional reform?

4. Equally, there is a strong argument for requiring that fundamental constitutional reforms command more than a simple majority. One need only to look at the high hurdles imposed by the constitution of the United States for any amendment. It is wholly reasonable to frame rules for the AV referendum in a manner either that requires the approval of 40 percent of the registered electorate or which ignores turnout but which, instead, requires more than a narrow majority for change (perhaps 60 percent approval by those casting a ballot).

Issues concerning referendum funding

5. The projected referendum on AV will be the first national referendum to be held in the United Kingdom since the enactment of regulations for referendums in the Political Parties, Elections and Referendums Act (PPERA) of 2000.

The Act was passed in some hurry shortly before the general election of 2001. It included provisions for spending limits which went against the recommendations of the Fifth Report of the Committee on Standards in Public Life as well as a number of provisions whose difficulties were subsequently detailed to the Treasury Select Committee of the House of Commons by the then chair of the newly-created Electoral Commission, Sam Younger. [2]

6. These are some of the questions that need to be resolved:

- a) Under the terms of PERA, spending by campaign groups is restricted to £500,000. In view of inflation since the passage of PERA in 2000, does this limit (as well as the other limits and subsidies set out in PERA) need to be raised?

- b) Since multiple campaign groups may exist on each side of the referendum question, how is the Electoral Commission to determine whether groups are genuinely independent of each other – and thus each entitled to spend up to the limit of £500,000 – or whether they are actually parts of the same campaigning organisation artificially separated for the purpose of each being able to spend up to £500,000 and thus, effectively, evading the spending cap? (See Gay, 2009, footnote 10.) Unless there are clear rules to define what is an independent campaigning group and what is merely a branch of a campaigning organisation, the £500,000 spending cap will be a dead letter.

- c) The Electoral Commission has a responsibility to appoint an umbrella organisation on each side of the referendum question. This favoured organisation is exempt from the £500,000 spending cap and able, instead, to spend up to £5 million. Moreover, it is entitled to state aid of up to £600,000 as well as other privileges. As the former chair of the Electoral Commission pointed out, this responsibility may place the Commission in an awkward position (See Gay, 2009, footnote 9.) Should the Committee give any guidance to the Commission as to how it should make the choice of principal campaign organisation for the “Yes” and for the “No” sides?
- d) There is the question of the length of the period of time during which expenditure falls under the spending limit. This is at least ten weeks and may be as much as six months.
- e) Since the spending caps do not apply to public bodies (either within the UK or abroad), there arises the question of fairness between statements and information provided by governmental bodies (and by government ministers and spokespersons) on the one hand and statements and information provided by non-governmental groups. Arguably, government spokespersons should be in purdah during the entire period during which the spending cap applies to participating campaign bodies.
- f) Since some bodies devoted to electoral reform (such as the Electoral Reform Society) exist on a permanent basis, does PPERA satisfactorily define what constitutes a routine (non-campaign) expenditure of such bodies and what must count as a campaign item of spending? At what point does “academic” and “educational” activity become a form of campaigning covered by PPERA? What forms of activity are bodies with charitable status permitted to undertake?
- g) The definitions of in-kind donations to a referendum campaign and of foreign donations arguably raise problems. For example, if a foreign politician sometimes receives payment for a speech, is any speech delivered for the purpose of supporting one side of the referendum argument to be considered as an in-kind donation and thus subject to the ban on foreign contributions? In other words, do the regulations effectively constitute a ban on campaign statements by foreign politicians and experts?
- h) As pointed out in Gay, 2009, the rules for reporting expenditure mean that it could become apparent that a campaign body had contravened the spending limits only months after the referendum. This adds weight to the position of the Committee on Standards in Public Life that such limits for referendum campaigns are uncalled for. If referendum campaign spending limits are to be retained, is

there a case for requiring earlier disclosure of spending than that of PPERA?

- i) The Electoral Commission is entitled to issue neutral “educational” materials concerning the referendum question. In practice, it is hard to assure the neutrality of any such presentation. The materials produced in New Zealand when the issue of electoral reform was being discussed there demonstrate the dangers. The lists of “pro” and “anti” arguments were presented in a manner that betrayed the prejudices of those responsible for producing the educational materials.
- j) Since the arguments concerning AV involve both its immediate and the wider effects, there is room for disagreement about the scope of information provided as part of any “educational” programme of the Electoral Commission. In my opinion, the arguments against AV must include the indirect effects and dangers as well as the immediate ones.
- k) It is reasonable to question the neutrality of the Electoral Commission in view of the fact that its first chair, Sam Younger, took up the interim post of chief official of the pro-electoral reform campaign body, The Electoral Reform Society, some time after his term of office at the Electoral Commission came to an end. Likewise, the current chair of the Electoral Commission previously occupied a post which involved campaigning on behalf of electoral reform.
- l) It follows that a method of producing educational literature on the alternative Vote must be found that satisfies adherents of both the Yes and No sides.

The current power and funding of pro-reform organisations

7. Apart from the practical difficulties of regulating campaign spending under the rules set out in PPERA, there is a separate question concerning the fairness of a referendum held as soon as May 2011.

Electoral reform has been a topic of enthusiasm and careful organisation on the part of small but enthusiastic and well-funded pressure groups and think tanks. Similar organisations to defend the status quo have not been created and it will take the stimulus of a projected referendum to bring them into existence.

This will create a grossly unequal playing field if the referendum date is rushed.

8. The campaign for electoral reform enjoys a huge funding advantage for several rather surprising reasons:

- i. When the Communist Party of Great Britain was dissolved its ample funds – Moscow gold – went to a successor body, the “Democratic Left”. This then became the “New Politics Network”

which, in turn morphed into the campaign group “Unlock Democracy” following a merger with Charter 88.

“Unlock Democracy” campaigns for electoral reform with the benefit of over £2 million derived from its Moscow gold which is held in the form of properties and other assets. The secretary of the commercial company which controls this money is also the director of “Unlock Democracy”, Peter Facey.

- ii. The Electoral Reform Society (ERS) has funds which are still larger. Its wealth derives largely from its successful commercial arms, Electoral Reform Services Limited, Membership Engagement Services Limited and Xpress Software Solutions Limited. In the financial year 2009, ERS and its subsidiaries had a turnover of more than £21.8 million and reserves of £13.7 million.
- iii. The Joseph Rowntree Reform Trust Limited is a political fund established by Joseph Rowntree in 1904. It has been a mainstay of Liberal and Liberal Democrat politics and of the electoral reform cause. At the end of 2009 its endowment was £31.7 million and it gives about £1 million of grants each year.
- iv. Other bodies with charitable status may be expected to undertake activities which do not formally constitute “campaigning” but which may nevertheless promote the arguments for constitutional change.

ARGUMENTS AGAINST THE ALTERNATIVE VOTE

Did the scandal about MPs’ expenses indicate a demand for reform of the voting system?

- 10.** The case for a referendum on the voting system is based on the fallacy that the public outcry against the expenses scandal of the last Parliament constituted a call for political “reforms” that have nothing to do with that scandal and which, in fact, would intensify the very problems that led to the scandal.

According to the Deputy Prime Minister (House of Commons, 5 July), the demand is for “political renewal, transferring power away from the Executive to empower Parliament, and away from Parliament to empower people.”

As will be demonstrated, a move away from the first-past-the-post system of elections for the House of Commons would remove from ordinary voters their core power – that of removing an unpopular government from office by their votes at a general election. (See # 12.)

Words such as “renewal,” “fairness,” and “new politics” are unduly vague and tendentious. The public anger against MPs was about what was widely

seen as the personal financial greed of many of them when it came to using the system of allowances. The appropriate response was to deal with that particular matter. It was not appropriate to deploy dissatisfaction about sleaze and the opportunities presented by the vagaries of electoral arithmetic in creating a hung parliament in order to introduce pet schemes for dubious constitutional reforms.

The AV referendum is not mainly about AV

10. The issues at stake are far wider than the technicalities of the Alternative Vote, a particular – albeit unusual – voting system. They concern the foundations of democratic government in the United Kingdom, which would be undermined by the abandonment of the current system of elections to the House of Commons.

I put forward some of these core arguments at the time of the late Lord Jenkins's inaptly named Independent Review of the Electoral System published in 1998. (See Note 1.)

AV as a step towards PR

11. First, it would be naïve to imagine that the ambitions of the main party in the House of Commons to favour change in the electoral system – the Liberal Democrats – would be satisfied by a change to AV. Although, as argued later, the effects of AV are highly unpredictable, it would be likely to benefit the Liberal Democrats and to make hung parliaments more likely. In the event of a further hung parliament under AV, it is highly likely that the Liberal Democrats would then demand full PR as the condition for their participation in another coalition government.

It is realistic to treat AV as the stepping-stone to PR.

AV and PR would destroy “removal van democracy”

12. Second, it is vital to be clear about the objectives of a general election. The choice of individual constituency representatives is an important but secondary function of a general election. Its principal role is to elect a government. Or, to put it another way, the role of a general election is to provide a direct means whereby ordinary voters are able to dismiss a government that has outlived its popularity. “Throwing the rascals out” is what democracy is all about

Our existing voting system admittedly fails to elect individual MPs in proportion to the number of votes gained by each political party. But one essential thing it does very well is to expel governments. This “removal van democracy” is a method whereby a defeated premier is ejected from Number 10 Downing Street and the removers come for his or her belongings very shortly afterwards.

By contrast, AV – and still more PR – make it far harder for voters to dismiss a government. With a multiplication of political parties,

governments will be formed and dismissed not by the voters but as a result of private deals between politicians. These deals may be about sensible compromises about policy. They also may be squalid bargains about patronage and the disposition of the spoils of power.

For all its admitted statistical imperfections, the Westminster Model delivers the essential feature of democracy: the capacity of electors – not of cabals of politicians – to hold a government to account. Once a premier feels that it may be possible to escape the verdict of the electors by doing a post-election deal, the quality of democracy is undermined.

Following electoral reform the third party would virtually always be in office

13. Third, in a party system such as Britain's – with two main political parties and a significant third party – elections are likely to mean that the third party will be almost perpetually in office. General elections will decide whether it is Liberal Democrats and Conservatives or whether it is Liberal Democrats and Labour. The Liberal Democrats will be almost immune from the wrath of the electors for, even if they lose votes, they are still likely to hold the balance of power.

We are used to a system which has discriminated against the Third Party. But a new voting system that made it virtually impossible to remove it from office would be worse.

Electoral reform would aid extremist political parties

14. Fourth, It is not only the third party which benefits from proportionality. There are parties further to the outer fringes of political life which may suddenly hold the casting votes in the House of Commons. Parties representing religious and national factions as well as the political extremes would likely come into their own.

Electoral reform would mean rule by a cartel of professional politicians

15. Fifth, in much of the European continent, systems of PR and coalition government have led to a system in which party professionals have more in common with each other than with their electoral supporters. This is the system of professionalised “cartel” politics about which Professors Richard Katz and Peter Mair have complained. Under PR, the success of politicians in gaining election depends more on the position they are assigned by party leaders on the list of party candidates than on their appeal to the voters. We have seen this already in the United Kingdom in party-list elections to the European Parliament. Under the same systems, the funding of parties depends characteristically on inter-party bargaining over the allocation of state funds.

A danger of the move to AV and thus towards PR is that it would lead to the very insulation of political professionals from the ordinary public which the Deputy Prime Minister has cited as the core problem of our present-day politics.

The illusion that, under AV, all MPs would enjoy the support of a majority of their electors

16. Sixth, under an AV system, the fact that the voters express second, third and fourth preferences does not mean that they “support” the candidates to whom they assign these lower preferences. A candidate is not elected until he or she wins an overall majority of votes casts – including the redistributed votes of candidates with the smallest totals of votes. But the winner cannot realistically be considered enjoy the backing of electors who have offered lower preferences.

AV: an unusual system for legislative elections

17. Seventh, there are very few countries in which members of the lower house of the legislature are elected on the basis of AV. It is a system used for elections to the Australian lower chamber, for Papua New Guinea and for Fiji. Among other things, this means that there is little evidence for predicting the effects of AV as applied to the party scene in the United Kingdom.

AV and the Labour Party

18. Seventh, the effects of AV are very hard to predict and could on some assumptions greatly damage the Labour Party.

The most likely effect of AV would be to damage the Conservatives, aid the Liberal Democrats and leave the Labour Party almost unchanged. This is the calculation of the Electoral Reform Society about the hypothetical results of the 2010 general election under AV rules.

On the reasonable assumption that Liberal Democrats would be the preferred second choice of Labour voters in Tory-held seats, an increase in Liberal Democratic strength in the House of Commons of some 20 seats would increase the likelihood of a hung parliament.

However, there is an alternative scenario. Were the Conservatives and the Liberal Democrats enter into a formal or informal pact to fight the next election under AV, this could lead to a near wipeout of Labour. Of course, a Con-Lib Dem pact would damage Labour even under the existing electoral system, but not as much.

EQUALISATION OF CONSTITUENCIES

One person, one vote, and one value: the basic principle of electoral fairness

19. It is a basic principle of international conventions concerning electoral democracy that the population of different constituencies in countries with single-member constituencies should be as equal as possible.

The rationale for equalisation is electoral fairness: one person, one vote, and one value. Other considerations must be very much subsidiary to this. The current variations in

electorates between the least and most populated constituencies are unacceptably large by international standards. Thus, there is a strong democratic rationale for equalisation of constituencies.

Should factors other than population size be taken into account?

20. Other factors (geography, local government units, etc) should be taken into consideration only if they have no predictable effect on the balance between political parties in the House of Commons or in extremely exceptional geographical circumstances.

Thus, there should be a dispensation for smaller electorates in geographically remote areas only if this does not benefit or disadvantage any party.

21. If there is a special dispensation for a very limited number of sparsely populated constituencies in exceptionally remote areas, this should not affect lead to the over-representation of any of the four countries of the United Kingdom. (This follows a similar rule in Australia.)

22. If exceptions to the equal population rule are permitted, the number of special cases needs to be minimal because such exceptions make it hard for authorities responsible for drawing up boundaries to achieve their central objective. For example, it may be necessary to draw up boundaries for parliamentary constituencies that cross county borders, though it will not be necessary to cross borders between any of the four constituent countries of the UK. However, a variation of 5 percent from the norm will make it possible to draw up constituency boundaries which do not involve splitting parts of the same local government ward between different parliamentary constituencies.

23. The Government proposes to allow two constituencies in Scotland to have unusually small electorates on the ground of their remote geography (Orkney and Shetlands and the Western Isles). It is open to question whether even these two exceptions are necessary.

These constituencies are not nearly as far-flung as those routinely found in Australia, for example. Given the ease of flying between remote areas and the development of telecommunications and computers, the difficulty of servicing constituents in the more remote rural areas should not be exaggerated.

At any rate, there is no case, in my opinion, for adding to the list of constituencies permitted to have exceptionally small electorates since the patterns of party support in these constituencies is not typical and a dispensation for such constituencies produces unfairness between political parties.

Is the system of boundary commissions viable?

24. One of the main reasons why constituency electorates vary more in the UK than in many other democracies is the current system of boundary commissions which operate under the terms of the Constituency Boundaries Act 1986. Boundary reviews not only take place less frequently in the UK than in most other democracies, also the boundary revision process is far more cumbersome. It typically takes some six years for new boundaries to be decided. By the time they are finally introduced they tend to be out of date already in areas with relatively rapid movement of population.

25. The timetable for the revision of boundaries proposed by the Government is based on the premise that the boundary commissions will do their work more rapidly than is their wont and that, because of this, the current, outdated method of altering boundaries may be retained. This is unwise and unnecessary.

26. Even if there is no slippage in the timetable announced by the government, the new boundaries will not be ready until 2013. This will leave relatively little time for the reorganisation of constituency party organisations and for the selection of parliamentary candidates. The delay will cause uncertainty and concern to sitting MPs.

The case for a new system of revising boundaries on the Australian model
[3]

27. Both in Australia and New Zealand a boundary review is completed in under a year, rather than the British six years. It is recommended that there be a detailed investigation of the Australian system over the recess and that provisions for a change to this system be included in the Second Reading of the bill. Ideally, the Second Reading should not take place until, say, November or December to permit this review and a review of the referendum financing rules to take place first.

28. The Australian system is based on two principles: first, population size is the predominant criterion of boundaries; second, an independent, expert panel takes decisions about boundaries.

29. Under the Australian system political parties, local authorities and individuals are given several opportunities to submit comments and objections. But the time allowed for such comments is limited at each stage of the boundary review process.

Support of political scientists for abandoning the current system of boundary commissions

30. There is widespread agreement among political scientists close to different political parties that the current UK system of reviewing constituency boundaries is cumbersome, unduly slow and simply unnecessary. The numerous local inquiries characteristically have little impact on decisions about boundaries.

A group of experts is currently working under the auspices of the British Academy on technical issues relating to boundary changes. It is expected to report in September following a study of the Australian system.

Changes to the Constituency Boundaries Act 1986 and a move to the Australian system probably would make it possible to finalise the new boundaries by 2012 – a year earlier than the currently projected date.

A further summary of the Australian system is given in the Appendix.

How are the numbers of eligible electors in each ward to be determined?

31. The entire project of equalising constituency electorates depends on the existence of a reasonably accurate way of determining the number of eligible voters in each ward. The former Lord Chancellor, Jack Straw, complained on 5 July 2010 in the House of Commons that the proposed method of determining the number of eligible electors is defective because it will rely on the results of the annual electoral registration exercise. [4]

Since members of relatively deprived, urban communities – predominantly Labour voters – have a known tendency to fail to register, the system will underestimate the eligible populations in areas where these communities predominate. If registered electors are the basis for decisions about constituency boundaries, then deprived urban constituencies will be under-represented in the House of Commons since no allowance will have been made for non-registered electors in the boundary review process.

