



## BRIEFING PAPER

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# Electronic recording of divisions

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## Summary

There have been calls for the introduction of an electronic voting system in the House of Commons. Proposals have included the use of identity cards or finger prints to record Members' votes. Most proposals would allow the practice of dividing, where Members walk through the division lobbies to record their vote, to continue: many Members value this practice as it gives them time to talk to senior colleagues.

In March 2015, a number of divisions were recorded, in part, on tablet devices, in a pilot scheme: division clerks marked the names of Members passing through the lobbies on tablets instead of on paper. Tablets have been used to record divisions that are subject to a double majority under Standing Orders adopted in October 2015 to implement the Government's plans for "English votes for English laws". The use of tablets to record all divisions is expected to be fully implemented later in the current Session. House of Commons staff have been asked to carry out some preparatory studies of the introduction of voting by using security passes.

The use of electronic voting systems is common in many other parliaments. In some cases, the system relies on Members being allocated their own places in the Chamber but in other cases voting stations are provided.

# 1. Background

A division in the House of Commons is called by the Speaker if Members register disagreement when s/he 'puts the question' (puts a motion to the vote), by saying:

The Question is, that ... [for example, the Bill be read a second time]. As many as are of that opinion say Aye", (there then follows a chorus of shouted Ayes), "of the contrary No" (a similar shout of No).....

At this point, if there is no dissent, the Speaker will say "I think the Ayes (or Noes) have it" and the motion will be agreed to (or negated) without a division. If there is dissent, the Speaker will put the question a second time after two minutes. If dissent is affirmed again, a formal division takes place.

In a division, Members vote by walking through either an Aye (yes) or a No lobby (this is known as dividing). In each of the lobbies there are three desks occupied by Parliamentary clerks, who mark Members' names off on division lists as they pass through. Then, at the exit doors, the Members voting are counted by two Members, acting as Tellers.<sup>1</sup> The Parliamentary clerks subsequently check the division lists before they are scanned in and published (usually 2-3 hours later).

This demonstrates the practice that Josef Redlich identified in his 1908 review *The Procedure of the House of Commons*: "A vote in the House of Commons must be given personally".<sup>2</sup> This rule has always been observed. However, Erskine May notes that:

If any Members who are disabled by infirmity from passing through the lobby are present in the precincts of the House and wish to vote, their names are communicated to the clerks and to the tellers, and are included in the numbers counted.<sup>3</sup>

No provision is made for Members who are not in the precincts to vote.

There have been proposals to introduce different forms of electronic voting, such as Members using security passes to record their vote in the lobby.

## 1.1 Modernisation Committee

The Modernisation Committee considered the House's voting system in 1998. The Committee listed the following advantages and disadvantages of the current system:

5. Its main advantages appear to be these:
  - It is simple and straightforward.
  - It has a high degree of accuracy. There may be slight discrepancies between the names recorded by the clerks and the numbers counted by the tellers, or one Member may be recorded as having voted instead of another with a

<sup>1</sup> More information is available in Library Briefing Paper 6401 [Divisions in the House of Commons](#).

<sup>2</sup> Josef Redlich, *The Procedure of the House of Commons*, 1908, vol II, p233

<sup>3</sup> Erskine May, *Parliamentary Practice*, 24th edition, 2011, p413

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similar name; and occasionally the tellers report inaccurately the numbers who have voted.

- It is proof against fraud. It is unlikely that a Member could vote in the place of another without being detected; and extremely unlikely that a non-Member could vote in place of a Member.
- It offers Members a valued opportunity to meet their colleagues. (In varying degrees this is also true of the electronic systems which are discussed below.)
- It requires no additional expenditure.

