



## BRIEFING PAPER

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# The election of a Speaker

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### Inside:

1. Introduction
2. Electing the Speaker
3. Election of a new Speaker
4. Review of the 2009 election by the Procedure Committee
5. Review of the process for re-electing the Speaker after a General Election by the Procedure Committee
6. The election of 23 October 2000
7. The Procedure Committee's February 2001 Report
8. Debate on the Procedure Committee's report



# Contents

<b>Summary</b>	<b>3</b>
<b>1. Introduction</b>	<b>4</b>
<b>2. Electing the Speaker</b>	<b>6</b>
2.1 Re-electing the former Speaker	6
2.2 Electing a new Speaker	7
<b>3. Election of a new Speaker</b>	<b>8</b>
3.1 June 2009 – John Bercow	8
3.2 June 2019 – Sir Lindsay Hoyle	9
<b>4. Review of the 2009 election by the Procedure Committee</b>	<b>11</b>
4.1 Proposals for changes to the process	11
Nominations	11
Hustings	12
Candidates' speeches	12
Voting procedure	13
Practicalities	14
4.2 Implementing the Procedure Committee recommendation	14
<b>5. Review of the process for re-electing the Speaker after a General Election by the Procedure Committee</b>	<b>16</b>
5.1 Motions tabled in 2005-10 Parliament	17
5.2 Revisiting the Procedure Committee recommendation	19
5.3 Concerns about the process in 2019	20
<b>6. The election of 23 October 2000</b>	<b>21</b>
6.1 Events leading up to the election	21
6.2 Proceedings on 23 October	22
<b>7. The Procedure Committee's February 2001 Report</b>	<b>25</b>
<b>8. Debate on the Procedure Committee's report</b>	<b>30</b>

## Summary

A new Speaker is elected by secret ballot, using the exhaustive ballot system. The re-election of the former Speaker after a general election is decided on the basis of the question that the former Speaker “do take the Chair of this House as Speaker”. At present, if the previous Speaker has indicated a wish to continue in post, it has been customary for such an election to be purely formal, and unlike the new process for election of a new Speaker, no secret ballot is required.

The current rules for the election of a Speaker for the first time and his or her re-election after a general election were adopted in 2001. The rules for the election of a new Speaker were used when John Bercow was first [elected](#) on 22 June 2009.

The same rules were used the Sir Lindsay Hoyle was [elected](#) Speaker on 4 November 2019.

The [current rules](#) were adopted after the Procedure Committee reviewed the previous procedure, introduced in 1972, which was used when Speaker Martin was elected in October 2000.

The current rules have been reviewed by the Procedure Committee. In February 2010, it published a [report](#) which recommended some minor changes. It also considered the process for re-electing the Speaker after a general election. No opportunity was given to the House to consider these recommendations in the 2005 Parliament. Following a [review](#) of elections that took place at the beginning of the 2010 Parliament, the Procedure Committee again recommended that the House be invited to decide whether the decision should be taken by secret ballot.

The Government initially [responded](#) that Backbench Business time should be used to consider the report. This did not happen. However, a motion to amend Standing Orders to this effect was [debated](#), with little notice, on 26 March 2015 (the final sitting day of the 2010 Parliament). It was rejected by 228 votes to 206.

This note also briefly reviews the election of the Speaker in 2000, the Procedure Committee’s review of that election, its recommendations for change and the House’s decision to adopt the Procedure Committee’s recommendations.

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

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

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

# 1. Introduction

In October 2000 Speaker Martin was elected using procedures that were adopted by the House following a previous review by the Procedure Committee, in 1972.<sup>1</sup>

There was some concern about this procedure and the Procedure Committee undertook an inquiry, publishing a report in February 2001.<sup>2</sup> It highlighted this in the opening paragraphs of its report, *Election of a Speaker*:

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

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

The Committee “put forward an integrated proposal for a new system based on a ballot” and set out “step by step how it would work”. The current rules for electing a new Speaker and for re-electing a former Speaker are summarised in Section 2, with the results of elections for a new Speaker reported in Section 3. A fuller description of the Committee’s recommendations is given in Section 7.