This is an important objection deserving of serious discussion.

32. Three questions arise:

- Does reliance on the number of registered electors in drawing up constituency boundaries lead to the under-representation of deprived, urban areas where failure to register is rife?
- If so, is it practical to improve registration in these areas in the coming months? [5]
- If it is not practical to improve electoral registration, is there a satisfactory alternative way to determine the number of eligible electors in each ward?

Problems of voter registration as a measure of population: incompleteness versus inaccuracy

33. The concerns expressed by Jack Straw about the large number of eligible voters who do not bother to register fail to take account of a second problem – the presence on electoral registers of names of electors who are no longer eligible because they have moved or died or for other reasons.

If the number of ineligible names included on the register roughly equals the number of eligible voters omitted from the register, then the size of the registered electorate will reflect reality after all.

Of course, it is dangerous to assume that the two kinds of registration error actually cancel each other in every part of the country. There is a sore shortage of evidence about the number of names wrongly included on electoral registers (“redundant” or “incorrect” names).

After the Census of 2001, the Electoral Commission omitted to arrange for a study of the number of names incorrectly included on the registers. Such studies had been carried out after earlier Censuses.

The Electoral Commission has, however, arranged for a limited number of pilot studies of different parts of the UK. The results were published in March 2010.

Though they give only rough information, these pilot studies suggest that areas where the proportion of eligible voters who fail to register is particularly high are the same areas where the proportion of ineligible names retained on the register also is especially high.

On the basis of admittedly incomplete data, it seems that the problem of under-registration in deprived urban areas and in places where young people live in rented accommodation and move frequently does not lead to a very large minimisation of the eligible population.

Will individual registration make the electoral rolls better indicators of population size?

33. While there are weighty arguments for the introduction of individual voter registration in place of the existing system of household registration, this will not eliminate the problems that have been outlined and could make them worse.

Remedies for the possible problems of using the electoral register as the measure of voting population

35. Although the problems involved in using the electoral rolls as the basis for decisions about the number of eligible voters in each ward are considerably smaller than claimed by Jack Straw, every care should be taken to ensure that boundaries are drawn on the basis of the best possible sources of information about population size.

36. Provided that such care is taken, and provided that other sources of information about population size apart from the electoral registers are considered, the difficulties of assessing population in each ward should not be permitted to destroy the case for equalisation of constituencies. After all, there currently exist some blatant inequalities that need to be removed and it is reasonable to expect their removal within the course of the current parliament.

Recommendations concerning the measure of numbers of eligible voters per ward

37. Three possible solutions should be considered:

(1) There should be special efforts by the Ministry of Justice to ensure that electoral registration is carried out efficiently, especially in areas known to have high rates of under-registration. Ways to promote efficiency are outlined in Note 5.

- (2) If the speedier Australian method of boundary redistribution is to be introduced, it may be possible to base the new boundaries on the results of the registration exercise of 2011-12. This will give more time to plan ways of making the electoral registration process more efficient.
- (3) Alternative sources of information about population size should be considered. In Australia, the quarterly population estimates produced by the country's statistical office are used. It is worth investigating whether a similar method is available in the United Kingdom and whether it would be more reliable than data derived from the electoral rolls.

38. Concerning the third option in #37, there are technical objections to using population estimates since these estimated appear to be less readily available in the UK than in Australia.

Population estimates are revised each year after the decennial Census by adjusting for births and deaths as well as estimated internal and international migration. However, such estimates become less reliable the longer the time after the previous Census. Moreover, population estimates are not available at ward level. Additional input would be required from local authorities to derive up-to-date estimates for the population of wards (which will be the building blocks for the proposed boundary reviews).

More accurate information about the population of each ward will become available after the results of the next Census have been calculated. But statistics for ward populations will not be available until well into 2013. This would be dangerously late if the aim is to complete the equalisation of constituencies during the term of this parliament.

Thus, the first two options in #37 are probably the best way forward.

APPENDIX

THE AUSTRALIAN SYSTEM OF BOUNDARY REDISTRIBUTION

1. The starting point is the absolute rule that the allocation of seats to each state and territory is based solely on population: no ifs and buts.

This makes it possible to fix the quota of seats for each state and territory rapidly and automatically.

2. Redistricting takes place every seven years. However, if there are large population changes before that (the definitions of which are included in the Act), redistribution takes places earlier. In practice, the seven-year period almost always applies.

3. The commissioners have full powers over the redistribution but there are several periods of public consultation. However, the time allowed for each stage of consultation is limited.

4. It has become a part of the political culture that the number of electors is the predominant factor, though the representation of communities and towns also is taken into account. When the population numbers make it necessary, say, to split a town into separate constituencies, the commissioners take care to explain publicly the reasons for doing so.

5. Australia far exceeds the UK when it comes to sparse populations. However, the post-1983 system which hardly takes account of population density works far better than the previous system which over-represented rural areas: that system led to unfairness between parties (with the over-representation of the Agrarian Party) and even to corruption – for example in Queensland.

6. The system is simple to administer.

A redistribution is undertaken by a committee consisting of the Electoral Commissioner, the Australian Electoral Officer for the State concerned, the State Surveyor-General and the State Auditor-General.

7. Timetable:

- (1) As soon as possible after the redistribution process commences, the Electoral Commissioner invites public suggestions on the redistribution which must be lodged within 30 days.
- (2) A further period of 14 days is allowed for comments on the suggestions lodged. The Redistribution Committee then divides the State or Territory into divisions and publishes its proposed redistribution.
- (3) A period of 28 days is allowed after publication of the proposed redistribution for written objections.
- (4) A further period of 14 days is provided for comments on the objections lodged.
- (5) These objections are considered by an augmented Electoral Commission consisting of the four members of the Redistribution Committee and the two part-time members of the Electoral Commission.

8. Use of population projections

At the time of the redistribution the number of electors in the divisions may vary up to 10 percent from the 'quota' or average divisional figure but at a point 3.5 years after the expected completion of the redistribution, the figures should not vary from the average projected quota by more or less than 3.5 percent. Thus the most rapidly growing divisions are generally started with enrolments below the quota while those that are losing population are started above the quota.

The Parliament has no power to reject or amend the final determination of the augmented Electoral Commission.

See www.aec.gov.au/Electorates/Redistributions/Overview.htm

NOTES

1. Dr Michael Pinto-Duschinsky is a member of the boards of directors of the International Foundation for Electoral Systems (Washington DC), IFES Limited (London), and president of the International Political Science Association's research committee on Political Finance and Political Corruption. From 1967-2008, he taught and researched on elections at Merton College, Oxford, Pembroke College, Oxford, and Brunel University. He is the author of "Send the rascals packing: Defects of proportional representation and the virtues of the Westminster model." Representation (36) No 2, 1999, 117-26. and of other writings on

electoral systems and electoral administration. In 1995, he was an adviser to the Electoral Assistance Division of the United Nations and to the Foreign & Commonwealth Office on the Constitutional Review Commission for Fiji – one of the few countries with an AV system. He has been a consultant to the Home Office on voter registration, to the UK Electoral Commission, and the Committee on Standards in Public Life. He has advised governments and public bodies in over 25 countries on aspects of constitutional and electoral reform as well as international organisations such as the Commonwealth Secretariat, World Bank, Council of Europe, European Union, and the Organisation for Security and Cooperation in Europe.

2. See Oonagh Gay (2009). “Referendum on electoral reform.” 14 December. www.parliament.uk/commons/lib/research/briefings/snpc-05142.pdf, p. 3, and evidence by Sam Younger to the Treasury Select Committee, 18 March 2003, HC 187-II, Session 2002-3, Q 1327, www.parliament.uk/pa/cm/select/cmtreasy/187/3031805.htm.

3. Michael Maley of the Australian Electoral Commission gave valuable information and advice.

4. I am grateful to Dr Stuart Wilks-Heeg for his input on the current problems of electoral registration, a matter on which he recently has conducted research for the Electoral Commission. However, the views expressed are mine as is responsibility for any factual errors.

5. If the future boundaries on drawn on the basis of the annual electoral registration exercise of 2010-11, speedy action will be needed to ensure that the registration authorities within the relevant local government authorities carry out the door-to-door canvass of properties from which electoral registration forms have not been returned. The willingness of these authorities to commissioning this canvassing is likely to depend partly on the extent to which they are instructed to do so by the Ministry of Justice and partly on the budgets for canvassing allocated by local authorities.

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21 July 2010

Written evidence submitted by Dr Matt Qvortrup (PVSCB 13)

This note summarises some common findings about referendums from my 20 years of research on the subject. The aim of the evidence is to provide some back ground to when referendums are won and lost and to consider, albeit briefly, whether holding the referendum on the same day as the Scottish and Wels elections would affect the outcome.

The conclusions from the paper are:

- The voters are normally able to distinguish between measures and men and referendums on the same day as elections do not significantly affect the outcome of either
- The turnout in referendums held on the same days as elections tend to be higher, and hence make the outcome more legitimate.
- Referendums tend to be won early in a parliamentary term
- Positive outcomes of referendums are most likely during times of recession. In times of crisis voters are more likely to vote for change.

As known from referendums in other parts of the world – and indeed in from referendums in this country (e.g. the poll on a regional assembly in the North East in 2004) – referendums are often lost.

This brief note outlines some of the general tendencies regarding the outcome of referendums. It should be said at the outset that referendums are different from elections and than many campaigns have been lost because parties and other campaigning organisations fail to appreciate the difference between candidate elections and polls on single issues.

While referendums are often lost, it is important to stress that the success/failure ratio is broadly 1:1. In a study of all European referendums between 1945 and 2000 this author found that 51.5% of all referendums held in this period resulted in a no-vote. The old adage ‘when in doubt, vote no’ does not always hold true²²⁵.

- The outcome of referendums are unrelated to the popularity of those who initiate them. To *viz.* the referendums on a change of the electoral system in Ireland 1959 and 1969 were lost - although the party that campaigned for a change Fianna Fail won the elections on the same day. In referendums voters are able to "distinguish between measures and men" as the constitutionalist A.V. Dicey wrote in an article around the turn of the century²²⁶
-
- Referendums tend to be won early on in a term, to *viz.* the referendums in 1975 (EEC), 1997 (Devolution) and 1998 (Good Friday Agreement) were won because of the credibility and popularity of the newly elected government. Conversely the referendums in 1979 (devolution) and 2004 (regional assembly for the Northeast) were won, in part because the governments suffered from political lethargy and the accompanying lack of legitimacy
- Referendums tend to be won in times of recession. Voters are psychologically more likely to opt for change when the status quo is less than appealing. This might explain why the 1975 referendum was won, and why referendums in Finland and Sweden in 1994 were successful (the two countries had taken a battering during the ERM crisis)²²⁷
- Referendums are unpredictable and it is difficult to ensure a favourable outcome. Often political parties make the mistake of fighting referendum campaigns as they do elections. The problem with this is that the campaigns become person-centred when, in fact, they should be policy-centred. This was a major problem in Sweden in 2003, when the proponents of Swedish entry into the Euro fought a campaign featuring celebrities – i.e. people with whom the ‘ordinary Svenson’ (the Swedish equivalent of Joe Bloggs) could not identify. The lesson – in short – is to focus on issues that seem relevant to the ordinary voters’ concerns.

²²⁵ M. Qvortrup (2000) Are Referendums Controlled and pro-hecemonic? In *Political Studies*, Vol.48, p.823

²²⁶ See generally M. Qvortrup, *A Comparative Study of Referendums*, Manchester University Press, 2nd Edition 2005.

²²⁷ See further M. Qvortrup, "How to Lose a Referendum", in *The Political Quarterly*, Vol.72, No.2, 2001

- Political parties, which are normally rivals, but who find themselves on the same side of an issue (e.g. Fine Gael and Fianna Fail in Ireland, and Plaid Cymru and Labour in 1997) often have the problem that they are unwilling to contribute money to a campaign if this means depleting their election war chest. The result is often that fringe parties – parties that appeal to different electoral constituencies (such as the Danish People’s and the Socialist People’s Party in the 2000 referendum on the Euro) – contribute to the campaign, and that they are better able to fight and often better financed campaign²²⁸

22 July 2010

Written evidence submitted by Professor Patrick Dunleavy (PVSCB 14)

Executive Summary

1. There is a strong, non-partisan case for changing how MPs are elected so as to restore to all MPs the clear support of a majority of their constituents which they enjoyed in earlier periods. Britain is now a multi-party system like others in western Europe, a trend that is highly unlikely to reverse. Sticking with first past the post elections will lead only to fewer and fewer MPs enjoying the legitimacy of local majority support, further damaging the already poor standing of Parliament in the public’s eyes.

2a. There are four highly relevant variants of the Alternative Vote, and the government will need to make clear to citizens which variant is to be voted on in the referendum and why. The different systems each have things they do well but also some limitations and things they do badly.

2b. Australian AV seems to be the government’s chosen variant but it may allow candidates ranked 3rd or 4th in voters’ first preferences to none the less end up winning seats. In UK conditions it is also likely that it will end up not counting millions of second preference votes, reducing the legitimacy boost from point 1.

3. Versions of AV using numerical ranking of preferences are incompatible with most existing British voting systems, creating large-scale problems in holding Westminster elections on the same day as other elections.

1: The non-partisan case for changing how MPs are elected

1.1 From one election to the next, more than two thirds of MPs in Great Britain now no longer have the support of a majority of voters in their constituency. The forthcoming referendum on introducing the Alternative Vote provides an opportunity for everyone, regardless of their party or views on proportional representation, to recognize the case for a minimum change of voting system, to at least restore local majority support to all MPs. That could be a crucial basis upon which, slowly at first, MPs could begin to rebuild some of the legitimacy of Parliament that has been so dramatically imperilled in recent decades,

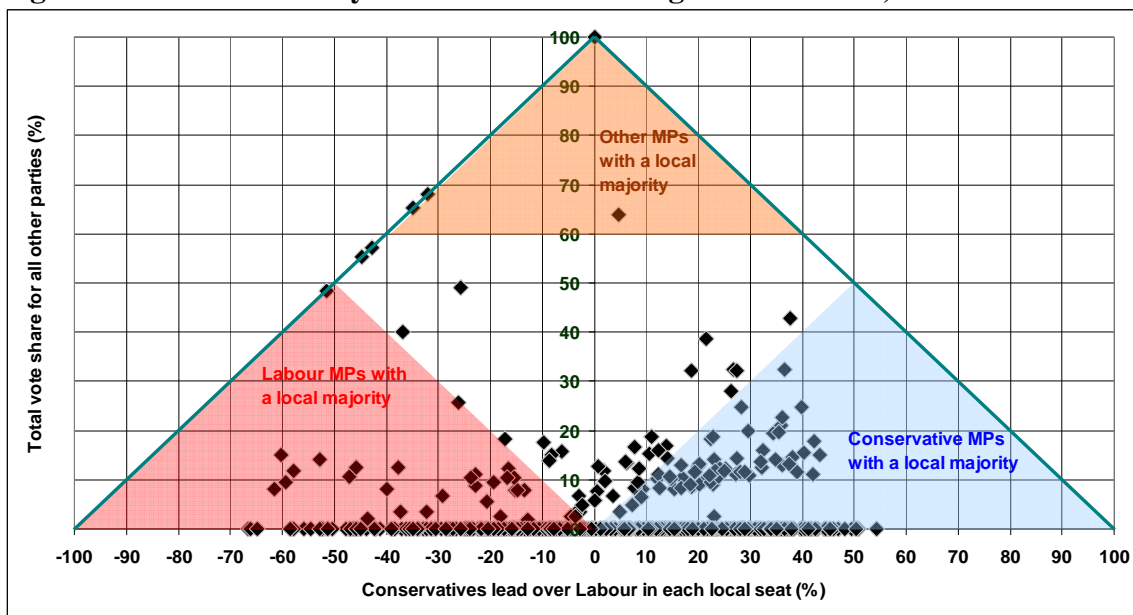
²²⁸ Qvortrup, M. (2001) ‘The Campaign’, in Mark Leonard and Tom Arbuthnott (Editors) *Winning the Euro Referendum: A Guide to 2009 Public Opinion and the Issues that Affect it*, London, The Foreign Policy Centre, pp.36-42.

by careless legislation, a public perception of broken election promises, and the expenses scandal of 2009.

1.2 How have MPs so extensively lost local majority support without themselves or most media commentators really noticing it? The change has happened gradually, election by election since the 1960s, as the number of parties contesting seats in the UK has gradually increased and voters have shifted to back them. Today we have a six or seven party system in every region of the UK, with third party (Liberal Democrat) ministers in government for the first time since 1945, and many parties now scoring salient vote shares at different elections. In both 2009 and 2004 parties to the right of the Conservatives (namely UKIP and the BNP, both with MEPs and London Assembly members) gained just under a quarter of all votes nationwide in European Parliament elections. The Greens have their first MP in Westminster to add to their MEPs and London Assembly members. This is a trend that has been operating for many decades and that is not now going to retreat or mysteriously go away. British voters want to vote for more parties and more viewpoints than before.

1.3 If we go back before this trend happened to the 1955 general election, a low point for Liberal support and the heyday of the two-party Conservative-Labour system, the vast majority of MPs drew on majority support in their constituency, as Figure 1 below shows. Here each black blob is a single constituency outcome. The bottom axis shows the Conservative vote share minus the Labour vote share. So the further from the centre a constituency is to the right, the greater the Tory lead. And the more a constituency is on the left of the centre-line, the more solidly Labour it is.