6. On the other hand, it has certain disadvantages:

- It is time-consuming. Divisions regularly take 12-15 minutes to complete.
- The lobbies are often congested, and many Members may have to queue for several minutes before recording their vote. These inconveniences are particularly severe when a large number of Members wish to vote in the same lobby.
- There is no opportunity for Members to record an abstention. Only Ayes and Noes can be recorded; the names of Members who are present in the Chamber but do not vote are unrecorded, just as if they were absent from the House.
- Members who vote in the wrong lobby have no opportunity to correct their mistake. They can vote in the other lobby and thus cancel their original, erroneous vote; but they cannot cast an effective vote.
- There is a slight delay [2-3 hours] after each division before names of the Members who have voted are made available.<sup>4</sup>

The Committee consulted Members on proposals to modify the current voting system as well as four electronic voting systems:

- smart cards and non-contact readers
- fingerprint readers
- touch screens
- infra-red handsets and remote detectors.<sup>5</sup>

The first two options would retain the existing 'aye' and 'no' lobbies: Members would record their vote using their smart card or fingerprint. For the third option, it was envisaged that kiosks with touch screens at which Members could record their vote either way would be installed in the lobbies. The fourth option allowed Members to stay in the Chamber while voting by pointing an infra-red device at a detector and pressing a button (rather like a television remote control).

Following the consultation, the Committee concluded that the present voting system was supported by a majority of Members, and that no one alternative appeared to command any great support. However, the

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<sup>4</sup> Modernisation Committee, *Consultation Paper on Voting Methods*, 29 April 1998, HC 699 1997-98, paras 5-6

<sup>5</sup> *Ibid*, para 11

Committee asked the Clerk of the House to “investigate means of modernising the current method of marking names by division clerks with a view to speeding up the production of the marked list.”<sup>6</sup>

Meanwhile, some support remained for the idea of electronic voting, expressed for instance in Robin Cook’s memorandum to the Modernisation Committee in 2001, whilst he was Leader of the House,<sup>7</sup> and various statements from Caroline Lucas, leader of the Green Party, in 2010-11.<sup>8</sup>

## 1.2 Digital Democracy Commission

The Digital Democracy Commission reported in January 2015 on ways in which Parliament could use technology to encourage political engagement in society. One of the five key targets the Commission outlined was that “By 2020, Parliament should be fully interactive and digital”. One of the recommended actions to meet this target concerned electronic voting:

We would like to see more radical changes to the system of recording votes in the House of Commons. We recognise that Members value the chance to meet Government Ministers and other MPs during votes, as this gives them an opportunity to raise important issues with one another. Our recommendation therefore would not affect this tradition of walking through division lobbies. We are simply recommending that MPs should use their smart identity cards to record their votes against card readers in the lobbies. This would produce an electronic record of how MPs have voted more quickly and accurately than under the current system. [...]

**29. During the next session of Parliament the House of Commons should move to record votes using MPs’ smart identity cards but retain the tradition of walking through division lobbies.**

[...]

**30. The House of Commons should also pilot an electronic version of the practice of ‘nodding through’ MPs who are physically unable to go through the division lobbies, which would enable MPs who are unwell, or have childcare responsibilities, or a disability, to vote away from the chamber.**<sup>9</sup>

On 8 December 2015, Tom Brake responded to a Parliamentary Question about the introduction of electronic voting in the House on behalf of the House of Commons Commission:

The Commission has given no formal consideration to a move to digital voting in the House. Its responsibility in this matter is

<sup>6</sup> House of Commons Modernisation Committee, [Voting Methods](#), HC 779, June 1998, para 4

<sup>7</sup><http://www.publications.parliament.uk/pa/cm200102/cmselect/cmmodern/440/44003.htm>. See also [a research paper produced](#) for a Northern Ireland Assembly enquiry in 2007.

<sup>8</sup> See, for instance, her [submission to the enquiry](#) *Sittings of the House and the Parliamentary Calendar*, HC 1370, 2010-12, in July 2011.

<sup>9</sup> Digital Democracy Commission, [Open up!](#), 26 January 2015, para 11.3

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limited to any financial or staffing implications of any change to the present system, were a change to be agreed by the House.

