



Secondary Mandate

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The idea of using a secondary mandate to determine the composition of a reformed House of Lords has been widely promulgated by the musician Billy Bragg. The idea is not new: Billy Bragg gave evidence on the secondary mandate to the Royal Commission on the reform of the House of Lords, chaired by Lord Wakeham.

This note describes the secondary mandate process, gives examples of the use of the system and explores some the issues that the secondary mandate idea raises.

It also includes some background information on voting systems for the House of Lords, from the Royal Commission's report, and the principles that the Public Administration Select Committee recommended should underpin the electoral system for the reformed second chamber.

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A. The Secondary Mandate

1. The proposal

At its simplest, Billy Bragg's proposal would mean that one vote contributes to determining the composition of both chambers of the United Kingdom Parliament. Billy Bragg has set up and funds a website to campaign for the secondary mandate.¹ He describes how the process would operate in the following way:

Before the election, members of political parties in each of the 12 regions and nations of the UK would nominate and then vote to put in order of preference a list of party candidates to represent their region. That list would be published when the election is called. On the day of the election itself, voters would elect an MP just as they have always done - one vote, one ballot paper - but their vote would have an added weight. So, instead of being discarded if their candidate loses, all votes cast would be accumulated at a regional level. Seats in the second chamber would then be distributed in direct proportion to the number of votes cast, reading from the top of the pre-published party candidate lists.

In its Consultation Paper of September 2003 'Constitutional Reform: next steps for the House of Lords' (CP 14/03), the government stated that it intended to reduce the number of members in the House of Lords to "no more than 600". Taking this as a model, it would require 50 representatives from each of the 12 regions and nations to reach that figure. 2% of the popular vote would be enough to gain a seat.²

In a more detailed pamphlet produced in 2001, Bragg outlined a number of benefits of the secondary mandate. He argued that:

1. 'every vote cast would have a value';
2. 'it would rule out the need for further separate elections';
3. 'there is no ambiguity about the primacy of the Commons'.

He explained the final point in further detail:

The secondary mandate system confers a different kind of legitimacy on the reformed second chamber. Because their composition is abstracted from direct votes cast for MPs, they are one step removed from the personal mandate that direct election brings. Yet this distance brings with it precisely the amount of legitimacy needed by a secondary chamber because the method of composition clearly results in an

¹ <http://www.secondarymandate.org/about.html>

² <http://www.secondarymandate.org/how.html>

expression of the will of the people without challenging the pre-eminence of the Commons.³

On 9 February 2004, Billy Bragg told *The World at One*, on Radio 4, that his ideas were being seriously considered by the Lord Chancellor:

I don't know if they are going to buy it but they are certainly giving it a very serious look over, which I think is encouraging.⁴

2. Examples

There appear to be no electoral systems that operate on the same basis as the secondary mandate model. However, a variation of the model is used in electing the Italian Senate and was used in the Federal Republic of Germany between 1949 and 1953.

In both houses of the Italian legislature, three-quarters of MPs are elected to represent individual constituencies, with the remaining quarter elected from proportional representation lists. For the lower house, voters have two votes, one for constituency politicians and one for party lists, whilst the allocation of the list seats in the Senate is 'based on the overall (single) vote for each party'.⁵

The system in Germany operated in the same way:

... voters voted just once and their vote was used twice: (1) to elect the constituency candidate, and (2) to add to the party total in the regional list.⁶

In 1976, the Hansard Society proposed this as an alternative to the first past the post voting system for the House of Commons.⁷ It proposed that there should be 640 Members of Parliament, three quarters of whom would be elected for single-seat constituencies. The remaining quarter of the seats were to be allocated to 'the "best losers" among defeated candidates in different regions of the country'.⁸

³ Billy Bragg, *A Genuine Expression of the Will of the People: a viable method of democratic Lords reform*, 2001, pp28-29; see: http://www.secondarymandate.org/will_of_the_people.pdf

⁴ Press Association, *Billy Bragg presents Lords reform plans*, see: <http://politics.guardian.co.uk/lords/story/0,9061,1144372,00.html>