Figure 1: The constituency outcomes in the 1955 general election, in Great Britain



The vertical axis here shows the combined share of votes going to all other parties, in 1955 pretty much only the Liberals and a few independents. Taken with the horizontal axis, this means that all feasible outcomes must lie inside the overall double-triangle shape outlined in the green borders here. There cannot be any outcomes outside this overall area.

1.4 In 1955, Figure 1 shows that in the vast majority of constituencies there were no other candidates except the Conservatives and Labour. Hence in all those hundreds and hundreds

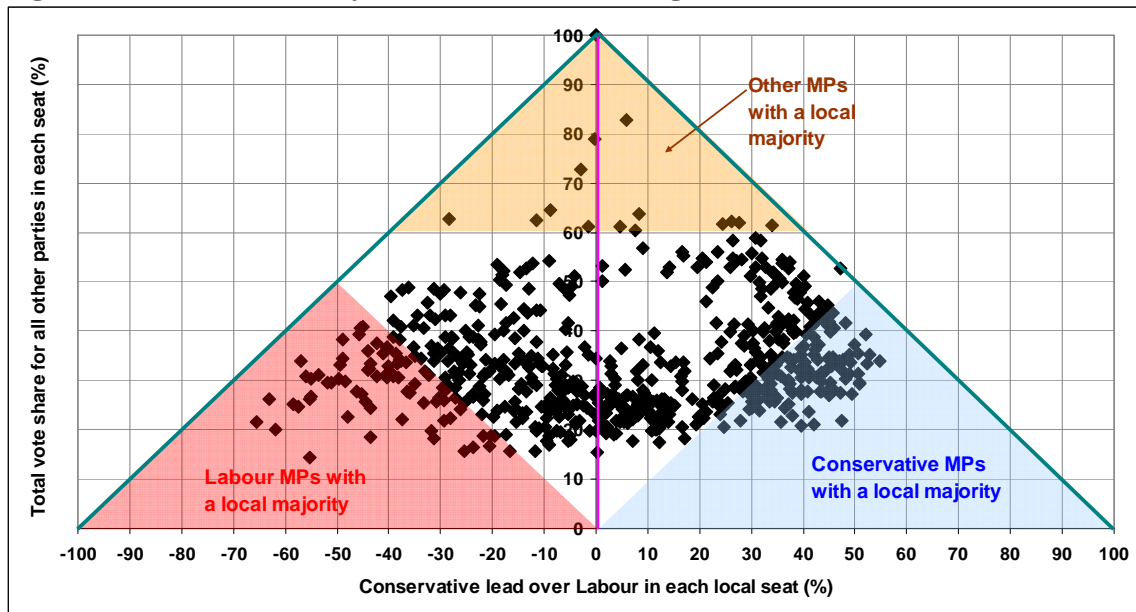
of seats the outcome lies on the bottom axis itself – where seats after seat lies piled on top of each other, so many that the chart cannot possibly show them all. In the 110 seat that the Liberals still contended, and a few others, the ‘third party’ vote held up, and these are the scatter of blobs above the bottom axis, mostly concentrated in Conservative areas.

1.5 The shaded triangles inside the overall feasible space in Figure 1 allow us to see that the vast majority of MPs could draw on majority support in their constituencies in 1955. Every black blob in the blue-shaded area is a Tory MP with majority backing, and similarly Labour MPs with majority support fall inside the pink-shaded triangle. (There are just a handful of seats won with majority support by the Liberals). The constituencies where MPs lacked majority support are the black blobs on a white background – there are only a few tens of constituencies, out of 650 seats in all. In other words for an MP not to have a local majority was a rare exception.

1.6 Flip forward to 2010 shown in Figure 2 below and a huge difference is apparent. Two-party contests have completely disappeared, and support for parties other than the Conservatives and Labour is rarely less than a fifth of total votes, occurring in only a few handfuls of seats. As a result the whole set of black blobs showing constituency outcomes has shifted radically upwards. Across the whole bottom third of the feasible area there are only a scattering of seats with total ‘other party’ votes below 20 per cent. The core band of seats has moved up the chart in Figure 2, but it still shows a marked Conservative *versus* Labour patterning – yet with much higher levels of voting for third, fourth and subsequent parties. Above all the advent of the coalition government reflects the number of seats where the Liberal Democrats, SNP, Plaid Cymru and other parties now regularly win around 90 constituencies out of the 628 in Great Britain, shown mainly by the ‘curling over’ of seats on the sides of the distribution and extending in an upper swathe across the middle of the diagram. Where the total other party vote is above 33 per cent, many seats are still won by the Conservatives or Labour, because remember that the ‘other’ vote is split across several different parties. But the higher up blobs occur on the chart, the less likely they are to be held by one of the top two parties.

1.7 Figure 2 clearly shows how few MPs now win local majority support in the vast majority of seats, those appearing as black blobs on a white background. Because the Conservatives did relatively well in 2010 they have rather more MPs with majority backing than Labour (who did badly). But looking back at the 2005 election would show an almost reversed distribution of majority MPs. In both elections it is completely clear that only the fringes of either major party’s seats now fall into the shaded triangles showing majority support, whereas in 1955 almost all did so. (The seats where ‘other’ parties win also tend to be the most multi-party ones, so there has been little compensating growth of MPs from third or fourth parties with majority support).

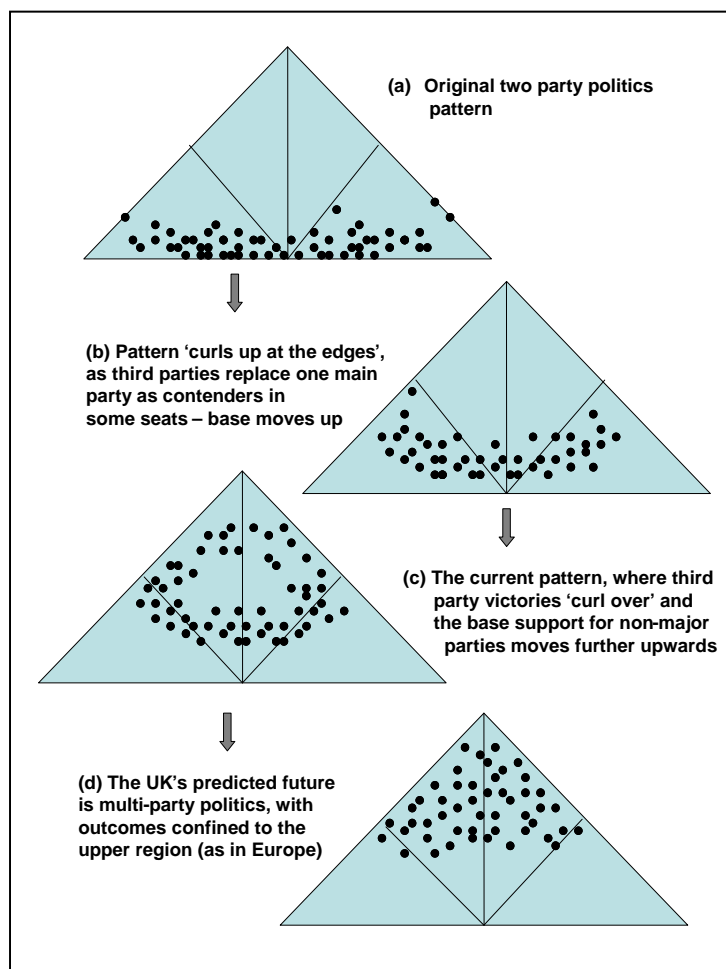
Figure 2: The constituency outcomes in the 2010 general election, in Great Britain



1.8 Finally on this point Figure 3 below shows in parts (a), (b) and (c) a simplified picture of that development that has brought us to where we are today. The trend for more British voters to support parties other than the Conservatives or Labour has not been absolutely continuous over time, but it has been ineluctable, long-lived and in one direction for a long time now. There is no reason whatever to suppose that the pattern of change across the 1955 and 2010 charts above is somehow going to reverse. Hence unless we change the voting system to acknowledge it we will perforce have to live with a situation where fewer and fewer MPs have majority backing amongst voters in their local areas.

1.9 You also do not need to be a far-sighted prophet to predict the long-run endpoint of the UK political systems' evolution, shown in part (d) above. The UK is increasingly becoming a standard European liberal democracy with a full range of parties, running from the Greens on the left to well-supported anti-foreigner parties on the right. The end point of this development will essentially be a multi-party competition situation where virtually no MPs have majority support.

Figure 3: The past evolution and predicted future development of the British party system



2: What does the 'Alternative Vote' mean?

2.1 Constitutional changes last a long time, and election system arrangements can be designed and fine-tuned in many different ways, each of which may have far-reaching consequences for the political system. Hence voters need to consider in great detail what choice they are being offered in the 2011 referendum.

2.2 The government's proposed referendum question asks UK voters if they prefer 'the Alternative Vote' (AV) to 'first past the post'. Yet what AV means here is not clear and will require careful specification because

- In political science, the label *Alternative Vote* is widely used to describe a class of voting systems, all of which:
 - elect a single office holder
 - in an 'instant run-off' fashion
 - by counting multiple (i.e. one or more) preferences
 thus effectively replicating either 'exhaustive balloting' or 'dual ballot' elections but in just one round of voting.
- The four main variants of AV relevant for the UK are

- **'classic AV'**, where voters must number all candidates to cast a valid ballot (see Figure 1 below). This is how AV operated in Australia for many decades until recently;
 -
 - **'Australian AV'** in its current form, where voters need number only one or more candidates (see Figure 1 below). This is how AV operates in Australia now;
 -
 - **London AV** (also called the 'supplementary vote'), where voters use X voting to indicate first and second preferences only (see Figure 2 below), and only one of the top two candidates on first preferences can win. This system has been used very successfully since 2000 to elect the London Mayor, and to elect Mayors in 11 other towns and cities in England ; and
 -
 - **London AV with numerical ordering (LAVno)**, where voters number preferences as with Australian AV (see Figure 1 below) and again only one of the top two candidates on first preferences can win. (This system is not yet in use).
 -
- The similarities and differences of these systems are set out in Table 1 below. At the counting stage where no one has a majority on first preferences, classic and Australian AV both eliminate candidates from the bottom one by one. By contrast, in one step London AV (in both versions) eliminates from the count of second preference votes all but the top two candidates.

Figure 4: Ballot paper for the Australian, classic and ‘LAVno’ forms of Alternative Vote

**ELECTION OF A MEMBER OF
PARLIAMENT
for Westminster**

Please number Candidates 1, 2, 3, 4 etc
in the order you prefer

1

Carol Crosby
Liberal Democrat

Denis Graham
UK Independence Party

Stephanie Mills
Green Party

Diane Morgan
Labour Party

Jim Nunn
British National Party

Nasim Shah
Respect – the Unity Alliance

Stephen Williams
Conservative

Figure 5: Ballot paper for the London form of the Alternative Vote (also called the Supplementary Vote)

**ELECTION OF A MEMBER OF
PARLIAMENT
for Cardiff South West**

Vote once (X) in column one for your first choice
Vote once (X) in column two for your second choice

	Column one First choice	Column two Second choice
Carol Crosby <i>Liberal Democrat</i>		
Denis Graham <i>UK Independence Party</i>		
Alun Jones <i>Plaid Cymru – The Party of Wales</i>		
Stephanie Mills <i>Green Party</i>		
Diane Morgan <i>Labour Party</i>		
Jim Nunn <i>British National Party</i>		
Stephen Williams <i>The Conservative Party</i>		

Table 1: How the four main forms of Alternative Vote operate

	Classic AV	Australian AV	London AV with numerical ordering	London AN
The system essentially is an instant run-off form of?	Exhaustive balloting		Dual ballot	
Voters' task in the polling station is to?	Number all candidates 1,2, 3 etc up to N in order of preference	Number candidates 1,2, 3 in order of preference, expressing as many or as few preferences as they wish	Vote X in the first preference column, and if they wish vote X in the second preference column	
If no candidate has a majority of first preferences				
how are candidates eliminated?	Candidates are eliminated in order from the bottom, until someone left in the race has a majority of votes		All candidates placed 3 rd or lower in the first preferences count are eliminated at one go. Any of their voters' second preference votes cast for the remaining top two candidates are added to their piles. Whichever one has more votes now wins	
What is the winning post when second or subsequent preferences are counted?	50% +1 of initial votes. All voters shape the result.	50% +1 of initial votes, or 50%+1 of votes remaining when only 2 candidates left in the race. Most voters shape the result.	50%+1 of votes remaining when only 2 candidates left in the race – we pass through later preferences for eliminated candidates to reach all those for top two candidates. Most voters shape the result.	50%+1 of votes remaining when only 2 candidates left in the race. Second preferences for eliminated candidates are discarded as ineligible and hence those voters who did not choose a top two candidate do not influence the result.
Which candidates can win?	In multi-party contests, the 3 rd or 4 th placed candidate on first preferences count may still win the seat. The more parties there are, and the closer they are in vote shares, the more likely this outcome becomes		Only one of the top two candidates from the first preferences count can win	
Which second	The second preferences of		None. These approaches always	

preference votes are likely to be left uncounted?	supporters for 3 rd and 4 th placed parties are not counted when eliminating a lower-ranked candidate gets one of the top few candidates past the winning post	deliver a full count of second preferences.
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- Under the Australian or classic AV variants a candidate initially placed 3rd or 4th in the first preference count may none the less win the seat, so long as they were fairly close to the front-runners to start with and can gain more preferences from 5th, 6th or lower preference candidates who are eliminated. For example, consider Table 2.

Table 2: A hypothetical example of how low-placed parties on first preferences may win seats, under the Australian version of AV (or classic AV)

	1st preference votes	2 nd count	3 rd count	4 th count	5 th count
Conservative	13,000	13,000	13,000	Eliminated	
Labour	12,500	15,000	15,000	15,500	Eliminated
Liberal Democrat	11,900	13,200	13,200	18,500	29,500 wins
UK Independence Party	11,500	11,500	15,500	20,500	24,500
BNP	4,100	4,100	Eliminated		
Green	3,800	Eliminated			
<i>Total votes</i>	<i>56,800</i>	<i>56,800</i>	<i>56,700</i>	<i>54,500</i>	<i>54,000</i>
Assumptions		Green vote splits across Labour and Liberal Democrats	Almost all BNP vote goes to UKIP	Conservative vote goes 500 to Labour, 5,000 to UKIP and rest to Lib Dems	Labour vote goes 4,000 to UKIP and rest to Liberal Democrats

In every region of the UK there are now 6 or 7 viable parties with significant vote shares, with especially balanced situations in many Scottish and Welsh constituencies. Hence scenarios like Table 2 could well occur in the UK far more frequently than they have done in Australia (where the top two parties are more dominant and such cases are not common).

- Under Australian and classic AV losing candidates are eliminated one by one, and the counting of second preference votes stops as soon as one candidate reaches 50%+1 of votes. In current UK multi-party conditions, this will mean that in many constituencies the second preferences of 3rd and 4th candidates will rarely if ever be counted, affecting Liberal Democrat voters especially. MPs will be pronounced elected with 50%+1 support, whereas in many cases they may have far more backing

from voters whose second preferences are never inspected. The London AV system by contrast counts and publishes the second preferences of all voters.

2.3 The government appears to mean by ‘Alternative Vote’ only one particular variant of this class of systems, namely Australian AV. One option open to the government and Parliament would be to let voters express a preference not just on shifting from FPTP to AV, but also in deciding what specific type of AV they would like, especially as between Australian and London AV.

2.5 Alternatively, because the choice of system for Westminster is likely to affect all other voting systems used in the UK, it might be wisest for a small commission to deliberate on what is the best form of AV to offer voters in the referendum; or for the government to discuss and agree this issue in detail with the Political and Constitutional Reform Committee and with Parliament.

3: Changing the Westminster election system will almost certainly lead to further changes in other UK voting systems

3.1 In recent years general elections have often been held on the same day as other elections in the UK, especially the local government elections (normally held on the first Thursday of May) and the Elections for the European Parliament (always held in early June on a fixed five year cycle). In addition, in Great Britain it is conceivable that the general election day may on occasion coincide in the future with one or more of the following list – the London Mayor and Assembly elections; the Scottish Parliament elections; elections for the Welsh National Assembly.

3.2 In January 2011 the government will also publish its proposals for reforming the House of Lords, bringing in elections for all or most of its members. The data for these elections is likely to coincide by law with those for general elections. There are three front-runner proportional representation systems for electing members of a reformed upper chamber:

- (a) A regional top-up additional member system, with some large constituencies (counties?) and some top-up seats at regional level. Like other British AMS systems in Scotland, Wales and London this would use a ballot paper with two X votes, one for the constituency and one for the top-up members;
- (b) A regional list PR system, similar to that used for electing MEPs, where voters cast a single X vote and candidates are elected off party lists. (For the Lords, this might involve a capacity for voters to change the order in which candidates are elected off party lists, but this will still use X voting); and
- (c) A single transferable vote (STV) system with regional or sub-regional constituencies, electing multiple members using a numerical preference ordering ballot paper.

3.2 It will be very important to plan ahead for consistency in the ballot paper designs that confront voters. Otherwise it may create some acute comprehension and familiarity difficulties for voters if they are asked to handle different ballot papers in different fashions on the same day. In 2007 a Single Transferable Vote (STV) system was introduced for Scottish local government elections, using numerical preference ordering. The first STV elections were on the same day as elections for the Scottish Parliament, using a system called the Additional Member System (AMS), which uses a two-vote X voting system. A great

many additional spoiled ballots and voter confusion resulted, something of a fiasco for Scottish democracy.