In January 2015 the Speaker's Commission on Digital Democracy recommended that the House should move to record votes using Members' security passes but retain the tradition of walking through division lobbies. The House has not yet been invited to respond to this recommendation. House officials have undertaken some preparatory studies in the event of the House deciding to endorse this proposal. Members wishing to pursue the issue can seek a debate via the Backbench Business Committee or raise it with the Procedure Committee. It would also be open to Ministers to bring forward proposals.

Accurate recording of divisions and timely publication of division lists are critical business activities of the House of Commons. The House Service has therefore been investigating means of electronic recording of divisions since October 2014, with a view to improving the timely publication of division lists, making division data more accessible to the public and easier to analyse, and improving accuracy. A trial was held in the House in March 2015 in which seven divisions were recorded in part by division clerks on tablet devices. Full implementation of tablet recording of divisions is expected to take place early in 2016. In the meantime, any divisions held under the new English votes for English laws procedure will be recorded on tablet devices, because the tablets can generate the results required under the 'double-majority' system. Electronic recording of votes by division clerks will not in itself alter the requirement for Members to vote by walking through the lobbies.<sup>10</sup>

Different forms of electronic voting were briefly discussed on 21 January 2016, when the Leader of the House was asked what steps he was taking to modernise the House's voting system. Tasmina Ahmed-Sheikh (SNP) argued divisions currently took too much time and suggested "moving forward with a system of electronic voting and look to other Parliaments across the world, not least the Scottish Parliament, which uses it to great benefit".<sup>11</sup> The Deputy Leader of the House of Commons, Thérèse Coffey, responded by saying that:

many Members value the opportunity given by the time during Divisions to see not only each other but Ministers and similar. The number of hours available in this House for scrutiny of the Government and legislation far exceeds that in other Parliaments in this country and, indeed, around the world.<sup>12</sup>

Meg Hillier (Lab/Co-op) said that the Digital Democracy Commission had urged the House to develop proposals to introduce "voting by swiping smart cards" and asked what progress had been made. Thérèse Coffey said that she was not aware of any proposals to introduce swipe cards.<sup>13</sup>

Members debated the introduction of the Digital Democracy Commission's proposals during a Westminster Hall debate on 10 February.<sup>14</sup> Margaret Ferrier (SNP) and Caroline Lucas (Green) suggested

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<sup>10</sup> [PO 18132](#) [House of Commons: Electronic Voting], 8 December 2015

<sup>11</sup> [HC Deb 21 January 2016 c1547](#)

<sup>12</sup> *Ibid*

<sup>13</sup> *Ibid* c1548

<sup>14</sup> [HC Deb 10 Feb cc619-26WH](#)

electronic voting would save Parliamentary time, and Kevin Foster (Con) noted that division results should be available more quickly. Meg Hillier (Lab/Co-op) agreed and noted that abstention should also be recorded. She also said:

Clearly, any new approach will have problems, so it is worth teasing out what some of those are in the hope that they will be openly discussed and resolved. MPs could lose their smartcards, if that system is the one implemented, which may mean that fingerprints could be a preferred method. MPs could pass their cards to the party Whip or other MPs who could impersonate them or vote in their place, so we would need a system for verification. Verification currently allows for those who are on the premises but unable to vote in person to be nodded through by the Whips. I voted that way a number of times after my youngest daughter was born. The Whips nodded me through, but only after an Opposition Whip was satisfied that I was present, so we have a very crude way of verifying now. I think that could have been done differently and, certainly, we could look to improve it.

The cost of upgrading the system is not to be sniffed at. On Monday, the commission had reports from Officers of the House that it could cost more than £500,000 over the next three or four years, if decisions were made quickly. However, the long-term benefit could justify the one-off cost. Restoration and renewal of this Parliament provides a big opportunity to modernise this core activity of MPs.[...]

It is worth stressing, as the hon. Member for Torbay said and as we heard from many Members—this is why we did not go for distant, remote electronic voting as a recommendation—that the ability to work closely and talk to Members on a daily basis is a very big part of the work of this House. It is important that that spirit is seriously considered in any change. However, I am directly asking the Deputy Leader of the House to take this matter very seriously and to ensure that the Government do not knock it into the long grass. It is a matter for the House. She is our champion, along with the Leader of the House, to Government. I hope she takes this seriously, because we need a green light to investigate change.