The House considered the Committee’s report on 22 March 2001. It debated a motion, moved by Margaret Beckett, the then Leader of the House, that the House “approves the recommendations contained in the [Procedure Committee’s Report]” and to amend its Standing Orders, by introducing new procedures for the re-election of the former Speaker (now Standing Order No 1A), and to elect a new Speaker by secret ballot (now Standing Order 1B).<sup>3</sup>

The motion debated provided for a secret ballot in the election of a Speaker. In accordance with the Procedure Committee’s recommendation an amendment was tabled to provide for an open ballot, to enable the House to decide whether or not the ballot should be conducted in secret: David Winnick moved the amendment “to leave out the word ‘secret’”.<sup>4</sup> The amendment was rejected by 84 votes to 82;<sup>5</sup> and the main question (to approve the Procedure Committee’s

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

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

<sup>3</sup> House of Commons, *Standing Orders – Public Business*, 2018, HC 1020, May 2018

<sup>4</sup> HC Deb 22 March 2001 c515

<sup>5</sup> HC Deb 22 March 2001 c538

## 5 The election of a Speaker

Report and the new Standing Orders) was agreed to without a division.<sup>6</sup> A fuller review of the House's decision on 22 March 2001 is given in Section 8.

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

Since I came to this House 30 years ago, I have always felt that the House is at its best when it is united. In order that unity can be maintained, I have decided that I will relinquish the office of Speaker on Sunday 21 June. This will allow the House to proceed to elect a new Speaker on Monday 22 June. That is all I have to say on this matter.<sup>7</sup>

The new (current) rules for the election of a Speaker, agreed on 22 March 2001, were then used on 22 June 2009, when John Bercow was elected Speaker for the first time, and when he was subsequently re-elected in May 2010, May 2015 and June 2017.

On 9 September 2019, Speaker Bercow announced his intention to relinquish the Office of Speaker to the House of Commons:

At the 2017 election, I promised my wife and children that it would be my last. This is a pledge that I intend to keep. If the House votes tonight for an early general election, my tenure as Speaker and MP will end when this Parliament ends. If the House does not so vote, I have concluded that the least disruptive and most democratic course of action would be for me to stand down at the close of business on Thursday 31 October.<sup>8</sup>

The rules, agreed in 2001, were used to elect Sir Lindsay Hoyle as the new Speaker on 4 November 2019, and when he was subsequently re-elected in December 2019.

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<sup>6</sup> HC Deb 22 March 2001 cc539-541

<sup>7</sup> [HC Deb 19 May 2009 c1323](#)

<sup>8</sup> [HC Deb 9 September 2019 c497](#)

## 2. Electing the Speaker

The election or re-election of the Speaker is presided over by the Member, who is not a minister, “who has served for the longest period continuously as a Member of [the] House”.<sup>9</sup>

### 2.1 Re-electing the former Speaker

A former Speaker is re-elected in accordance with Standing Order No 1A.

If the Speaker at the end of the previous Parliament returns to the House and is willing to be chosen as Speaker, he or she makes a short speech to the House.

Another Member then moves that that Member do take the Chair.

The Member presiding puts the question.

If the question is agreed to, the former Speaker takes the Chair as Speaker-elect.

If not, the House adjourns to the following day and the process described in Section 2.2 is followed.

### Re-election of the Speaker

Spekaer Hoyle was re-elected at the beginning of the 2019 Parliament on 17 December. Lisa Nandy proposed him and the House agreed without a division.<sup>10</sup>

Speaker Bercow was re-elected on three occasions, after the general elections of 2010, 2015 and 2017. Table 1 reports the dates; who moved the question that “the right hon John Simon Bercow do take the Chair of this House as Speaker”; and the decision of the House.