3.3 Hence it is important to consider the compatibility of the Alternative Vote version being proposed with other elections. Table 3 shows the situation for the four versions of AV considered above. The London AV system would be the most compatible with other UK elections. Its adoption would entail the fewest knock-on changes in other voting systems.

3.5 If Australian AV (or another version using numerical preferences on ballot papers) is adopted for the referendum and wins popular endorsement, we could expect to see

- a greater likelihood of STV being adopted for future elections for the House of Lords
- perhaps a greater likelihood of STV being introduced for local government elections in England and Wales; and
- perhaps a need to change the London Mayor and other English mayoral elections to use numerical preferences also, such as Australian AV or the 'LAVno' variant of London AV.

Table 3: The compatibility of different versions of the Alternative Vote with other voting systems in use or in prospect in the UK

	Classic AV	Australian AV	London AV with numerical ordering	London AN
Compatible with existing elections for	Scottish local government (STV) Local government and Stormont elections in Northern Ireland (both STV)			<ul style="list-style-type: none"> - European Parliament (cannot be changed in UK alone: this is a List PR election) - London Mayor and Assembly (AMS) - Scottish Parliament (AMS) - Welsh National Assembly (AMS) - Local government in England and Wales (FPTP)
Incompatible with existing elections for	<ul style="list-style-type: none"> - European Parliament (cannot be changed in UK alone) - London Mayor and Assembly - Scottish Parliament - Welsh National Assembly - Local government in England and Wales 			Scottish local government Local government and Stormont elections in Northern Ireland
Compatible systems for electing House of Lords members would be	- Single transferable vote (STV)			<ul style="list-style-type: none"> - Additional member system (AMS) on a regional top-up basis - regional List PR version with X voting

25 July 2010

Written evidence submitted by Nicola Prigg (PVSCB 15)

Summary

The main points I would like to make to the Committee are:

- Referendum should ask whether we want a change in the electoral system.
- First-Past-the-Post leaves voters disenfranchised.
- FPTP leaves people wondering how to vote and therefore there's an argument to directly elect the Prime Minister.
- First-Past-the-Post isn't the best system for throwing a government out.
- FPTP has led to a political environment where you can "win" in a democracy.
- AV is better than FPTP but still undemocratic.
- STV empowers the electorate.
- Putting in law what democratically valid means in reference to constitutional change, questions the validity of past changes to the constitution.
- Thresholds aren't the right way to go about making a referendum democratically valid. Parliament doesn't have thresholds neither should referendums.
- Equal-sized constituencies are good but it's easier to achieve with multi-member constituencies.
- Number of MPs
- Secretary of State for the home nations should be a member of parliament from the largest party of that home nation.
- Nash's equilibrium with respect to the Union. The debate about the state of the union in the UK and the state of the European Union are the same at different points in the scale.

1. To really get a feeling of whether the electorate want a change to the electoral system, there should be a referendum first on whether the electorate want electoral reform instead of offering a change to a system chosen by politicians. I am of the opinion that if there is a "No" vote in the AV referendum without asking the electorate whether they want a change, the two main parties will use the referendum to say the electorate don't want change when that wasn't the question put to them. I believe by asking the electorate whether they want change can then open up a proper debate on what that system should be. If the electorate want change, then we can use an STV referendum to decide what the system should be.

2. FPTP is an archaic system. I didn't vote in the last election mainly because in my constituency, there is no point in voting unless you vote for the clear winner. It leaves me as a young voter thinking my vote doesn't count, my MP doesn't care about representing me because she doesn't need my vote to get elected. FPTP doesn't lead to a parliament that accurately represents the electorate's views. In the 2010 election, the two main parties managed to achieve 65.2% of the vote yet they have 87% of the seats in parliament. That leaves 22% of the voters ignored. That doesn't include the third of the electorate that didn't vote. We need to empower people to vote and to take an interest in politics. The way to do that is to have a proportional system of some kind so that no matter where you live you have the ability to elect someone with your views, who has a character that you like and will campaign to help deliver real change and give you a voice in parliament.

3. The single member system of FPTP that has been in use for the last 50 years leaves many people on election day wondering how to vote. Many people feel on election day that they

have to contort their views to fit one box. If we leave out policy for a minute and look at what else people are voting for, they are voting for a candidate, a party and a prime minister. The views on who my MP should be, what party I want to support and who I want to be prime minister can vary from the party line. I personally don't like my MP and I know others who don't and I wouldn't vote for my MP regardless of party. Yet if I want to support my MP's party, then I'm stuck with an MP who I dislike. Not only am I voting for a party but I am also voting for the person who I want to see lead the country. There are some candidates for that job who I would vote for regardless of party or I would vote against regardless of party. That's why I believe that we should directly elect the Prime Minister.

4. One of my main problems with the electoral system in this country is that we are supposed to vote for a candidate to represent our community but it has become about who the leader is and who we want the government to be. Government is a by-product of people voting for more candidates that represent a particular party than any other political party. Just changing the electoral system whether to AV, STV or any other proportional system won't change that without fundamental restructuring of our electoral system. No system will let us throw a government out if the government is just a by-product.

5. Following the recent election coverage, I got the impression that the parties weren't about changing the country for the better, they weren't for democracy, they were for "winning". I seriously dislike this terminology because if we focus on winning and losing an election or power, then we lose what democracy is all about. Democracy is about making your voice heard. I know of a party that calls themselves democrats but they don't care about democracy because they can't win power in a democracy, they can't win an election with democracy. In my opinion, it is FPTP that creates this terminology. FPTP has created a democratic party that can't stand democracy. Since 1918, there has only been 2 elections in 1931 and 1935 where a party achieved more than 50% of the vote and therefore deserved a parliamentary majority and even then because of the turnout rates they still didn't actually manage to achieve 50% support of the electorate. Only an unfair, undemocratic system such as FPTP would allow 21.6% of the electorate (35.3% of the vote) to rule over 78.4% of the electorate (64.7% of the vote). That is not democracy.

6. AV is slightly better but it is still in my mind undemocratic. It is better because it is a preferential system but it is still undemocratic because it is not proportional and therefore cannot accurately represent the views of the electorate. With AV at least 49% of the voters are left ignored, perhaps more depending on turnout. AV is majoritarian and therefore I feel undemocratic because it allows a minority to rule over a majority, a majority that is divided but still a majority. I personally feel that any such system is a dictatorship. As with FPTP, AV only really allows you to hold the party to account and not the candidate. Whilst you can more easily vote against a party or candidate by not ranking the candidate. If you still want the party and not the candidate, you still can't vote for that with AV.

7. Open list STV is the best system in my view because you get a choice of candidates and so don't have to follow the party line and they can make the candidate as well as the party accountable. Also if like many people your views don't fit into one box then you can vote for candidates from multiple parties and you have more of a chance of getting someone elected. That empowers the electorate – it gives them a voice. STV is also the best system when it comes to not wasting votes, if you have a 4 member constituency then you only waste 20% of votes or a 3 member constituency only wastes 25% of votes. This is so much better as it gives more power to the people as it actually uses their vote and makes their voice heard. It

strengthens the MP-constituency link because they have an MP they voted for, whose values they share and who they like as people. It strengthens democracy because people feel their vote counts. The amount of people who I have met in Scotland who say they only felt their vote mattered when they voted in the Scottish elections with the Additional Member System (AMS). Whilst I like AMS's proportionality, the FPTP segment still wastes votes and while that part of the vote is strictly for a candidate, I still feel party politics still comes into it. AMS also has a purely party politic aspect in it that I do like because then I can vote on values, what I dislike about it is that it's a closed list and therefore I could let in an extremist candidate of the party with which I share my values.

8. I have watched the two Committee meetings so far and have noticed that Mrs Eleanor Laing MP has brought up in both meetings the issue about thresholds and validity. I agree full heartedly that any change to the constitution should be democratically valid. I see the benefits of a threshold in making sure a referendum to a change in the constitution is valid, although whether a change in the electoral system is a constitutional change is up for debate because we don't have a written constitution. I agree with the experts and the Rt Hon Nick Clegg MP that a threshold will put the power into the hands of the "No" campaign because any non-vote is a "No" vote, whereas in a normal election, a non-vote is not a "No" vote to the candidates and the parties which they represent. I also believe that actually putting in law what makes a constitutional change valid is potentially dangerous as we don't have a written constitution. If you say in law that in order to be democratically valid a constitutional change needs even a referendum then surely you invalidate past constitutional changes. Whilst invalidating some maybe welcome for example in relation to giving powers away to Brussels in the Lisbon treaty, others are not so welcome for example invalidating the Act of Union 1707 and Laws in Wales Acts 1535-1542. By invalidating these Acts then the unions between the nations never happened therefore Scotland and Wales are independent. Whilst it is possible to say that this democratic validity test is only valid from 2010, you then create the impression that you know there are parts of the constitution that are democratically invalid but you don't want to validate them or you don't believe that you can validate them i.e. you don't believe they can pass a referendum. By allowing a simple majority whether in referendum or in parliament to be democratically valid then the constitution remains valid. I would agree with the consensus that a referendum with a simple majority is democratically valid. Would I agree that a referendum with a simple majority in which only 15% of the electorate voted in was democratically valid, no I wouldn't. Would I be willing to have a threshold in order to make sure that a reasonable amount of people voted for it, no I wouldn't. That is because it puts power into one side of the campaign and therefore makes the balance of power unequal and is therefore democratically invalid. Parliamentary votes don't have thresholds so why should a referendum? The parliamentary vote in the Act of Union in 1707 was so poorly attended I believe that had there been a threshold within parliament, the union would never have happened. Even in recent parliaments, I've heard voting sessions have been sometimes so poorly attended that were there thresholds within parliaments some bills would not be passed.

9. Equal sized constituencies is important for democracy but will be very difficult to achieve with single member constituencies. There are already two exceptions and possibly a third if the boundary commission can't change Charles Kennedy's MP constituency in order to achieve the average constituency elector size within the geographical limit. With Shetland and Orkney, and Western Isles, there is a case as I understand it that if they were to be joined with the mainland then MPs will be asking for helicopters just to move around their constituency. Whilst I agree that their vote shouldn't count more, surely there is a difficulty

in transportation when you start combining those constituencies with the mainland. This is partly why I feel multi-member constituencies are a must because it would alleviate this problem. For example with STV, you could have a 3 member constituency so Shetland and Orkney joined with a large part of the mainland and the people of Shetland and Orkney can still vote for a candidate that is local to them.

10. A big problem with boundary reviews and elector sizes is that there are students who won't actually know where they will be living in 5 years time and there will be young kids who are not yet on the electoral register but will be old enough to vote in the next election, some of these kids will be at university at the next election and there is a question of where should they vote i.e. in their home constituency, where their base is or where they are studying (considering that the next election is being proposed to happen around exam time)? Voting for a specific candidate is very hard when you know your local MP is going to change within a few years because you're constantly moving around the country.

11. Number of MPs matters because the more MPs, the more views you can represent, the problem with having too many MPs is that all the vested self-interests then block each other and therefore can't actually hold the executive to account properly. What the optimum amount is, I don't know but 600 is probably a good start.

12. I believe that the Secretary of State for the home nations should be a MP from the largest party in that country. I believe that the SNP are growing ever larger because the English keep alienating the Scots along with the rest of the UK. The English effectively say out of ignorance that Britain stops at the English border. That says that only the English are British. Britain is supposed to be a tolerant country that can integrate other cultures yet after over 300 years of union there is still England, Scotland and Wales and Northern Ireland. I believe that by making the secretary of State of a home nation a MP from the largest party in that nation, we respect that nation's decision on who the government should be and how the government should be formed. Any Scot can still say that Thatcher didn't have the right or the mandate to sell off the BNO. I personally hate that I can say this but the BNO was only British on the tin, it was North Sea Oil and therefore Scottish and seeing as Thatcher did not have a mandate over Scotland because Scotland voted Labour therefore Thatcher had no right to sell that company. Having the Secretary of State for the home nations be a member of the largest party in that country would go some way to alleviate the lack of a mandate in those countries.

13. My idea of how the union should be governed comes from John Nash and his equilibrium. John Nash states that in order to do what is best for the individual, you have to do what is best for the group. This should not only be our economic model but also our governing model for the union. The problem with this is that England is more populated and so their interests are always going to come before the interests of the rest of the union because there are more of them in England and therefore have more democratic sway. There is even a problem within England because there is this North/South divide and the South's interests will always trump the North because the South is more populated and that will always be the case because there are more job opportunities in the South and so anyone in the rest of the Union has to move down South. We need a system of governance that allows no area of the country's interests to dominate the rest, which unfortunately means that democracy doesn't work. The majority of the country lives in South Britain and therefore to give the other areas of the country and give their interests a voice then their vote has to count more. If you look at the electoral map of Scotland from the most recent election, you'll see a country divided. You'll see the south west and central belt where essentially the majority of

people live in Scotland is almost solid red of Labour and anything north of the central belt is Liberal Democrat or SNP and the two remaining constituencies in the south are Liberal Democrat and Conservative. I'm from part of that red bit and I think it is deeply unfair that my interests, my issues count more because I'm in the majority. I have the same problem when it comes to Britain as a whole but then I'm in the minority and England is the majority. Scotland, I believe doesn't have an effective say in UK issues especially the economy which is so important to Scotland seeing as we have always been the poorest nation in the UK. I understand that Scotland has 9.07% representation in parliament and 8.5% of the population so I understand England's point that it is roughly democratic. My problem with England's point is that when England becomes part of the minority i.e. within the EU, the English can't seem to accept that the rest of Europe is bigger and we live in a democracy so they deserve to have more power over Britain. The debate about the EU's power over UK and England's power over the rest of the UK is the same and should have the same solution.

26 July 2010

Written evidence submitted by Lord Lipsey (PVSCB 16)

1. I strongly support a referendum on AV. AV represented one half of the recommendations of the Jenkins Committee (on which I served) the other half being the "plus". However, the plus is not practical politics in current circumstances. It is especially difficult because it would require a reduction in the number of constituency MPs to create spaces for list members and this would be hard to achieve at a time of reducing the number of constituencies as the government proposes.

2. People tend to underestimate the impact of AV because it does not on the projections done by most psephologists greatly affect the national state of the parties. However:

i) Even if the result is not greatly changed, it is a major gain to ensure that most or all MPs have the support of at least half those who vote in their constituencies, a status only enjoyed by one MP in three under FPTP. This is an important contribution to both the legitimacy and the accountability of members.

ii) The dynamic effects may prove quite profound. Take a green elector whose second choice is a Tory. For the first time s/he will be able to express their green opinion without prejudicing their chance of expressing their Tory preference. Thus political choice will be considerably expanded by AV, and an important element of constitutional flexibility will be introduced..

3. AV also has the practical advantage of being the smallest reform most electoral reformers can accept and the largest reform most supporters of the existing system are prepared to countenance. It is thus the nearest there is to a consensus system.

4. I am not in favour of combining the AV bill either with the constituency reorganisation or with the reduction in the size in the House. The timescales do not match. AV is a long standing proposal which has been subject to a major independent inquiry (Jenkins) and intense subsequent debate. The reduction in the size of the Commons is a pre-election proposal with differing views as to how large a reduction if any makes sense. It should be subject to an independent inquiry focussing on the case, and the scale of any reduction. Equalising constituencies is in principle the right thing to do, but it involves very considerable technical difficulties and problems (eg the acceptability of constituencies which cross county boundaries). Even if the government decides, for political reasons, that AV

should not proceed without the equal constituencies legislation proceeding too, the bills should be split, allowing a longer process for consideration and implementation of the revised boundaries. If desired, the AV bill could contain a clause proposing a commencement date, and the coalition could announce that the government will not proceed to bring its provisions into effect until the boundary reform too has been satisfactorily completed with due process and is also ready to take effect.

I should of course be delighted to give oral evidence to the Committee should it so desire.

2 August 2010

Written evidence submitted by Hugh Bayley MP (PVSCB 17)

I spent three years as the Chair of the Westminster Foundation for Democracy between October 2005 and October 2008.

The Foundation is a Non-Departmental Public Body funded by the FCO and to a lesser extent DfID. It provides advice and support to Parliaments, political parties, civil society organisations and state-funded bodies such as electoral commissions in emerging democracies in Europe, Africa, the MENA Region and to a lesser extent in Asia and Latin America.

In countries with broadly democratic multi-party systems for electing Members of Parliament the Foundation would generally advise that it is good practice for constitutional reforms which have a bearing on how a Parliament is elected, how constituency boundaries are drawn and when elections take place to be brought forward, whenever possible, on the basis of cross-party consensus. It is bad practice for such proposals to be made by the Executive without support from opposition as well as government parties.

Many people and politicians throughout the world still look to Westminster as an exemplar of good practice. It is therefore a matter of considerable concern that our Government appears to be set on legislating for significant constitutional change without at least trying to reach a cross party consensus on the way forward.

From a personal point of view:

I would like to see the UK use the Alternative Vote for House of Commons elections. This would ensure that all MPs have a majority of first or subsequent preferences from voters in their constituency. It would reduce the incentive for tactical voting. It would preserve the tradition of single member constituencies which is an important and widely understood part of the UK political system.