From talking to officials in the House, I know that, at the moment, there is a lot of enthusiasm for embracing the commission's recommendations. A number can take place without interference—dare I say it?—from hon. Members. However, this is one where we really need to be engaged and I hope that today, the Deputy Leader of the House will set out a clear timetable on the measure and commit to serious consideration of its potential benefits and to reporting back to the House on that progress.<sup>15</sup>

The Deputy Leader of the House of Commons (Dr Thérèse Coffey) responded by saying:

On Lobby voting, the House service has been investigating the electronic recording of Divisions and the hon. Lady will be aware that we had several attempts in the last Parliament and this. Errors occurred, but were addressed by the tellers to make sure that Members' votes were recorded. Full implementation of tablet recording of Divisions is expected later in this Session—certainly before the summer—but among the many goals set out by the

<sup>15</sup> HC Deb 10 February 2016, cc620-1WH

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commission, it recommended retaining the tradition of walking through the Division Lobbies.

The hon. Lady referred to swipe cards and raised issues such as verification. I understand that some of the early scoping and ideas that are being discussed so far suggest that Clerks would still do a physical check to ensure that an hon. Member's photograph on their swipe card goes with their face.

The hon. Lady referred to fingerprints. I think hon. Members would be anxious about that and I suggest, in the kindest way, that it needs a lot more work and engagement with colleagues. She mentioned 30 people. Scottish National party Members are obsessed with electronic voting because of their experience in the Scottish Parliament, but I suggest that the Procedure Committee should look at that.

[...]

I value the tradition of linking debates to votes, and I think that matters. I realise that the hon. Lady's swipe card idea would still do that, but the physical presence of MPs really matters. The hon. Member for Brighton, Pavilion (Caroline Lucas) referred to abstention. I suggest that voting in both Lobbies is a way to record that now.

On progress, I cannot tell the hon. Member for Hackney South and Shoreditch that I have made a timetable. I suggest that considerably more debate needs to be had with a wider range of Members—<sup>16</sup>

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<sup>16</sup> HC Deb 10 February 2016, cc622-6WH (motion lapsed)

## 2. Electronic recording of divisions

During a trial in March 2015, several divisions in the House of Commons were recorded on tablet devices. The procedure of the divisions was identical to the current practice, but division clerks recorded the names of Members walking through the lobbies on tablets instead of on paper.

Since the introduction of the English Votes for English Laws procedures, divisions on motions requiring double majorities have been recorded on tablets. Following the trial, it was confirmed that all other divisions would be recorded on tablets. This is expected to begin later in this Session. The House of Lords has recorded divisions on tablets since June 2015.

### 2.1 Tablets: pilot

Tom Brake, representing the House of Commons Commission, gave details of the trial of recording votes on tablets held in March 2015 in response to a PQ on 11 September 2015:

A trial was held in the House in March 2015 in which seven divisions were recorded in part by division clerks on two tablet devices. Those two devices had been purchased in February 2015 and a further four devices were purchased in May, in preparation for the next phase of the project. The devices chosen, for the use of House officials administering divisions, rather than hon. Members, had recently been added to the equipment catalogue for Members, so met Parliament's requirements in terms of security, screen size and technical compatibility. They were purchased from a supplier on the Sprint procurement framework.

Full implementation of tablet recording of divisions is expected to take place later in the current Session. This change had been planned before the announcement of the Government's proposals for English votes for English laws, although the use of tablets would make it easier and quicker to provide the results of divisions taken under the proposed 'double-majority' system.<sup>17</sup>

### 2.2 English votes for English Laws

Under Standing Orders adopted in October 2015, certain decisions are subject to double majority votes. Motions relating to statutory instruments certified as relating exclusively to England, or to England and Wales, and within devolved legislative competence; certified motions relating to Lords amendments and messages; and motions relating to local government finance settlements, police grants and student fees are subject to double majority voting.