⁵ David M Farrell, *Comparing Electoral Systems*, 1998, p80

⁶ *Ibid*, p106

⁷ Hansard Society, *Report of the Hansard Society Commission on electoral reform*, 1976

⁸ David M Farrell, *Comparing Electoral Systems*, 1997, p106

B. Issues

1. Party control of candidates

In his pamphlet Billy Bragg conceded that closed lists would be in the control of political parties. However, he contended that rules could be introduced to alternate male and female candidates to increase female representation:

In order to function, the secondary mandate system relies on ‘closed’ lists, that is, lists provided by parties before the election. But how do you stop parties from fixing lists ask the critics? They complain that ‘closed’ lists increase party control. This point has to be conceded. Ensuring regional lists are compiled democratically by party members in each region should help to move the process away from central control. The stipulation that lists must alternate between male and female candidates would also open up the process of selection. However, the simple fact is that, as under any system of party nomination, candidates rely on their party to get elected. Any attempt to gloss over this reality leads us inexorably back towards an appointed second chamber.⁹

There was a long-running debate on open and closed list systems in connection with the *European Parliamentary Election Bill* and the electoral systems for the Scottish Parliament and Welsh Assembly. A Library Research Paper, *Voting Systems – The Government’s Proposals*, provides a summary of that debate.¹⁰

2. Limitation of voter choice

Under the secondary mandate system a voter has no influence over who acts for them. Alex Folkes of the Electoral Reform Society argued that voters want that choice:

... we, the electors, want to be able to choose who acts for us in the second chamber – under the [secondary mandate] model it is left to the party leadership to decide who will sit in the chamber.¹¹

Writing in *The Independent*, the former Leader of the House of Commons, Robin Cook expressed a similar argument:

Under [the “secondary mandate”] scheme the House of Lords would be composed of representatives chosen in proportion to the votes cast for their party in each region at the General Election. The obvious defect of this model is that no elector gets a direct vote on who sits in the Lords, and the choice of its members is subcontracted to the political parties. There is a fine dividing line between this model and an all-appointed

⁹ Billy Bragg, *A Genuine Expression of the Will of the People: a viable method of democratic Lords reform*, 2001, p30

¹⁰ *Voting Systems – The Government’s Proposals*, House of Commons Library Research Paper 98/113, see: <http://www.parliament.uk/commons/lib/research/rp98/rp98-113.pdf>

¹¹ Alex Folkes, “Lords reform requires electoral reform first”, [letter], *The Independent*, 13 February 2004

second chamber, but it does at least have the merit of allocating seats on the basis of how the nation voted.¹²

3. Pre-eminence of the House of Commons

Billy Bragg argued that the secondary mandate method ensured that ‘there is no ambiguity about the primacy of the Commons’. However, if the secondary mandate model were to be used to elect the House of Lords it would reflect a more proportionate share of the vote than the House of Commons. This might be used to challenge the pre-eminence of the House of Commons as the primary chamber in the United Kingdom Parliament.

4. Representation

Under Billy Bragg’s system each of the twelve UK European Parliament electoral regions would return 50 members.¹³ Some regions would be over-represented relative to the size of their electorate. The table, on page 6, details the UK regional electorates and number of UK seats in the European Parliament, the number of second chamber seats allocated to the regions under Billy Bragg’s proposals, and the extent to which the regions would be over- or under-represented in the second chamber.

There might also be difficulties with the House of Commons over the representative factor of these regional members of the second chamber. There have been tensions between constituency and regional members in the Scottish Parliament.¹⁴

5. Multiple choices

Alex Folkes of the Electoral Reform Society argued that tactical voters did not necessarily vote for their party of first choice in general elections:

... as a tactical voter like Billy Bragg will know, how we vote in a general election does not accurately reflect support for parties and will not do so until we reform the way we elect the Commons.¹⁵

A different view was expressed by Lord Plant’s working party on electoral systems, which reported in 1993. It examined a mixed member system which relied on a single ballot paper and elected ‘highest losers’ as regional representatives.¹⁶ It considered that one of the advantages of the system would be the elimination of tactical voting:

¹² Robin Cook, “Why does the Government keep courting trouble with these plans for the Lords?”, *The Independent*, 11 February 2004