Many countries build safeguards into their electoral systems to ensure that ethnic or regional minorities are not sidelined by the majority. The US Senate, for example, has equal representation for all states. The UK Parliament has for many years provided additional representation for Wales and Scotland. This helps to ensure that Welsh and Scottish voices at Westminster are not “drowned out” by the much greater number of English MPs, and reinforces the Union. I understand the Government’s argument for more equally sized constituencies, but I do not accept that this point of view should trump all other considerations. The benefit of votes of “equal value” needs to be weighed against competing benefits—of representing smaller nations, remote areas, geographically isolated islands or

low population density. The Government's approach appears to have been to select what benefits the coalition parties electorally – fewer seats in Wales and Scotland would benefit the Conservatives; in terms of small population, Scottish island seats and a small island/mainland seat for a former Liberal Democrat Party leader would benefit the Lib Dems. This illustrates clearly what is wrong with the Executive bringing forward proposals for electoral reform without seeking the support of the opposition parties.

I strongly oppose the Government's approach of legislating for a different electoral system and new and larger constituencies in the same Bill. These are separate questions which should be considered separately. Both questions should be subjected to a referendum, and a referendum on reducing the representation at Westminster for Wales and Scotland should not be carried unless it carries a majority in all four nations of the UK. To allow English voters to "out-vote" those in Scotland, Wales or Northern Ireland would pose a serious challenge to the Union.

5 August 2010

**Written evidence submitted by Chris Ruane MP, Clive Betts MP,
Andy Love MP and Russell Brown MP (PVSCB 18)**

Thank you for the opportunity to contribute to the pre legislative scrutiny on Government proposals for constitutional change. As you know I have had a passionate interest in this issue for the past nine years, having put down hundreds of PQs, spoken many times in Parliament and had dozens of meetings with ministers and the Electoral Commission.

The following are a few suggestions that we think could improve the registration rates across the UK: -

Funding

There is a huge disparity in the amount local authorities spend from £4 per person in Orkney to nothing in some local authorities. This should not be tolerated.

The resources to ensure the basic building block of democracy – a full and accurate register – should not be left to the whim of local authorities. When central government has given additional resources for additional responsibilities in the past there has been no way to find out if this money has been spent correctly or just creamed off for another purpose.

There should be a central government funding formula to recognise the difficulties of registering the under-registered groups:

- black and ethnic groups (31% unregistered);
- young people (56% unregistered); and
- those in council and private rented accommodation (56% unregistered).

This funding should be monitored to ensure that it is spent on that purpose. The mechanisms are finally in place to monitor this.

Registration Forms

Standardise the registration form working with the Plain English Society and those authorities that have the best practice. There is no reason to have four hundred different types of forms.

The whole thrust from ministers and the Electoral Commission to date has been on inputs - is the ERO doing this or that? There should, however, be greater focus on outcomes. EROs may be using all the tools at their disposal and still not achieving adequate registration rates. The bottom line is, are registration rates improving within a local authority area or nationally? There has been some success, especially over the election period but it is not enough.

There are still over 3 million unregistered. Where under registration remains there should be additional local and national help, monitoring and focus until registrations rise.

There needs to be an ultimate sanction for those who consistently fail. This may be the transfer of electoral registration to a neighbouring authority who successfully carries out this function. Should the Electoral Commission or the Department send in a team of inspectors to put things right?

Greater access to databases

Currently EROs have access to databases within their own local authority such as council tax and housing benefit. These are valuable tools for cross referencing. EROs do not have automatic access to university halls of residence, sixth form and FE colleges or social

landlords and housing associations databases. Co-operation does exist between certain authorities and these agencies but it is hit and miss. Stricter guidelines should be put in place. Section 9A (3) allows the Secretary of State to amend the list of the steps that must be taken by EROs to identify people for registration.

Many of the unregistered are on benefits. Currently central government databases are not allowed to be used for registration purposes. I understand the sensitivity around access to databases, especially after recent incidents such as the government data discs found on roundabouts, but I think protocols should be developed that would allow the use of these databases for the purpose of registration.

The Private Sector

Can credit rating firms, like Experian, help EROs identify the unregistered and encouraging them to register. The biggest motivator for registration may not be the high minded ideals of a participatory democracy but the need to be on the electoral register to gain credit worthiness. The credit reference companies are already being engaged by the current government to help improve the national census. Experian and other such companies have access to huge amounts of information that could help improve registration.

Enforcement

It is an offence not to comply with a request from an ERO for the information he requires in order to compile the register- the penalty for not providing is a fine, currently £1,000. However, there are very few prosecutions for not completing the canvass form although EROs have a duty to ensure that the register is as complete as possible (House of Commons Research Paper Ref 2010/7/50PCC).

Last year only 2 authorities (out of 404) prosecuted non responders. EROs may feel it is not worth their time or effort but some sanction is needed. A suggestion from a Welsh ERO is that there should be a fixed penalty notice for not responding. This would dispense with administrative cost. Repeat offending could possibly be dealt with through the courts. Publicity about non responders would help to reinforce the message that it is illegal not to respond.

Section 9A (1.6) of the Electoral Admin Act 2006 states: - *'If the ERO fails to take steps where necessary, they will be in breach of their official duty, which on summary conviction can result in a fine not exceeding level 5 on the standard scale'* If an ERO fails to take the necessary steps to improve registration then this sanction should be fully implemented.

Reporting Back To Elected Members

The issue of political interference in electoral registration has never been addressed. There are no mechanisms in place to deal with an authority that deliberately under funds registration for political purposes.

When the Electoral Commission first published the results of their survey of EROs performance (this was a self assessment), they refused my request to circulate this information about the performance of an individual MP's constituency/local authority area saying: " the information was available on the web". I had to cross reference information on council/constituency borders to relay this information to MPs. This is not good enough. Each MP and other elected representatives should have the information concerning registration presented in a readable format on a yearly basis.

The information on registration levels should be accessible at ward level and members of devolved institutions and local councillors should also have access to this information. There

is currently a democratic deficit with elected representatives kept in the dark about registration.

Impact of Individual Registration on Registration Rates

Many MPs were opposed to individual registration because it would lead to even lower registration. This happened in Northern Ireland with a 10% drop in registration when changes were introduced. Northern Ireland continues to have the lowest registration rates in the country.

Other MPs and I, who had reservations on this issue, were persuaded by the previous Secretary of State, Jack Straw, to drop our opposition to individual registration if there was a twin track approach to improving registration before individual registration was introduced. The time scale for this gave sufficient time for this to be achieved.

It is my fear that this timescale will be considerably shortened and registration will not be prioritised. There are currently 3.5 million people missing off the electoral register. If individual registration occurs without getting these missing millions on the register then a further 10% drop would add another 4.5 million to those unregistered making a total of 8m missing voters. These will be some of the most vulnerable people in society. Can a modern democracy work with such huge numbers missing from the democratic process

Annual Canvas Replacement

Currently a substantial amount of the resources available to electoral registration officers is spent on the annual canvass. In reality what this means is that this resource is devoted to identifying the fact that the vast majority of people who are registered at an address in one year are still living, and want to be registered, at the same address in the following year. However, because of the fact that people do move between canvasses we effectively have a system of overlapping methods of registration where the annual canvass and returns are then complemented by a rolling register which people can add their names to when they move.

In many other countries, and I use Australia as a model, they spend all their resources dealing with people who move, become 18, or die. Indeed when the ODPM select committee visited Australia in 2004 to look at registration, their officials were rather incredulous that, as they saw it, we should spend most of our money dealing with households where nothing had changed.

If we abandoned the annual canvass we could release all the resources for identifying those houses where no-one was registered and tracking people who move or become eligible to register through a whole variety of data. Sources such as council tax, housing benefit, council and housing associations, tenancy lists, schools, colleges and universities could be shared, as well as those which we have not really looked closely at in this country such as DWP, DVLA, Post Office and private utility companies. From these sources we ought to be able to build a comprehensive information base from which to identify anyone who moves property, and these are the people we should then pursue to get them on the register, or take them off the register, rather than the majority of households who send back their canvass sheet each year filling in the same information as last year.

22 July 2010

Written evidence submitted by Rt Hon Peter Hain MP (PVSCB 19)

I understand your Committee inquiry into voting and parliamentary reform is asking for views on the proposals set out by the Government.

I strongly urge that you recommend separating the AV and constituency boundary proposals into two Bills.

I am a longstanding advocate of AV and would have wished to support it but now find myself unable to support the Bill because of the undemocratic and draconian proposals on constituencies it also contains.

Instead of introducing a separate bill on the alternative vote referendum, which would have been supported by Labour in a vote through parliament, the government has spatchcocked it together with the most blatant gerrymander of parliamentary constituency boundaries since the days of the rotten boroughs.

For generations constituency boundaries have been reviewed and adjusted by local agreement, not by central diktat. Local people have had the opportunity to object if community identities were threatened or unsuitable mergers with nearby towns or villages proposed.

Formal hearings would hear representations and a final decision agreed, if not always by total consensus then at least with broad support – a process that last time necessarily took fully seven years in England.

But the Bill has unilaterally dumped this for a rigid two-year deadline in a straightforward fix, abolishing the right to trigger public inquiries and destroying a bipartisan system of drawing boundaries that has been the envy of countries across the world.

The Bill proposes an arbitrary and partisan reduction of 50 seats because it would hurt Labour the most. A steeper reduction would have abolished too many Lib Dem and Tory seats.

Most outrageous, the Bill intends to redraw the boundaries based on the December 2010 register, which is missing over 3.5 million eligible voters – predominantly the young, poor and black and minority ethnic social groups. The problem of under-registration is greatest in urban areas, student towns and coastal areas of high social deprivation – all very Labour. If all those eligible to vote could do so London would have fully eight more seats, now it will get five fewer.

In Wales the impact will be most savage of all. Wales will lose three times the proportion of MPs as the average for the UK: a reduction of fully a quarter, from 40 to 30. Whereas in Scotland, three geographically large, Liberal-held constituencies are conveniently excluded from the reform, in mid- and west Wales where there are many thousands more sheep than people, four geographically large seats will become two monster ones. Former coal-mining seats will be merged, forgetting the elementary verity of the Welsh valleys – that you cannot communicate with the next valley by the shortest route (over the top of the mountain), you have to travel either to the top or bottom and go right around.

Important constitutional reforms like this should not be pursued in a partisan way as is the case in this instance with the Government prioritising Party interests rather than the quality of democracy the main motive.

31 August 2010

Written evidence submitted by Rt Hon Paul Murphy MP
(PVSCB 21)

I shall like to offer the following thoughts on the Government's proposals on Parliamentary Reform:

1. Having served twice as Secretary of State for Wales and as Secretary of State for Northern Ireland, I have, for over a decade, been intimately involved in constitutional changes especially with regard to devolution in Wales and Northern Ireland. During those years, the changes that came about resulted from many months, indeed years, of negotiation and ending up with consensus. The Government is currently attempting to rush through these proposals at the expense of proper scrutiny and with no attempt at consensus, this is a dangerous way to proceed on such important issues, the like of which should not be dealt with in a partisan manner.
2. Consequently, there should have been pre-legislative scrutiny of the Bill, and an attempt to reach consensus (which appears to be the case over House of Lords reform).
3. The reduction of MPs (by 50) is unprecedented. There has only been a 3 per cent increase in MPs since the War, even though there has been a 25 per cent increase in the electorate. An attempt to justify this by pointing to a saving of £12 million is risible. The cutback will lead to a reduction in the quality of Parliamentary scrutiny of the Executive, especially if it is not accompanied by a corresponding reduction in the number of Ministers. It will also impact on the accessibility of MPs for members of the public and reduce the quality of service MPs are able to offer to constituents.
4. The creation of very large constituencies, rigidly defined by numbers, will destroy community-based constituencies since it would appear that, to create such constituencies, local ties, geography and tradition are likely to be ignored. This will further distance MPs from their constituents and impact adversely on the service that can be offered to members of the public. This is especially alarming in areas such as the south Wales valleys, where the very landscape necessitates careful consideration regarding constituency boundaries, with historical north-south communities in valleys separated by mountains. Until now, MPs have been able to represent roughly distinct communities, something which these proposals threaten.
5. The abolition of local public inquiries into boundary changes is disgraceful. It robs local people of the opportunity to express their views locally and in person, with the aim of railroading controversial proposals through more quickly. This is one of the most devastating attacks on our democracy that I have known in my political life.

25 August 2010

**Written evidence submitted by the Electoral Registration and Returning Officer,
Weymouth and Portland Borough Council (PVSCB 22)**

Summary

- The primary concern of the Returning Officer is to ensure that if the proposed referendum is held on the same day as the poll for local elections that the scheduled Parish Elections should NOT be deferred.
- I would like to make specific comment on the following issues relating to the regulation of Referenda:-

1 Timing

1.1 In order to accommodate authority resources and scheduled elections and to ensure optimum participation of the electorate the minimum referenda period should be 10 weeks.

2. The Wording of the Question

2.1 It is imperative to the conduct of the referenda that the question complies with Plain English/ Crystal Mark and be understandable by all levels of voters. The wording must be rigorously tested by the Electoral Commission to ensure its clarity.

2.2 The wording should only be on the ballot paper in the English Language and could be supported by other literature in other languages.

2.3 I support the national AEA (Association of Electoral Administrators) response to the intelligibility of the question, particularly to ensure that no jargon is used.

2.4 With particular reference one section of the draft legislation (Parliamentary Voting System and Constituencies Bill. Schedule 6, Part 1 - amendments of the parliamentary election rules, 12, (2)) I believe that the proposed wording given in (2) regarding direction to voters for completion of the ballot paper should completely rethought to simplify it.

3 The Franchise

3.1 I support the recommendation that the franchise is the same as set out for the Parliamentary elections.

4 The Regulations of Campaigns

4.1 There should be national direction to promote public awareness and although Regional Counting Officers will support the process, should not have this responsibility delegated to them.

5 The administration of the referendum

5.1 The referenda should be administered on local authority areas and the results collated on a regional basis in the same way as the administration of Elections to the European Parliament.

5.2 I support the appointment and delegated responsibility to regional counting officers who already have the mechanisms and networks in place for these functions.

5.3 Regarding the timing of the counting of the referenda ballots – There is a significant difference between this poll and that for those that include expectant Candidates and authorities waiting to function (i.e. parliament). Therefore the timing of the counting of the

votes should be flexible to allow me, as a Returning Officer, to accommodate the counting of the referenda votes in a way that it most cost effective to the local authority and will accommodate the other elections being held.

6 Combination with a general election

6.1 Administratively I would prefer the proposed referenda be on a separate day from the ordinary elections in May 2011.

6.2 If the intended referendum is to be combined with local elections then I strongly recommend that Parish Council elections are NOT deferred.

1 September 2010

Written evidence submitted by David A. G. Nowell (PVSCB 23)

David A G Nowell is a Fellow of both the Geological Society and the Royal Geographical Society and a Liberal Democrat member.

- A modest reduction in seats is welcome in principle
- The reliability of electoral registers
- The overall basis on which seats will be allocated
- The need not to straddle European electoral regions
- Problems inherent with constituencies with very large areas
- Ignoring significant geographical and historical ties
- Permutations and combinations in relation to boundary reviews
- The potential need to divide polling districts
- The nature of Alternative Vote election results

A modest reduction in seats is welcome in principle

1 Ideally the size of the House of Commons should be reduced to 500 seats, in tandem with the introduction of elected regional assemblies for the rest of England outside of Greater London. This proposal was set out alongside an analysis of the different voting systems and the effect of single and multi-member constituencies on electoral geography in my essay, "There is more to representative democracy than simple proportionality" (pages 62-89) in *Democracy the missing element*, a compilation of essays by distinguished writers making the case for the multi-member constituency, introduction by Charles Kennedy MP, published in 2008 by Democrat Action Group for Gaining Electoral Reform. Without this reform the United Kingdom remains exceptional in not having universal regional government. So while the proposed reduction to 600 seats would not be met with the introduction of English regional government, this would be a relatively modest step, which in itself I do not see is worth opposing.

The reliability of electoral registers

2 The proposal to use the electoral register published on 1 December 2010 as the basis for the allocation of seats has not been thought through. To begin with, no publicity campaign has been considered to remind people to register to vote: this is a legal obligation, and under-registration skews the numbers used for allocating constituencies. However, even estimates of the unregistered population can be flawed. For example, in the last boundary review for wards in the Borough of Barnet, council officers wrongly assumed roads with

more than 3% of unregistered households should have their electorates adjusted upwards to reflect this, so such neighbourhoods were not disenfranchised. But they forgot that certain areas like Finchley contain large numbers of Japanese citizens who cannot register to vote and took no account of this.

3 The reliability of electoral registers is further undermined by lax checks, and many EU citizens either don't bother to register or don't tick the right box and end up with full voting rights. Things are further complicated in areas with high population turnover, as the previous registration is not always cancelled even if somebody else moves into the property. As a local political activist, I happened to spot friends who had remained on the register for three years after they moved out, until I alerted them. While it is assumed student populations tend not to register to vote, they are entitled to register both at their parents' address and at university. I would suggest double registration is more likely among more affluent students, as their university halls of residence and colleges tend to register them automatically while they maintain their out of term registration. Furthermore, second home owners and MPs routinely register at both their main residences. Since there are roughly a quarter of a million second homes in the UK, this could be a significant but unknown number, as electoral registration forms don't ask for these details. Furthermore, this undermines the policing of general elections to ensure people only vote once, as no system is in place (even with postal votes sent to an address in another local authority), to undertake spot checks using the marked register and prosecute any offenders.