**Table 1: Re-election of Speaker Bercow, 2010, 2015 and 2017**

Date	Proposer	Decision
18 May 2010	Sir Malcolm Rifkind	Agreed – no division. <sup>11</sup>
18 May 2015	Jacob Rees-Mogg	Agreed – no division. <sup>12</sup>
13 June 2017	Cheryl Gillan	Agreed – no division. <sup>13</sup>

Speaker Martin was also re-elected under these rules on 11 May 2005. Angela Browning proposed him, and the House agreed without a division.<sup>14</sup>

<sup>9</sup> House of Commons, *Standing Orders of the House of Commons – Public Business, 2016*, February 2016, HC 2 2015-16, Standing Order No 1

<sup>10</sup> [HC Deb 19 December 2019 cc2-4](#)

<sup>11</sup> [HC Deb 18 May 2010 cc1-14](#)

<sup>12</sup> [HC Deb 18 May 2015 cc1-4](#)

<sup>13</sup> [HC Deb 13 June 2017 cc1-4](#)

<sup>14</sup> [HC Deb 11 May 2005 cc2-5](#)

## 2.2 Electing a new Speaker

A new Speaker is elected by secret ballot in accordance with Standing Order No 1B.

Nominations have to be submitted between 9.30 and 10.30 on the morning of the election. Each candidate has to sign a statement indicating their willingness to stand, accompanied by the signatures of between 12 and 15 Members, “of whom not fewer than three shall be Members elected to the House as members of any party other than that to which the candidate belongs or members of no party”.<sup>15</sup>

The House meets at 2.30pm.

If more than one candidate is nominated, they each address the House, in turn (the order is determined by drawing lots).

A ballot then takes place. If one candidate receives more than half the votes cast, the Member presiding puts the question that the Member takes the Chair.

If no candidate received more than half the votes cast, a further ballot takes place. The name of the candidate who received fewest votes, any candidate who received less than 5% of the votes cast and any candidate who withdraws are removed from the ballot paper. This process continues until one candidate receives more than half the votes or only one name remains on the ballot paper.

Then the presiding Member puts the question that that Member do take the Chair.

If that question is agreed to, that Member takes the Chair as Speaker-elect. If not, the House is adjourned to the following day and the process starts again.

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<sup>15</sup> House of Commons, *Standing Orders of the House of Commons – Public Business, 2016*, February 2016, HC 2 2015-16, Standing Order No 1B

## 3. Election of a new Speaker

### 3.1 June 2009 – John Bercow

On 22 June 2009, Alan Williams, the Father of the House, presided over the secret ballot to elect the Speaker. Ten candidates were nominated.

After each candidate had addressed the House, the first ballot took place. No candidate secured 50 per cent of the votes in the first round, so in accordance with the rules the candidate with the fewest votes and all those with fewer than 5 per cent of the votes cast were eliminated.

Six candidates stood in the second ballot. Again no candidate secured 50 per cent of the votes cast. The candidate with the fewest votes was again eliminated and a further three candidates withdrew.

A final round of voting took place, with two candidates. John Bercow received 332 votes and Sir George Young received 271 votes.

Alan Williams then proposed the question “That John Bercow do take the Chair of this House as Speaker”. The question was agreed to without a division.<sup>16</sup>

Details of the results of each round of voting are set out in the table below.

Candidate	Round 1	Round 2	Round 3
Margaret Beckett	74	70 #	
Sir George Young	112	174	271
Ann Widdecombe	44	30 *	
Sir Alan Beith	55	46 #	
John Bercow	179	221	322
Richard Shepherd	15 **		
Sir Michael Lord	9 *		
Sir Patrick Cormack	13 **		
Sir Alan Haselhurst	66	57 #	
Parmjit Dhanda	26 **		
Votes cast	594	599	593

Notes: \* eliminated – fewest votes

\*\* eliminated – received fewer than 5 per cent of votes cast

# withdrew

Source: [HC Deb 22 June 2009 cc633-635](#)

<sup>16</sup> HC Deb 22 June 2009 c635

A review of the background to the introduction of the new system of election; the preparations for the ballot; and the operation of the ballot in practice was published in *The Table*.<sup>17</sup>

### 3.2 June 2019 – Sir Lindsay Hoyle

On 4 November 2019, Kenneth Clarke, the Father of the House, presided over the secret ballot to elect the Speaker. Seven candidates were nominated.