Patrick Grady (SNP) asked the Leader of the House on 14 January 2016:

After the Legislative Grand Committee on Tuesday, there were some rather forlorn-looking Clerks in the Division Lobbies packing away iPads that had not been used, having been specially set up to record English votes for English laws. Given that these tablet devices have been paid for and exist, why not put them to use to

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<sup>17</sup> [PQ 8688](#) [Electronic Voting], 11 September 2015

record all Divisions in the House as the first step towards a 21st-century system of electronic voting?

**Chris Grayling:** I think that is the intention. The House of Lords is already using iPads to record Divisions, and it seems to me entirely logical that we should do the same. The system is now in place for the double majority votes, and it is my hope and expectation that we will move to general recording in the very near future. There is no reason not to do that.<sup>18</sup>

Before the full system is rolled out, division clerks have used an interim system to record votes under the new 'English votes for English laws' procedure on tablet devices. Use of the tablets means that a "double-majority" number can be produced rapidly following a double-majority division as provided for under the new EVEL standing orders. For these votes the Tellers will continue to count the UK numbers but the division clerks will provide the Tellers with the England (or England and Wales) totals, as provided by the tablet devices. Divisions in one of the new Legislative Grand Committees, in which only English (or English and Welsh) Members can vote, will also be recorded on tablet devices during the interim period.<sup>19</sup>

### 2.3 Recording all divisions on tablets

'Standard' divisions will continue to be taken on paper until full tablet recording is rolled out. The key benefit of moving to full tablet recording of divisions will be that division lists can be published online quickly, by cutting out the stage of the process whereby paper division sheets are photocopied and provided to Hansard for scanning into their software. It currently takes three hours for division lists to be published online in the rolling Hansard. There is a demand from the Whips for quicker production of division lists, and from the media for quicker publication, especially for high-profile votes. Tablet recording of divisions will enable division results to be published on data.Parliament—and at a later stage, on the Parliament website—as early as 15 minutes after the conclusion of the division.

Tablet recording could arguably reduce division clerk errors, although this would need to be proven by a long period of testing.

### 2.4 Using security passes to vote in the lobbies

The Digital Democracy Commission recommended the introduction of voting by using swipe cards. Moving to a system of voting using Members' security passes would require prior approval by the House. The House of Commons Commission noted that the proposal could be referred to the Procedure Committee early in the new Parliament.

House of Commons staff have been asked to carry out some preparatory studies, which suggest (among other things) that security

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<sup>18</sup> [HC Deb 14 January 2016, c1015](#)

<sup>19</sup> The first division subject to a double majority vote took place on 19 January 2016, when the House voted against a motion to annul the *Education (Student support) (Amendment) Regulations 2015* [HC Deb 19 January 2016 cc1344-1350]

pass voting could improve the accuracy of the recording of votes, enable Members to change the way they voted, and save time. Some risks were also identified, including Members (or non-Members) using the pass of another Member to vote, and potential technology failures.

### 3. Electronic voting in other Parliaments

Other forms of electronic voting are in use elsewhere. Most commonly, electronic voting equipment is built into the seating arrangements in the Chamber. Members vote by pressing a button on their desk to indicate their vote as 'for', 'against', or 'abstain'. Such systems are used within the UK in the Scottish Parliament and the Welsh Assembly.

Similar systems are also used in other countries including Belgium, Denmark, Italy, Latvia, Poland, Portugal, Sweden and Switzerland.

Often, desks are assigned to political parties and Members must vote from a desk belonging to their party. In some cases, there are no measures in place to ensure a Member does not vote from another Member's desk: officials and other Members are expected to ensure errors and fraud are prevented. In other cases, Members use cards to identify themselves before they can vote.

Similarly, the American Congress has a number of 'vote stations', attached to selected chairs in the Chamber, where Members can vote by using a 'vote card' to identify themselves, and pressing a button to indicate their choice.<sup>20</sup>

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<sup>20</sup> ['Electronic Voting'](#), How are laws are made, The Library of Congress, accessed on 5 February 2016

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