The overall basis on which seats will be allocated

4 While I will go into greater detail in the subsequent paragraphs, the current proposals ignore the need to maintain certain geographical and historic ties, and fail to understand the underlying nature of providing balanced electoral geography inherent in any single seat electoral system. Most fundamentally, as the numbers of seats in a boundary review increases, the number of potential permutations and combinations rises exponentially. In particular, this would make it almost impossible for the boundary commission in an undivided England to adjudicate between rival submissions, which would straddle completely different sets of local authority boundaries. Furthermore, the Isle of Wight should be a named exception, and the residents of Cornwall would probably even prefer to be under represented with only five parliamentary constituencies than let the area around Bude share its representation with Westward Ho!. While provision is made for constituencies larger than 12,000 square kilometres, this is far too tight a ceiling when dealing with the extremely lightly populated Scottish Highlands and Islands beyond the two already named exceptions.

5 As drafted, the Bill only makes special provision for Northern Ireland. Under the proposed system, it is likely (especially in Wales) that it could be difficult to satisfy the exacting requirements for all these seats to be within $\pm 5\%$ of the UK target of around 76,200 electors. These limits are likely to be approximately 80,000 and 72,400 electors, using the last general election as a guide. Given the relatively small allocation, the average electorate for each seat in Wales could fall significantly out of line with the UK, as the number of seats within the principality has to be a whole number. Were this to happen without the current Bill being amended, the ensuing boundary review could be increasingly boxed in. The greater this discrepancy, the greater the likelihood that more seats would appear to be geographically contrived simply to meet this target. In any case, as I will explain, given the need beyond named exceptions for at least one extra seat for the Scottish Highlands and Islands, it would make sense for a handful of additional seats to be distributed to Northern Ireland (2), Wales (2) and Scotland (1) before the formula set out in the bill was used to

allocate the remaining unnamed constituencies. This along with other measures I will suggest should dispense with the need for special arrangements for allocating seats in Northern Ireland.

The need for seats not to straddle European electoral regions

6 Within England it would be sensible for constituencies to be allocated wholly within European electoral regions, in case elections to the European Parliament coincided with a parliamentary by-election and to allow reliable comparison between these elections and general elections. Trying to run two separate elections on the same day with two different franchises, in a parliamentary seat straddling two regions, would be a recipe for confusion both for political parties and election officials. Furthermore, any MP representing such a constituency would have to liaise with two set of MEPs. In any case, the numbers of seats within each separate boundary review has to be constrained to reduce the potential number of permutations and combinations and allow for the boundary commission to undertake a fair and impartial process, and so it would be extremely illogical to allow parliamentary seats to straddle these regional boundaries.

Problems inherent with constituencies with very large areas

7 As drafted, the Bill before parliament only allows for exceptions from the $\pm 5\%$ UK wide target if a seat exceeds 12,000 square kilometres in area. Clearly this rule has the current Ross, Skye and Lochaber constituency in mind at 12,779 sq km with 51,836 electors, but unfortunately ignores the requirements for any seat starting in Caithness. In order for this seat to be allowed to deviate from the target electorate it would have to extend southwards to include the Black Isle and a large portion of the Highland Council Wester Ross, Strathpeffer and Lochalsh ward (4,948 sq km). This would further reduce the electorate of any seat starting with Skye, which would then have to extend eastwards into the Badenoch and Strathspey ward (2,330 sq km) to the south of Inverness in order to reach the 12,000 sq km threshold, as enlarging it southwards beyond Oban and Mull would be even more problematic.

8 In any case, Argyll and Bute (67,165 electors) which includes Oban, like Orkney and Shetland (33,085 electors) along with Na h-Eileanan an Iar (Western Isles - 22,266 electors), should be a named exception, as at 6,909 sq km it is relatively small. The current constituency (which has already been enlarged since 2005 to include the whole of the Argyll and Bute Council), extends for over 160 km encompassing at least nine inhabited islands linked by ferries, along with the Mull of Kintyre all the way round to Helensburgh. Adding Arran would make little difference as this island only has a population of around 5,000 and would not bring it up to the likely 95% threshold required for its electorate. Thus exceptions should be made for any seat exceeding 8,000 sq km given that the current Caithness, Sutherland and Easter Ross constituency is 8,752 sq km with 47,257 electors.

Ignoring significant geographical and historical ties

9 The Isle of Wight, with 109,966 electors, has a very distinct local identity so should remain undivided. Once the Boundary Commission has in consultation with the islanders decided whether to allocate one (or potentially two seats if the population were to continue to increase, as its electorate was only 90,961 in 1979), it should be excluded from the calculation of the UK average electorate, along with other named exceptions. Insisting on the island sharing a seat with the mainland would most likely result in the creation of an Eastern Isle of Wight and Southern Portsmouth constituency or Spithead for short, given that this end of the island is quite urban.

10 Cornwall with 418,741 electors means that, given an UK average of 76,186 using the last general election as a guide, this culturally unique county with its own language would get 5.5 seats. Arrangements both with five and six seats would, with average electorates of 83,748 (109.9 %) and 69,790 (91.6 %) respectively, fall well outside the likely limits of around 80,000 and 72,400 electors. On this basis Cornwall should be a named exception with a fixed number of seats and thus removed from the calculation of the average electorate for the UK as set out in the Bill.

11 Beyond these two most notable cases, other slightly less significant geographical and historical ties can be coped with in the way in which European electoral regions should be subdivided. This is necessary in order to further reduce the number of realistic permutations and combinations of different constituencies to a reasonable level within each review area, and thus allow the national boundary commissions to judge fairly between rival submissions before making their final recommendations.

12 In any case, due to historical considerations, many countries do not allow their equivalents of parliamentary constituencies to straddle certain boundaries, such as Départements in France and Länder in Germany. Most notably, the constitution of the United States of America allocates congressional districts to individual states, on the basis of the national census. This means that there are great differences between smaller states in the numbers of people in each congressional district, depending on whether these states have reached or just fallen short of the number needed that time round to be allocated a second, third or fourth seat in the House of Representatives.

Permutations and combinations in relation to boundary reviews

13 As the number of constituencies rises within a given area the number of possible permutations and combinations increases exponentially, including almost endless possibilities for straddling local authority boundaries in so many different ways that the whole process becomes impossible to manage. For example, in the last parliamentary boundary review for England, which came into effect at the 2010 general election, Greater London was divided in two, given that the River Thames acts as a natural barrier within this region. However within both halves the Commission quickly established that a number of boroughs had electorates near enough to whole multiples of the target electorate for new seats to be formed from combinations of wards exclusively within such boroughs. Once these had been eliminated, this made concentrating on submissions dealing with new constituencies that would have to straddle other borough's boundaries much more straightforward than might have been the case. If the requirement for every constituency to be within very tight limits were to override all other considerations, then boroughs with whole numbers of seats within these limits could nevertheless have to be straddled with neighbouring boroughs in order for all the new constituencies to meet these rules.

14 This can be avoided to a certain extent if the European electoral regions are subdivided before the start of submissions to the boundary commission. Once they are allocated a given number of seats using the formula set out in the bill, or a slightly amended regional method with the proviso mentioned below, the average electorate within each sub-regional division should be used to set its own $\pm 5\%$ limits for electorates within that area. This, combined with slightly greater than currently proposed $\pm 8\%$ (about 6,080 electors) national limits, would rule out more extreme variations between constituencies representing around 98.6 % of the United Kingdom's total electorate who are not covered by my

suggested exceptions. This would reduce the likelihood of potential seats being too tightly constrained by how far their electorates can depart from sub-regional averages before coming up against one of the UK limits. However, care would still have to be taken not to draw up mathematically unviable sub-regions within the rules, in terms of the average number of electors for a given number of seats.

The potential need to divide polling districts

15 In recent decades parliamentary boundary reviews have traditionally been based on council wards which have not been divided between proposed constituencies, even if over time their own local electoral reviews often result in new wards straddling existing parliamentary boundaries. For electoral administration, local authorities often place a prefix in front of the letters used to designate polling districts in ward sequence across a whole authority to indicate the parliamentary constituency to which it belongs. A suffix is used to divide up polling districts split between existing constituencies, with the prefix used to indicate the new constituency arrangements that will come into force at the next general election. Thus it is possible to conduct a by-election efficiently using the same set of registers.

16 As the bill requires seats to be within $\pm 5\%$ of the UK average electorate, likely to be around 3,800, it will not be possible to leave wards undivided, especially in urban areas, and in Scotland since the introduction of Single Transferable Vote elections for local government. Birmingham is the most extreme example with wards ranging between 16,012 (Sheldon) and 20,208 (Springfield) local government electors. Thus in many areas it would be assumed that the smallest unit from which new constituencies could be devised would be the polling districts used to sub-divide wards purely for administrative convenience. However, my own polling district (CAB) in the Borough of Barnet just happens to have an electorate of around 5,000 which I doubt is that exceptional. Thus in certain places, even using polling districts could prove extremely difficult. To expect people to manually sub-divide a number of polling districts over a whole review area would be unreasonable - as a local activist it was bad enough doing this for the last local government boundary review for Barnet, when council wards can be devised from scratch.

17 Given the short time-frame proposed for electoral reviews, to level the playing field for parties making less well resourced submissions the respective boundary commissions should provide maps and detailed listings of electorates in every polling district in each review area. These numbers will have to be carefully compiled to discount people ineligible to vote in Westminster elections, including those under 18 on the relevant date. Since they are allocated polling numbers, it is not just a case of quoting the highest polling number for each polling district. Then if proposals with split polling districts have to be considered, a lot of the other ground work will have been covered by the collective resources which I have suggested should be made freely available. Even going down to polling district level in many places would mean that the number of potential permutations and combinations would be greatly increased within a given boundary review.

The nature of Alternative Vote election results

18 To correct a misunderstanding in the explanatory notes provided for the bill, if the Alternative Vote is adopted after being approved by a referendum, it is quite possible using this system for winning candidates to still be elected with fewer than half the total votes. This is possible because voters can decide whether or not to make further choices beyond their first or subsequent preferences, and thus votes are usually lost at each stage of the count

as candidates are eliminated and votes are not fully transferred. The counting system set out in the bill uses exactly the same method as single seat elections using Single Transferable Vote. While this is clearly stated by the Electoral Reform Society website, these pages make the same mistaken assertion that winning candidates will always gain the support of more than half the people who voted. However, real examples of how Alternative Vote elections would be counted can be seen in recent by-election results for the Irish Dáil on the ElectionsIreland.org website. In these single seat elections, only one of the last six winners has got over half the votes and “Made Quota” (as it is put) rather than simply being “Elected” with the highest remaining vote.

1 September 2010

Written evidence submitted by the Fawcett Society (PVSCB 24)

The Committee has requested views on the government proposals to:

- Hold a referendum on using AV at general elections
- Reduce the number of MPs from 650 to 600 through boundary changes
- Establish fixed term parliaments of 5 years

These will be enacted through several pieces of legislation, including the Parliamentary Voting System and Constituencies Bill.

Summary

- Given that the Committee Chair is interested in, ‘the widest number of people giving their views’ it seems particularly poignant that no mention of the lack of diversity among MPs was made in his appeal for public views on political reform. At present the views and experiences of women are under-represented in parliament, partly due to their low numbers. Given present discussion of political reform is imbued with a rhetoric of fairness – why not tackle the under-representation of women as part of the government’s agenda?
- The Parliamentary Voting System and Constituencies Bill is a key plank of this reform, yet it at present fails to address the major democratic deficit that is women’s under-representation in parliament. We propose scrutiny of how the government’s proposed measures could progress or regress women’s representation and highlight options for amendments to the Parliamentary Voting Systems and Constituencies Bill by which to increase women’s representation in parliament.
- The current process of political reform is a once in a generation opportunity to improve representation of women. The Committee seeks feedback on the government proposals to hold a referendum on the use of AV at general elections, reduce the size of the House of Commons through boundary change, and establish fixed-term parliaments. These are all proposals and processes which require attentiveness to their potential impact on the number of female MPs.

Context

1. Public dissatisfaction with the conduct of politicians in recent years, coupled with a general election campaign that was male-dominated and lacked any positive portrayal of female politicians, has fostered a demand for reform. Women make up just 22% of MPs, despite being over 50% of the population. The UK trails behind 57 other countries with a higher percentage of female MPs. A just and effective democracy should involve and reflect the needs of the entire population. Women pay the same taxes as men yet barely a fifth of the legislature are women – meaning they don't have a fair and proportionate say in how policy is made and managed. At the present rate of change (just 2% at the last election) it will take tens if not hundreds of years to achieve parity between women and men in parliament. This issue is a major democratic deficit and should be at the heart of debate. Government also has a legal duty to assess how these measures it is proposing could promote equality between men and women and tackle discrimination²²⁹.

2. Fawcett is extremely disappointed that in addition to the Bill's lack of reference to sex or gender, the scrutinising committee itself makes no mention of the under-representation of women in both houses in its appeal for responses. Given the extreme nature of the deficit of female political representatives, it is imperative that any attempt to reform the political system addresses this issue directly.

3. In responding to these proposals we suggest specific amendments to the Parliamentary Voting System and Constituencies Bill as well as broader issues around democratic reform which have been neglected:

a) Why has there not been adequate time given to the scrutiny of the implications of proposed reforms for the number of women in parliament, or opportunities to improve this?

Without proper scrutiny a new electoral system (or boundary changes) could reduce rather than improve the number of women in parliament. This would reduce rather than increase the fairness of our political system and make it less democratic. A switch to AV from FPTP will not necessarily mean increased political representation of women without additional positive actions measures, such as reserved seats for women or party mechanisms to ensure equal political representation of women.

b) Page 8 of the bill includes factors which boundary commissions may consider in their working. **We propose this is amended to include the likely impact on the number of male and female candidates and MPs.** The process of boundary change, together with the reduction of seats, has the potential to affect the number of women in parliament. For example, if established MPs lose their seats through the reduction of MPs (from 650 to 600) it could increase pressure on the selection of candidates for winnable seats. This is likely to reduce the opportunity to increase the number of new female MPs, and indeed could squeeze out newer or lesser known back-benchers as established (predominantly male) names take precedence. To address this, the Bill must include measures to assess the impact of all reform processes and policies on the number of women in parliament.

c) Page 17 of the Bill outlines the role of the Electoral Commission in promoting awareness of the referendum and encouraging participation. **We propose that the link between**

²²⁹ General Gender Equality Duty under Section 76A of the Sex Discrimination Act 1975 ("SDA").

electoral systems and the gender balance of parliament should be examined and discussed publicly – as something the general public have a right to be informed of before participating in the referendum. All electoral systems contain inherent biases which can affect the selection process, and contribute to the representativeness of parliament. They may also offer particular opportunities to introduce positive action measures to improve the balance of male and female MPs. There must be full and open discussion of these issues surrounding the referendum to enable the electorate to make a fully informed choice.

About the Fawcett Society

4. The Fawcett Society is the UK's leading campaign for women's equality and women's rights. Our vision is of a society where women, and our rights and freedoms, are equally valued and respected and where we have equal power and influence in shaping our own lives and our wider world.

5. We trace our roots to Millicent Fawcett's and the suffragists' successful parliamentary campaign for women's right to vote. Since then we have continued to work with parliamentarians on a cross party and non partisan basis to progress equality between women and men at home, at work and in public life.

3 September 2010

Written evidence submitted by Ipsos MORI (PVSCB 25)

Summary

1. Ipsos MORI is one of the largest and most respected companies conducting survey research in Britain. In recent years we have been commissioned by the Electoral Commission to conduct several pieces of research into the state of the electoral register in Britain and public attitudes to electoral registration.

2. Our registration research for the Electoral Commission falls into several distinct categories. These are:

- national survey research, in which we interviewed a nationally representative sample, but did not attempt to match their responses to their entries on the electoral register;
- detailed research into the accuracy and completeness of electoral register in eight local authorities chosen as case studies, which combines interviewing with a check of the register, but which measures the situation in these case study areas and not the national picture;
- data mining exercises in the same eight local authority areas, identifying apparent anomalies in the register and determining whether these indicate inaccuracies; and
- qualitative research (discussion groups and in-depth interviews) into attitudes towards registration, which provide insight into the way people think and feel about the issues but which do not produce quantitative findings to show how many people think in a particular way.

3. Our case study research into the completeness and accuracy of eight local authorities' registers was conducted in 2009. (These local authorities do not make up a nationally representative sample.) In each case, this consisted of checking the accuracy and completeness of the register entries relating to a sample of addresses within the local authority area, using face-to-face interviewing at the selected addresses.

4. The research indicates that completeness of the register (the proportion of eligible people who are registered) in our eight study areas ranges from 73% up to 94%. Accuracy (the proportion of register entries that correctly refer to people eligible to be registered) ranges from 77% to 91%. Note that in one case study, Knowsley, the register used for comparison was from February 2009, and the remaining areas the register was from May 2009, a longer time since the previous annual canvass.

5. The most frequent type of inaccurate entries found are those listing a name not matching anybody living at the address in question, many of whom may be former residents. Entries referring to derelict or unoccupied properties are also a common cause of inaccurate entries. Inaccuracies from being deceased, ineligible nationalities and date of birth errors are much less common.

6. Both inaccuracy and incompleteness are more common in reference to privately rented accommodation. Incompleteness is also more common among recent movers, young people and those whose ethnic group is not White British. The lowest levels of completeness and accuracy that we found were in urban local authorities (Lambeth and Glasgow).

7. Our data mining exercise, also conducted in 2009 in the same eight local authority areas, found that some apparent ‘anomalies’ of repeated names and unusually large numbers of people registered at an address could be identified using automated computer look-ups on the register. Our follow-up interviews showed that around half of the ‘anomalies’ identified by the computer look-ups in the eight case study areas actually refer to inaccurate entries.