After each candidate had addressed the House, the first ballot took place. No candidate secured 50 per cent of the votes in the first round, so in accordance with the rules the candidate with the fewest votes and a further candidate with fewer than 5 per cent of the votes cast were eliminated.

Five candidates stood in the second ballot. Again no candidate secured 50 per cent of the votes cast. The candidate with the fewest votes was again eliminated and one further candidate withdrew.

A third round of voting took place, with three candidates. The candidate with the fewest votes was again eliminated.

A final round of voting took place, with two candidates. Sir Lindsay Hoyle received 325 votes and Chris Bryant received 213 votes.

Kenneth Clarke then proposed the question “That Sir Lindsay Hoyle do take the Chair of this House as Speaker”. The question was agreed to without a division.<sup>18</sup>

Details of the results of each round of voting are set out in the table below.

Candidate	Rd 1	Rd 2	Rd 3	Rd 4
Chris Bryant	98	120	169	213
Harriet Harman	72	59 #		
Meg Hillier	10 *			
Sir Lindsay Hoyle	211	244	267	325
Dame Eleanor Laing	113	122	127 *	
Sir Edward Leigh	12 **			
Dame Rosie Winterton	46	30 *		

Notes: \* eliminated – fewest votes  
 \*\* eliminated – received fewer than 5 per cent of votes cast  
 # withdrew

Source: [HC Deb 22 June 2009 cc633-635](#)

<sup>17</sup> C Stanton, “The Election of a Speaker in the United Kingdom House of Commons”, *The Table*, 2009, pp 7-13

<sup>18</sup> [HC Deb 4 November 2019 c619](#)

In the 2019 contest, the names of the MPs who nominated the candidates were published on the parliamentary website:

**Chris Bryant** – Former Shadow Commons Leader, Labour MP for Rhondda.

Nominated by: Diana Johnson, Chris Heaton-Harris, Dr Philippa Whitford, Michael Gove, John McDonnell, Shabana Mahmood, Caroline Lucas, Luciana Berger, Greg Clark, Holly Lynch, Lyn Brown, Bim Afolami, Ian Murray, Tom Tugendhat, Melanie Onn

**Harriet Harman** – Former Leader of the House of Commons, Labour MP for Camberwell and Peckham

Nominated by: Mr Andrew Mitchell, Ms Karen Buck, Joanna Cherry, Barbara Keeley, Daniel Zeichner, Kate Green, Janet Daby, Seema Malhotra, Emily Thornberry, Daniel Kawczynski, Rachel Reeves, Nicky Morgan, Mr David Lammy, Christine Jardine, Dr Sarah Wollaston

**Meg Hillier** – Chair of the Public Accounts Committee, Labour MP for Hackney South and Shoreditch

Nominated by: Layla Moran, Emma Hardy, Sarah Champion, Nia Griffith, Mr Mark Prisk, Lee Rowley, Douglas Chapman, Anne Marie Morris, Simon Hoare, Ian Mearns, Dr Lisa Cameron, Gareth Thomas, Deidre Brock

**Sir Lindsay Hoyle** – Deputy Speaker and Chair of Ways and Means, Labour MP for Chorley

Nominated by: Sir Charles Walker, Marion Fellows, Tracey Crouch, Marsha De Cordova, Sir David Crausby, Joan Ryan, Seema Kennedy, Mrs Pauline Latham, Mr Kevan Jones, Sir Roger Gale, Mr William Wragg, Christian Matheson, Mr Khalid Mahmood, Caroline Flint, Jamie Stone

**Dame Eleanor Laing** – Deputy Speaker, Conservative MP for Epping Forest

Nominated by: Mrs Maria Miller, Stewart Malcolm McDonald, Stephanie Peacock, Sir Geoffrey Clifton-Brown, Ross Thomson, Andrea Jenkyns, Penny Mordaunt, David Linden, Chris Grayling, Tim Loughton, Jack Brereton, Dr Liam Fox, Mr Mark Harper, Dame Rosie Winterton, Anne-Marie Trevelyan