¹³ Billy Bragg’s website refers to 50 members per region. However, some press reports refer to 25 member regions, and a 300 seat chamber, for example, Jonathan Friedland, “Billy Bragg is serious”, *The Guardian*, 18 February 2004

¹⁴ see, for example, HC Deb 9 February 2004 c1164

¹⁵ Alex Folkes, “Lords reform requires electoral reform first”, [letter], *The Independent*, 13 February 2004

¹⁶ Labour Party, *Report of the working party on electoral systems, 1993*, pp21-23

European Parliament regional electorates and seats , Bragg model for House of Lords seat allocation, and over- /under-representation

	Electorate (1999)		European Parliament seats			Bragg model - Lords seats		
	<i>Electorate</i> (<i>'000s</i>)	<i>Electorate</i> (<i>%</i>)	<i>Seats</i>	<i>Seats</i> (<i>%</i>)	<i>Over-rep</i> (<i>%</i>)	<i>Bragg seats</i>	<i>Bragg seats</i> (<i>%</i>)	<i>Over-rep</i> (<i>%</i>)
East Midlands	3,199.7	7.2%	6	6.9%	-0.3%	50	8.3%	1.1%
Eastern	4,053.9	9.1%	8	9.2%	0.1%	50	8.3%	-0.8%
London	4,956.1	11.2%	10	11.5%	0.3%	50	8.3%	-2.8%
North East	1,973.3	4.4%	4	4.6%	0.2%	50	8.3%	3.9%
North West	5,209.5	11.7%	10	11.5%	-0.2%	50	8.3%	-3.4%
South East	6,023.9	13.6%	11	12.6%	-0.9%	50	8.3%	-5.2%
South West	3,770.7	8.5%	7	8.0%	-0.4%	50	8.3%	-0.2%
West Midlands	4,035.0	9.1%	8	9.2%	0.1%	50	8.3%	-0.7%
Yorkshire & The Humber	3,795.5	8.5%	7	8.0%	-0.5%	50	8.3%	-0.2%
England	37,017.6	83.3%	71	81.6%	-1.7%	450	75.0%	-8.3%
Wales	2,229.8	5.0%	5	5.7%	0.7%	50	8.3%	3.3%
Scotland	3,999.6	9.0%	8	9.2%	0.2%	50	8.3%	-0.7%
Great Britain	43,247.1	97.3%	84	96.6%	-0.8%	550	91.7%	-5.7%
Northern Ireland	1,190.2	2.7%	3	3.4%	0.8%	50	8.3%	5.7%
United Kingdom	44,437.2	100.0%	87	100.0%	0.0%	600	100.0%	0.0%

Over-rep: these columns indicate the extent of over-representation (positive number) or under-representation (negative) in terms of seats relative to the electorate

For further information relating to this table, please contact Ross Young (Social and General Statistics Section) (xn 4313)

Source: HoC Library electronic holdings

Using one vote for two purposes would eliminate the reason for tactical voting, since it would deprive supporters of a party of the chance of regional members.¹⁷

Data from Scottish Parliament and Welsh Assembly elections, where electors vote for a constituency member under the first past the post system and additional members with a second vote, show that voters vote for different parties given different options. The table below shows the aggregated constituency and regional votes cast in Scotland, for all parties or independents that won seats in the 2003 Scottish parliamentary elections.

Scottish Parliament elections 2003, votes by party and seat type

Party	Constituency vote	Regional vote
Scottish Conservative and Unionist Party	318,279	296,929
Scottish Green Party	-	132,138
Independents	44,538	33,763
Scottish Labour	663,585	561,375
Scottish Liberal Democrats	294,347	225,774
Scottish National Party	455,742	399,659
Scottish Senior Citizens Unity Party	1,597	28,996
Scottish Socialist Party	118,764	128,026

For further information relating to election statistics, please contact Ross Young (Social and General Statistics Section) (xn 4313)

Source: Electoral Commission, *Scottish elections 2003*, November 2003, pp156-159

6. Cross-bench element

If 100 per cent of the second chamber were determined by the secondary mandate system there would be no independent element:

... the independent cross-bench element of the chamber will be lost as the list system will be entirely party-based.¹⁸

7. A Compromise

Writing in *The Guardian*, Jonathan Friedland argued that whilst there were 'flaws in the Bragg scheme', it could represent a compromise between proponents of appointments to the second chamber and proponents of direct elections:

There are flaws in the Bragg scheme. As a conviction democrat, I would prefer full-blooded, direct election. But others hold opposite views just as strongly and the result

¹⁷ *Ibid*, p22

¹⁸ Alex Folkes, "Lords reform requires electoral reform first", [letter], *The Independent*, 13 February 2004

has been a century of paralysis. This might be one of those cases where everyone has to give up on perfection and meet in the middle. I could live with the Bragg scheme and so could those who make a fetish of the supremacy of the Commons and have voted for appointment-only as a way to preserve it. It is not poetry, but it is a compromise that could work - which is what practical politics is all about. As the singer himself might put it, it won't change the world, it won't bring us a new England - but it could just make things a little bit better.¹⁹

C. Royal Commission comments on voting systems for the House of Lords

The Royal Commission on the reform of the House of Lords presented three models for the selection of regional members. It reported that 'Model B has the support of a substantial majority of the Commission'. Despite having received evidence from Billy Bragg, the "secondary mandate" proposals were not reflected in any of the models that the Royal Commission presented:

Model A

The regional members should be selected on the same day as a general election, using a system which we have called 'complementary' voting. Under this system the votes cast for the parties' general election candidates would be accumulated at regional level and the parties would secure a number of regional members for each region proportional to their share of the vote in that region.

There would be 65 regional members who would be selected on a 'staggered' basis, with the 'complementary' voting system being applied in one-third of the twelve nations and regions at each general election.

Model B

There should be a total of 87 regional members, elected by thirds at the same time as each European Parliamentary election (with one-third of the nations and regions voting for regional members at each European election). The system of election should be the same as that used for electing United Kingdom MEPs,⁶ although a majority of those supporting this model would prefer the 'partially open' list system of proportional representation (PR).

Model C

The regional members should be directly elected on a regional basis, using a form of 'partially open' list PR.⁷ Sixty-five regional members would be elected at the same time as each European Parliament election and serve for three terms, giving a total of 195 regional members in the reformed second chamber.²⁰

¹⁹ Jonathan Friedland, "Billy Bragg is serious", *The Guardian*, 18 February 2004

²⁰ Royal Commission on the Reform of the House of Lords, *A House for the Future*, Cm 4534, January 2000, see: <http://www.archive.official-documents.co.uk/document/cm45/4534/4534.htm>

The Royal Commission commissioned a number of research papers from Patrick Dunleavy and Helen Margetts, which were consolidated into a single report entitled *Electing Members of the Lords (or Senate)*. It was published on the CD-rom that accompanied the Royal Commission's report. The report did not include any analysis of the secondary mandate.

D. Public Administration Select Committee comments on voting systems for the House of Lords

In 2002, the Public Administration produced a report on reforming the second chamber. It agreed some principles for the electoral system of a reformed chamber. It envisaged elected members would 'comprise a majority of the second chamber'.²¹ Its principles were:

110. We have not had time to consider in detail the choice of voting system. However, we have been able to agree on a number of principles. For example, like our parliamentary colleagues, we believe that closed lists are not acceptable, and a turn-off for voters.

111. **We recommend that any voting system for the second chamber should satisfy the following general principles. It needs to:**

- **be complementary to the voting system for the House of Commons;**
- **minimise the risk of one party gaining an overall majority;**
- **maximise voter choice, by enabling voters to vote for individual candidates, within and across parties;**
- **encourage a more diverse chamber; and**
- **encourage the election of independent-minded people.**

112. **These principles will best be realised by using multi-member constituencies, and a proportional voting system. This could be either STV or regional lists, so long as the lists are fully open lists, which maximise voter choice. We would not support limited open lists, which present an appearance of choice for the voter, but almost never affect the outcome.**²²

²¹ Public Administration Select Committee, *The Second chamber: continuing the Reform*, 14 February 2002, HC 494 2001-02, para 100

²² *Ibid*, paras 110-112