8. Other research conducted by Ipsos MORI for the Electoral Commission across the UK between 2004 and 2010 shows that the public are broadly satisfied with the system of registration and are confident they know how to register.

9. While almost all of the public say they believe they are registered to vote, more in-depth research shows that many people think they are registered when they are not. This may be part-related to thinking that registration is automatic in some way.

10. Other common typologies of those not registered are being suspicious or nervous of ‘bureaucracy’, being politically disengaged or hostile, being a recent mover or ‘not having got around’ to registering.

Electoral registration

Research into accuracy and completeness of electoral registers for the Electoral Commission

11. The Electoral Commission is undertaking a rolling programme of research into the extent to which registers are incomplete or inaccurate, and commissioned Ipsos MORI to conduct research as part of this exercise.

Methodology

12. The research consisted of case studies of eight local authority areas in Great Britain. These were not intended to comprise a representative national sample, but to ensure a sufficient spread of different types of areas; it did not include Northern Ireland, where the system of registration is different. The figures should not therefore be seen as nationally-representative. However, we understand that our findings are generally in line with the

Electoral Commission's conclusions about the national picture based on other sources and methodologies.

13. The research was in two phases, with Phase One acting as a pilot study to test the methodology. In Phase One, interviews were conducted at 449 households in Knowsley between 23 March and 27 May 2009. In Phase Two, interviewing took place between 6 July and 17 September 2009 in seven local authority areas, with a target of 500 interviews in each: Derby, Glasgow, Hambleton, Lambeth, South Ayrshire, Swansea and West Somerset. In Phase One, our adjusted response rate was 67%, and in Phase Two 72% across the seven areas, varying from 56% in Lambeth to 82% in South Ayrshire.

14. Ipsos MORI and the Electoral Commission designed a random pre-selected methodology for this survey, using face-to-face interviewing, as we believe that this is the best way to estimate accuracy and completeness. Addresses where the research would be conducted were selected both from the electoral register and the Postcode Address File (PAF): this ensured that it was possible to check both for addresses at which nobody was registered to vote and for addresses appearing on the register which did not exist or were inaccurately recorded.

15. The sample was clustered, taking one in every four wards for each case study area. The selection of wards was stratified to ensure a broad mix of areas, and wards were selected with probability proportional to the size of their electorates.

16. Full sample breakdowns for each phase, including the number of interviews achieved, are detailed in the Electoral Commission's published report.

17. Weighting was necessary in our final findings to correct for the fact that the sample design meant that all adults in each area did not have an exactly equal probability of selection. We considered also weighting to compensate for non-response to the survey, but after analysis of data from addresses where no interview was achieved, we concluded that this was unnecessary.

Confidence intervals

18. Because a sample has been interviewed, and not the entire population of addresses in each area, our findings are subject to sampling error. As this was a random probability sample, where the exact probability of each person being chosen for interview is known, we can predict the likely variation between the sample results and the 'true' values. These are expressed as '95% confidence intervals' (or, less formally, the 'margin of error').

19. We also have taken into account the design effects caused by using a clustered sample and weighted data, which affect the confidence intervals.

The findings

20. The research aimed at estimating the levels of accuracy and completeness of the electoral register in each case study area.

21. Accuracy is a measure of the proportion of register entries that correctly refer to people eligible to be registered, and inaccuracy is therefore synonymous with over-registration; for example:

- Duplication of names and/or households;

- Ineligible people/addresses wrongly included; and
- Various forms of outdatedness (e.g. dead, moved).

22. Completeness is a measure of under-registration. That is to say, incompleteness is the proportion of people who are eligible to be on the register but not registered.

23. Table 1 shows our survey estimates of accuracy and completeness in each area, together with the confidence intervals associated with them. Fuller breakdowns for each area are included in the Electoral Commission's published report. Note that in Phase One, Knowsley, the register used for comparison was from February 2009, and in the Phase Two areas the registers were from May 2009. We may expect accuracy and completeness to decline the longer the period of time since the previous canvass in the Autumn.

Table 1 – Estimates of completeness and accuracy, with confidence intervals

<i>Area</i>	<i>Completeness</i>		<i>Accuracy</i>	
	<i>Estimate</i>	<i>CI</i>	<i>Estimate</i>	<i>CI</i>
Phase One				
Knowsley	94%	+1.3	91%	+3.0
Phase Two				
Derby	86%	±6.3	86%	±6.0
Glasgow	74%	±6.3	77%	±7.6
Hambleton	89%	±4.1	91%	±2.9
Lambeth	73%	±7.4	79%	±4.1
South Ayrshire	87%	±4.6	91%	±3.0
Swansea	89%	±4.1	83%	±11.9
West Somerset	86%	±5.6	89%	±3.3

Completeness

24. We were able to make comparisons of the levels of completeness and accuracy among different groups of the population across the seven areas studied in Phase Two. Again, it must be borne in mind that the sample was not designed to be nationally representative, so conclusions relating to our case study areas may not hold more generally.

25. Housing tenure is a key factor in completeness. Fewer than half (44%) of eligible adults who rent from a private landlord are on the register, while 95% of eligible adults who own their homes outright are registered. Private renters make up around two in five of all those eligible but not registered across the case study areas, rising to almost three in five in

Lambeth. More generally, owner occupiers (with or without a mortgage) are significantly more likely to be on the register than those who rent.

26. Recent movers make up a majority of those eligible but not registered. Those who are both a recent mover and who rent privately make up around one in three of those eligible but not registered when all seven Phase Two areas are taken as a whole.

27. Age is also an important factor in completeness. Fewer than half of those aged below 25 (and eligible) are on the register, while two-thirds (66%) of eligible adults aged 25-34 are on the register. Completeness levels generally rise with age, with 84% of those aged 35-44 on the register, rising to 97% of those aged 60-64.

28. There is also variation by ethnicity, with those who are 'White British' and eligible more likely to be on the register than those who are eligible and from another ethnic group (86% versus 69% respectively).

Accuracy

29. The most frequent type of inaccurate register entries at addresses where we completed interviews is entries listing a person not living at that address. Inaccurate entries listing names at properties our interviewers reported as derelict or unoccupied are also a common cause of inaccurate entries.

30. The highest proportion of errors in register entries are in those relating to properties rented from a private landlord, though many of these are minor errors such as mis-spellings rather than inaccuracies.

Data mining and follow-up interviews

31. In the same eight local authority areas, we also conducted a 'data mining' exercise, searching for apparent anomalies in the registers and then investigating a sample of these with follow-up in-home interviews to determine which were in fact inaccurate entries and which, despite appearing anomalous, were nevertheless accurate. These interviews were conducted over the same period as the Phase One completeness and accuracy research. This exercise was in part intended to understand the ways in which local authorities could undertake 'cleaning' of their own registers.

32. Anomalies were identified by computer look-ups on the eight registers, refined by 'eyeball' checking. We searched for several types of anomaly, but only two proved sufficiently frequent to merit investigation. These were identical names appearing twice (or more) in the same area, and addresses with more than the average number of names registered for that postcode (taking those addresses with three or more names over the average as potentially anomalous).

33. In total we found across the eight authorities 13,499 'repeated name' anomalous entries (about 1% of the total number of entries on the register) and 23,845 entries at addresses with an anomalously large number of names registered (about 1.8%). These figures varied substantially between the different authorities, as would be expected given the differing characters of their populations. (The number of 'large number of name' anomalies, for example, will be affected by the degree to which there is genuine variation in household size within single postcodes.) The inaccuracies so identified account for only a small proportion of the total number of inaccuracies in the register, as estimated in the completeness and accuracy research.

34. We then conducted in-house interviews at a sample of these addresses; in total, 610 interviews were achieved. Of the potentially anomalous cases we were able to investigate, we found in just over half of the cases (53%) of unusually large number of names that some or all of the entries were inaccurate, and that in two-fifths (41%) of the repeated names cases some or all were inaccurate.

35. In these ‘anomalous’ cases, most of the inaccuracies we found consisted of ineligible entries on the register (including incorrect multiple entries for a single eligible individual), with far fewer related to nationality or date of birth inaccuracies.

Other Ipsos MORI research on electoral registration

36. In a survey for the Electoral Commission just after the 2010 General Election, 97% of UK adults (aged 18+) claimed to be registered to vote. However, this probably over-estimates registration levels as those who are not registered may prefer not to admit it or may be less likely to participate in surveys. Respondents may also assume that they are registered when they in fact are not, as our wider research implies is often the case.

37. Young people, members of ethnic minorities, students and those in privately-rented accommodation are less likely to say they are registered (reflecting the patterns in our case study research and in our post-election research going back several decades).

38. The most common explanation for not being registered is not being eligible. The next most frequent are a lack of interest in voting and not knowing how to register. This reflects the findings of eight discussion groups we conducted in 2004-5 to explore public views on registration, which identified a number of typologies of unregistered people:

- False positives (people who believe that they’re registered when they are not);
- ‘Big Brother’ phobics (unwilling to provide their details because of suspicion of ‘bureaucracy’ or ‘government’);
- Those nervous of bureaucracy who find the actual process of completing the forms daunting;
- The politically disengaged who see no point in registering or voting;
- The politically hostile who actively dislike politicians and politics;
- Recent movers who have not yet registered. They tend not to have heard of the rolling registration process; and
- Some others who have not got around to filling in the form.

39. Those who are registered to vote give a wide variety of reasons for registering. In the 2010 post-election survey, the most commonly-cited reason is a desire to safeguard their vote or to have their ‘voices heard’ at elections. In the 2004-5 discussion groups, we divided those who were registered into three typologies: the politically engaged, the duty bound, and those who were also aware that registering is mandatory (though in our 2010 post-election survey only 12% of the public were aware that you can get fined for not registering).

40. Four in five of the public (82%) said they were satisfied with the system of registering to vote in December 2009. However, young people, many BME groups and those renting privately are less likely than average to be satisfied, as are people who are not on the register (only 44% of those who say they are not registered are satisfied with the system).

41. Common reasons expressed for dissatisfaction include the process being seen as inconvenient, difficult or time-consuming, lack of confidence in the Council/authorities not to make mistakes, and a belief that the post is unreliable.

42. Most of the public (89% in December 2009) are very or fairly confident that they know how to register. Again, the young, many BME groups, students, private renters and those not registered are less likely to feel confident.

43. In the 2004-5 discussion groups, common top-of-mind associations with registering included it being ‘old fashioned’, ‘time consuming’, and a ‘chore’. These perceptions were particularly common among unregistered voters. However, participants also did not have a great depth of knowledge about processes of registering to vote.

44. However, more recent Ipsos MORI qualitative research for the Electoral Commission in 2009 about the collection of Personal Identifiers under a system of individual electoral registration, showed that many valued the current canvass process as both painless and reliable, and many participants spoke of an ‘routine’ process of completing the annual form.

45. Both our quantitative and qualitative work show low levels of knowledge about many aspects of registration, and many misconceptions. A common misconception is that registering to vote is in some way ‘automatic’. In the 2010 post-election survey, 43% of UK adults said they believed that registering to vote is automatic if you are aged 18 or over, and 31% that it is automatic if you pay council tax.

46. Many also falsely believe that everyone has to provide their National Insurance number, their date of birth or their signature when registering to vote.

3 September 2010

Written evidence submitted by George Cooper, Chair, London Branch Association of Electoral Administrators (PVSCB 26)

I am writing on behalf of the London Branch of the Association of Electoral Administrators (AEA) to commend to you the response of the national Association to requests for evidence on the above Bill.

In addition to endorsing this detailed and important response, we would emphasise two particular points.

Firstly, the Referendum deriving from the Bill will be the first occasion that the Electoral Commission is service manager, as well as “Watchdog,” in a UK poll. It is, thus, an important new test for the Commission. The national AEA’s more detailed comments are contained within section 5 of their submission.

Secondly, the determination of the Bill to achieve equality of electoral constituency size by reference to a 5 percent margin of difference will make the problems of cross-boundary administration not merely more prevalent, but the norm. Local Government Boundary Reviews have long attempted to use this benchmark and it has meant that their other criteria for boundary delineation, of community identity and strong “physical” boundaries, have been sacrificed for a mathematical purity that does not add to the quality of representation.

The technical and administrative issues are again set out in detail in section 10 of the AEA submission, but we would very much draw your attention to the comment in 10.6 that “Electoral areas need to function as administrative entities as well as representative ones.....the impact on voters should not be underestimated. “ This is not a mere self-regarding argument.

These “cross-boundary” issues are complex not only for administrators but also for electors and, surely, for the representatives who serve them. They may involve liaison across councils for often quite small numbers of electors to ensure, for example, that poll cards are distributed and ballot papers properly collected and transported to the appropriate count. The time taken up in such arrangements on count night attracted much criticism this year in places where they applied.

In some London (and indeed other) Boroughs, transferring one ward from an oversized to an undersized constituency in pursuit of the 5% rule will merely reverse their status, leading to the need to use Polling Districts as building blocks, itself innately undesirable as Polling Districts are an entirely flexible unit of geography built around a Polling Station for the convenience of voters. They should not be set in stone as they might have to be under the 5% proposal.

Further, to have to deal with an additional set of different County, Borough or Parish Councils, Associations, Companies, Media Organisations and Voluntary organisations “just over the border” for the sake of mathematical purity, is, we submit, even more of a workload burden for Members of Parliament as it is for administrators.

The 5% benchmark will mean that many more principal area and County – whether historical or administrative - Boundaries will be breached in drawing up new Parliamentary Constituencies, and this includes London. The capital is clearly delineated at present for Parliamentary, European, Mayoral and Assembly elections and the possibility of outer London Boroughs reaching into all the surrounding Counties will surely be vexing for more than just the psephological industry.

In London especially, electoral equality in Parliamentary Constituencies does not equate to an equality of workload for either the elected or the officials who serve. We serve many thousands of EU electors, and others who are not entitled to register for parliamentary elections, who are still a large part of our community with all the needs that that entails, who will not feature in the calculations.

Finally, we doubt that either the equality or quality of representation and administration will be benefitted by applying an abstract percentage benchmark in preference to community identity and strong, sometimes historic, boundary considerations. These should still feature strongly in any move to achieve or maintain greater overall equality.

16 September 2010

Written evidence submitted by AEA Southern Branch (PVSCB 27)

Summary

- As Electoral Administrators we welcome the proposal for the electorate to be asked for their view on the current system of voting at parliamentary elections.
- We note that there is not a formal consultation on this with a series of questions on specific issues but rather just a general invitation to comment.
- We consider that the proposed referendum should NOT be held on the same day as local elections on 5 May 2011, but rather that it should be held on a separate day.
- We are very concerned to ensure that, if the proposed referendum is held on the same day as the local elections, any scheduled parish council elections are NOT postponed.
- The following specific comments are offered:

1. Timing

1.1 In order to allow authorities adequate time to plan for and allocate resources, and to ensure optimum participation of the electorate, the minimum lead-in time for the referendum should be 10 weeks.

2. The Wording of the Question

2.1 It is imperative that the question meets “Plain English”/ crystal mark standards and that it is understandable to all voters. The wording must be rigorously tested by the Electoral Commission to ensure that it is clear. We consider the proposed wording contained in the draft regulations too long and complicated.

2.2 We consider that the question on the ballot paper should be in English only. This could be supported by literature in other languages, depending on local circumstances.

2.3 We believe that the AV system will not be understood by many electors, so we consider it essential that the Electoral Commission take the lead in a publicity campaign to provide clear and neutral explanations on the choice being put to them at the referendum. We support the formal AEA national response on this point, particularly with regard to ensuring that jargon is not used. We also support the need identified by the AEA for clear and neutral explanations of the two voting systems to be available to counting officers, electoral services staff and polling station staff to ensure consistency of information to voters.

2.4 The Bill is extremely detailed with proposed amendments to existing legislation set out. We have not had sufficient opportunity to examine these in detail. We consider that the AEA should be given adequate opportunity to review the suggested amendments to the legislation to ensure that they are workable. For example, we consider that the direction to voters in Schedule 6, Part 1 - Amendment to the Parliamentary Election Rules, 12(2), should be revised to simplify it.

3 The Franchise

3.1 We support the recommendation that the franchise is the same as for Parliamentary elections. We do not understand why it is suggested that members of the House of Lords should be entitled to participate in the referendum. They are not entitled to vote in

Parliamentary elections so we fail to see why they should be entitled to participate in a referendum on voting systems for the parliamentary elections.

4 The Regulation of Campaigns

4.1 There should be national direction to promote public awareness, but we consider, very strongly, that Regional Counting Officers should not be responsible for this promotion. Responsibility should vest with a national body such as the Electoral Commission.

5 The administration of the referendum

5.1 We fully support the referendum being administered on local authority boundaries, with the results being collated on a regional basis, in a similar manner to the elections for members of the European Parliament.

5.2 We support the appointment of and proposed responsibilities for Regional Counting Officers, based on the system for Regional Returning Officers for European Parliamentary elections. These RROs already have appropriate mechanisms and networks in place.

5.3 With regard to the timing of the count of the referendum results, we are of the view that there will be different expectations surrounding the availability of the results when compared to elections for members of parliament or local authorities. There is pressure to count votes electing members as soon as possible following the close of poll for a variety of reasons, including a desire to know the political balance on the various bodies being elected, but this should not be the case for the referendum. Therefore we consider that Counting Officers should have flexibility to determine the time of the counts to accommodate other elections on the same day, and to ensure they are carried out in a cost-effective manner.

6. Combination with other elections

6.1 As electoral administrators we would prefer the referendum to be held on a separate day, and not combined with the local elections in May 2011.

6.2 If the referendum is combined with local elections on 5 May 2011, we strongly recommend that Parish Council elections are NOT postponed.

6 September 2010

Written evidence submitted by Dame Marion Roe DBE, Member of Parliament for Broxtowe 1983-2005 (PVSCB 29)

I wish to submit my view to the Committee that only British Citizens should be eligible to vote in the Referendum on the Alternative Voting System proposed in the Bill. Any decision to alter the process of electing the political party which will govern the United Kingdom should lie solely with the citizens of the United Kingdom, without the intervention from citizens from other countries around the world.

I have come to this conclusion for the following reasons:

I Principles

A. The proposal on 'who votes' in the referendum

1. The reply received to the Written Parliamentary Question put to the Minister, Mark Harper MP by Graham Brady MP on 26 July 2010, asking if he would bring forward proposals to provide that only British citizens may vote in referendums stated:

“The Government has no plans to restrict the franchise for referendums in general so that only British citizens are eligible to vote. Although the legal requirements for referendum are set out in the Political Parties and Referendums Act 2000, the question of who is entitled to vote in any particular referendum will be considered and determined in the light of the subject matter of that referendum. The franchise for the referendum on the Alternative Vote System is set out in the Parliamentary Voting System and Constituencies Bill, which the Government published on Thursday 22 July. Anyone who is entitled to vote in Westminster Parliamentary elections will be entitled to vote in the reference; this means that British, Republic of Ireland and qualifying Commonwealth citizens²³⁰

2. The question that would rise automatically on this issue is, how many Republic of Ireland and Commonwealth citizens are deemed to be resident in the United Kingdom and are, therefore, entitled to vote in Britain currently and how many are registered on the electoral rolls throughout the UK? Are their names systematically removed from the electoral register when they (eg students/specified-term workers) return to their own countries, thus preventing possible postal or proxy vote fraud by others?

3. The reply received to the Written Parliamentary Question put to the Minister, Nick Hurd MP on Monday 26 July 2010, by Graham Brady MP asking what recent estimate he has made of the number of citizens of (a) Commonwealth countries and (b) the Republic of Ireland on the electoral register, stated: “The information requested falls within the responsibility of the UK Statistics Authority. I have asked the Authority to reply.

The response from the Office for National Statistics stated, “ONS does not hold specific data on the number of Commonwealth citizens or Republic of Ireland citizens registered to vote”.

This is an odd reply when the motto of the ONS is, “Trusted statistics – Understanding the UK”, particularly when in the Spring of 2008, Lord Goldsmith QC, the Labour Attorney-General, published a paper on Citizenship Review entitled, *Citizenship: Our common bond*, in which he stated the following (on pages 75-6):

14. Voting in all elections, along with holding a passport, is the ultimate badge of citizenship. That view is reflected in the rules of most other countries around the world which do not permit anyone but citizens to participate – or to stand – in national or often even local elections.

15. Clearly in the UK we do not have the same clarity around the significance of citizenship. Those other than UK citizens may vote in UK elections, ie Commonwealth and Irish citizens, as well as citizens of other EU member states. Hence citizens are not distinguished from other in terms of their political status.

²³⁰ Qualifying means not requiring leave to enter or remain in the United Kingdom, or having been granted it. Commonwealth citizens are entitled to vote in all UK elections under the Representation of the People Act 1983, placed on the statute book nearly 30 years ago.

16. Of course, there are very clear reasons why this is true for citizens of EU member states. The issue of voting rights in European and local elections across the EU is an element of a common European citizenship. I do not propose that this is re-examined.

17. However, I do propose that government gives consideration to making a clear connection between citizenship and the right to vote by limiting in principle the right to vote in Westminster elections to UK citizens. This would recognise that the right to vote is one of the hallmarks of the political status of citizens; it is not a means of expressing closeness between countries. Ultimately, it is right in principle not to give the right to vote to citizens of other countries living in the UK until they become UK citizens.

18. Turning citizenship into a more explicit statement of political membership in this way will also provide a clearer rationale for why acquisition should be marked by a ceremony or depend on learning about life in the UK.

Naturally, under Lord Goldsmith's recommendations, Commonwealth and Republic of Ireland citizens would not be eligible to vote in referendums, EU citizens would not qualify either.

B Hidden Data

Bearing in mind the recommendations of Lord Goldsmith QC in 2008, why did the Electoral Commission or the Office for National Statistics not immediately set out to discover the numbers of Commonwealth and Republic of Ireland citizens involved, ie (a) the approximate number of Commonwealth or Republic of Ireland citizens living, working or studying in the UK, who were eligible to register on the UK electoral rolls and (b) the exact number that had done so at a specific date, eg 1 January 2009.

This exercise would have been very simple. Nowadays, following a speech I made in Westminster Hall on 5 May 2004 on 'The integrity of the electoral register', there is a 'nationality' column on every householder voter application form that is sent to the parliamentary constituency electoral registration officer. There is, therefore, a computer record held by each constituency ERO throughout the UK on the nationality of every voter on the electoral register. This practice is essential in order to identify EU citizens who can only vote in local government and EU elections.

Under the Freedom of Information Act, I have ascertained the numbers of British, Commonwealth, Republic of Ireland and EU citizens on the electoral registers in certain parliamentary constituency areas of the UK. For example, at the beginning of 2010 in Birmingham, there were 24,760 Commonwealth citizens on the electoral roll, 17,930 in Croydon, 15,694 in Greenwich, 13,243 in Westminster and 10,966 in Leeds.

There is no doubt, therefore, that the Electoral Commission or the ONS can discover the figures relating to British, Commonwealth, Republic of Ireland, EU citizens registered to vote in each Westminster parliamentary constituency for the whole of the United Kingdom for a specific date, say polling day for the 2010 general election or the 31 October 2010, without any difficulty.

The question that must be asked is why the numbers of citizens from other countries voting in all UK elections, general, local government and sending representatives to the European

Parliament are kept hidden? Perhaps the members of the Political and Constitutional Reform Committee could request that this information is put into the public domain? This would counter any possible claims that the British public is being hoodwinked into believing that they are electing the government that rules at Westminster or making decisions through a referendum which would affect the future democratic format for electing a national government. There is no doubt that the vast majority of the British people are totally unaware of the intervention of a large number of citizens from other countries in electing the UK government at a general election.

One must remember that Commonwealth and Republic of Ireland citizens are also able to vote in elections and referendums in their own countries, as well as in every election in the UK.

C Commonwealth Citizens²³¹

There are 54 Commonwealth countries, including the UK. This means that, at the moment, citizens from 53 countries around the world, living, working or studying in the UK have the right to vote in all our elections and in the referendum proposal to change our democratic infrastructure by introducing the Alternative Vote System, even though some of them have only arrived in the UK recently and cannot speak English very well, let alone understand our democratic procedures. Between April and June 2010 official figures published by the ONS at the beginning of August 2010, showed that over 51,000 Commonwealth started work in the UK.

Of the 53 Commonwealth countries, two have had no colonial connections with the UK in the past (Mozambique and Rwanda). Some might even argue that the Cameroons also have significant French history! At the bi-annual Summit in Uganda in November 2007, five other nations, including two former French colonies, expressed interest in joining the Commonwealth: Algeria, Cambodia, Yemen, Sudan, Israel and the Palestinian Territories. Will citizens from all these countries be able to vote in all elections and referendums in the UK as well in the future?

In the speech I made in Westminster Hall on 'The integrity of the electoral register' on 5 May 2004, I drew attention to the fact that only 14 out of 53 Commonwealth countries offered reciprocal arrangements for British citizens to vote in their countries. They are mostly islands in the West Indies: Barbados, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Belize, Dominica, Grenada, Guyana, Malawi, Mauritius, Namibia and South Africa. Even citizens from countries that have been suspended from the Commonwealth are still entitled to vote in the UK.

For example, in reality, this means that, if I were an Australian citizen, I could come to the UK, buy/rent a property or reside with family/friends, add my name within months to the electoral register, through the rolling register system, and start adding my vote and influence on which political parties govern at local, mayoral, general and European elections, and as it would appear within the Bill, participate in a referendum on the UK voting system. However, I as a British citizen, could not go to Australia and vote on the same basis, as there is no reciprocal arrangement. The same applies to the remaining 38 British Commonwealth

²³¹ The British Commonwealth was renamed the Commonwealth of Nations in 1949.

countries: Canada, India, Pakistan, Nigeria, Kenya etc, I cannot vote there either. It also seems bizarre that Commonwealth citizens are permitted to vote in European Parliamentary elections, choosing the UK representatives in Europe!

I think that the vast majority of our Commonwealth cousins are displaying very clearly that they believe the umbilical cord with the Mother Country has been cut in this respect and that we should accept that this is their desire.

In fact, I fully sympathies with their view on this matter. I am a strong supporter of the Commonwealth – our Family of Nations – and the role that our Commonwealth cousins play within the Organisation and on the international stage, a family of independent nations and equal partners working to a common set of values, many originating from our historic past.

However, in the 21st century I think that it would be inconceivable to suggest that Commonwealth citizens from all over the world should have the right to vote in elections and referendums in every other Commonwealth country where they may be living, working or studying. This would totally undermine the right of the citizens of each independent country to determine which political party governed them in the best interests of their country. Their citizens' voice would be muffled by such an intervention and I would consider it to be a breach of the meaning of true democracy. As Lord Goldsmith said, "Voting in all elections, along with holding a passport, is the ultimate badge of citizenship. That view is reflected in the rules of most other countries around the world which do not permit anyone but citizens to participate, or to stand, in national or often even local elections"

Is it not time to consider that this outdated relic from British's Empire and colonial past, which enables Commonwealth citizens to vote in all UK elections or referenda, should be removed?

Surely, British citizens should enjoy the same rights that Commonwealth citizens enjoy in their own countries during a referendum which is posing significant questions that refer to the future administration of the democratic process, the results could have serious implications for the political stability of the British nation in the long term?

D Citizens of the Republic of Ireland

Because of the Consolidated Act under the Representation of the People Act 1983, citizens of the Irish Republic can vote in the UK and a reciprocal arrangement exists for British citizens to vote in the Republic of Ireland, subject to a residential qualification of three months.

It must be remembered that the Republic of Ireland is a Member State of the EU and their citizens, therefore, would always have the automatic right to vote in local government and European elections in the UK.

It should also be remembered that the Good Friday Agreement confirms the right of the people of Northern Ireland to take British or Irish citizenship or both. Anyone who exercises their right under the Agreement to identify themselves as Irish and to take up Irish citizenship should not lose their right to vote in Westminster elections as a result of any change made to restrict voting rights to UK citizens.

Subject to the above, I still feel that our Irish friends would understand why I believe that only British citizens should vote in a referendum relating to proposals that would change the

UK democratic infrastructure. However, it would be interesting to research whether British citizens have been eligible to vote in referendums in the Republic of Ireland in the past. This could give a guide on how our Irish friends have handled this type of issue and how the UK should now respond to this question. I therefore, raise the query that consideration should be given to the honourable way to proceed in this particular station.

II Preventing voting fraud

A Photo-identity at the polling station

I believe that it is vital that on Polling Day, whether for an election or a referendum, photo-identity should be shown by every voter before they are handed a ballot paper, in order to prevent impersonation.

This policy already exists in Northern Ireland and as a result, has established greater confidence in the election results in that corner of the UK. If this policy operates successfully in one part of the country then why is it not covering the rest of the UK? If one collects a letter or parcel from a Royal Mail sorting office because, for one reason or another, it could not be delivered to the addressee, one has to show photo-identity before the item is handed over to the person collecting it. If this policy is in place to secure that the correct person receives a letter or a parcel, surely a ballot paper is just as precious and precautions should be installed to ensure that the legitimate voter uses it.

The Bill relating to a referendum should ensure that only those entitled to vote on the proposals should receive a ballot paper and that there is no opportunity for fraud.

B Individual voter registration application form to be submitted to the electoral registration officer

It is vital that legislation is introduced as soon as possible for the householder voter registration form to be replaced by an individual voter registration form with six identifiers: name, address, date of birth, National Insurance number and signatures – as now practised in Northern Ireland. In order to prevent serious fraud at all elections (as well as a referendums) there should be no delay in implementing this proposed legislation.

For any citizen who is not British, there should be a column for their passport number and place of birth, so that appropriate check can be made on the validity of the application.

One has read of many complaints in the national newspapers of alleged fraud concerning people voting who are not eligible or do not exist, which demonstrated that this issue need to be addressed urgently in order to restore confidence in election results throughout the UK. The speech that I made on 5 May 2004, relating to the ‘Integrity of the electoral register’ and the subsequent written evidence that I have given to the former Constitutional Affairs Select Committee in their later inquiry on this issue provides plenty of evidence that this is an urgent matter.

III Conclusion

The good sense of the British people in the past has guaranteed that we have not had a dictator for over 350 years in our country, Cromwell was our last dictator, nor have we engaged in violent revolution during that time. Long may that last!

Our choice of our democratic infrastructure has served our country well over hundreds of years ensuring that we live in an environment that values and supports freedom of speech, as

well as reasoned argument and political challenge. Peoples from all parts of the world respect our tolerant society and some may even wish that they could enjoy the same in their own country.

If any part of our democratic system is to be reviewed and changed, it is my contention that it must be the citizens of the UK along who should be consulted in a referendum,. It is they who should decide if a new approach is in the best interests of the UK, nobody else. History reveals that the British have ‘got it right’ over centuries on how the elections of governments are organised and respected and, therefore, they should be given the opportunity to cast their votes in this referendum without the intervention of citizens from other countries around the world.

I believe that our Commonwealth cousins will understand this desire and will realise that this is not intended as a slight against their goodwill towards Britain nor their contribution to our country in many ways, this is not a denigration of their status in British minds, they are viewed with deep affection, which our sporting links emphasis constantly. However, I believe that many will recognise ‘fair play’ on this special and unusual occasion of a referendum in the UK and will, I hope, acknowledge the argument.

As reasonable people, I trust that the vast majority of Commonwealth citizens will appreciate that the rights that they enjoy in their own countries should also be available to British citizens in the UK.

A final quote from Lord Goldsmith, “...the right to vote is one of the hallmarks of the political status of citizens; it is not a means of expressing closeness between countries”.

10 September 2010

Written evidence from the Electoral Commission (PVSCB 30)

May I take this opportunity to thank you again for the opportunity to appear in front of your Committee. During the course of our oral evidence we undertook to come back to the Committee on a few issues where we could not provide detailed answers, I hope that this letter will address those outstanding questions.

Date of the Wales Referendum

You asked me to discuss with my Board what recommendation we would make about potentially holding the planned referendum in Wales on 5 May 2010, alongside the scheduled elections and the proposed referendum on voting systems.

As I’m sure you have seen, the First Minister in Wales and the Secretary of State for Wales have recently announced that they intend to hold the referendum on 3 March 2010. Under the circumstances, I feel it would now be inappropriate for us to assess the merits of holding the referendum on a different date to that proposed.

Funding for Electoral Registration Officers

As discussed in our evidence, the Commission has not received any representations from electoral administrators about a significant impact on their funding as a result of the cuts in public spending.

The latest (and first) analysis of the financial information that we have collected from Returning Officers and Electoral Registration Officers is enclosed for your information. Our next report will be available by the end of the year and will allow us to look more closely for any trends in the levels of funding, which we will, of course, be more than happy to share with you.

Registration Levels and Turnout

The Commission has not made an assessment of the link between turnout and levels of electoral registration. The absence of reliable data on registration rates at the local authority level presents a substantial challenge. The estimated registration rates for local authorities and parliamentary constituencies which are often quoted (using entries on the register and population estimates) would not be accurate enough for this purpose. Consequently, research into this subject would be complex and, to reach any meaningful conclusions, reliable data on registration levels in a substantial number of constituencies would be required so that a full study could be undertaken and, as I'm sure you can imagine, gathering this amount of data would incur significant costs.

The data the Commission has on the eight local authorities which recently served as case studies could be used as part of such an assessment, but these would not on their own be sufficient for assessing whether there is a correlation between registration and turnout. To gather sufficient data on registration levels in other local authorities ahead of the 2011 Census would be very costly and our resources are focused at present on practical attempts to drive up voter registration. I am sorry that we cannot be more helpful on this subject.

Report on question assessment

I also wanted to take this opportunity to confirm that we will be publishing our report into the intelligibility of the proposed referendum question at 10am on Thursday 30 September and we will ensure that you and your Committee members all receive a copy by e-mail at that time. We understand from House of Commons Table Office that, although not ideal, Members can table amendments during Recess (up until 4.30pm on Thursday 7 October) that will be eligible to be debated in Day One of Committee Stage on 12 October.

We also offered to appear before the Committee in October to talk about our question assessment report in more detail and I know my office have been in contact with the Committee clerk to try to arrange this.

I also wanted to take this opportunity to remind you, and your Committee, of the seminar that we are holding in Parliament at 1.30pm on Tuesday 12 October where we will be setting out in more detail the Commission's role in running a referendum and answering any questions Members might have about related issues in the PVSC Bill. I know that members of your Committee have already covered this ground with us, but they may be interested to know that it is taking place.

Finally, we have made available the links to the Commission's recent reports and papers that we referenced during our evidence session and I hope these will prove to be of use.

The paperwork surrounding the Board's decision not to oppose combination on principle:

<http://www.electoralcommission.org.uk/news-and-media/our-views>

The 2010 report on registration research (the 8 local authorities):

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0018/87111/The-completeness-and-accuracy-of-electoral-registers-in-Great-Britain.pdf

The Making Your Mark guidance:

<http://www.dopolitics.org.uk/making-your-mark>

27 September 2010