**Sir Edward Leigh** – Former Chair of the Public Accounts Committee, Conservative MP for Gainsborough

Nominated by: Mr Richard Bacon, Dr Julian Lewis, Nigel Mills, Martin Vickers, Sir John Hayes, Mr Barry Sheerman, Martin Docherty-Hughes, Alberto Costa, Stephen Pound, Sir David Amess, Mr Robert Goodwill, Fiona Bruce, David Morris, Mike Kane, Geraint Davies

**Dame Rosie Winterton** – Deputy Speaker, Former Labour Chief Whip, Labour MP for Doncaster Central

Nominated by: Mary Creagh, Jonathan Ashworth, Peter Kyle, Sir Patrick McLoughlin, Mr Alistair Carmichael, Eleanor Smith, Sir Kevin Barron, Liz McInnes, Mims Davies, Dame Eleanor Laing, Tommy Sheppard, John Grogan, Edward Miliband, Ian C Lucas, Tom Brake.<sup>19</sup>

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<sup>19</sup> House of Commons, [Speaker Election Candidates](#), 4 November 2019

## 4. Review of the 2009 election by the Procedure Committee

Following the election of John Bercow as Speaker on 22 June 2009, the first Speaker to be elected under rules proposed by the Procedure Committee in 2001, the Procedure Committee reviewed the operation of the rules. It also considered other developments, such as hustings events, which took place after Speaker Martin announced his intention to relinquish office.

After a brief review of the new rules and the events of the election process on 22 June 2009,<sup>20</sup> the Committee reviewed the operation of the various aspects of the whole process (nominations; hustings; candidates' speeches; voting procedure; and practicalities). Although the Committee recommended some minor changes to certain aspects of the process, it was satisfied that the procedure for the election of the new Speaker had worked well:

We are satisfied that the system devised by our predecessors has withstood its first test in enabling the House to reach a decision in a fair and transparent way and that the procedure will continue to enjoy the confidence of Members. We are sure that the House will welcome this conclusion. Whilst it is right to reflect on experience, we believe that procedures adopted by the House, especially for such a serious purpose, should not be altered lightly and there is great benefit in continuity and consistency.

... It is clear from the smooth running of events on the day that a great deal of work had been put into preparing for these elections behind the scenes, and we congratulate all those involved on their success in foreseeing and forestalling difficulties.<sup>21</sup>

### 4.1 Proposals for changes to the process

The Procedure Committee described the minor changes to the process that it proposed in the following way:

... suggestions are for minor improvements, tweaking the detail of the process, rather than wholesale reform of the procedure by which the House elects its Speaker.<sup>22</sup>

#### Nominations

Standing Order No 1B states that a candidate should be nominated by "not fewer than twelve nor more than fifteen" Members, and that three of those Members should have been elected to the House for a different party to the nominee, or for no party. The Committee made the following comments on the question of nominations:

13. It is evident that the rules were clear and not too stringent, given that ten forms were received well before the deadline and all nominations were in order. We looked closely at whether the number of sponsors required is appropriate. On the one hand, we

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<sup>20</sup> Procedure Committee, *Election of the Speaker and of the Deputy Speakers*, 3 February 2010, HC 341 2009-10, paras 6-11

<sup>21</sup> *Ibid*, paras 32-33

<sup>22</sup> *Ibid*, para 32

heard anecdotally that some candidates may have found it difficult to reach the minimum number of sponsors and "borrowed" supporters from others. This would suggest that the threshold might be lowered. On the other hand, one of the candidates, Sir Patrick Cormack, suggested that the maximum number of sponsors be increased from 15 to 20 and that at least half should come from the candidate's own party. At the moment, there is a requirement for candidates to demonstrate opposition party support but not support from their own side.

14. A further suggestion for change to the nomination process was that the names of sponsors should be published.<sup>23</sup>

The Committee recommended although there had been requests for lists of sponsors after the 2009 contest, they should not be released. However, it recommended that, in future, exactly fifteen sponsors should be required by each candidate; and that the names of sponsors should be published. It argued that this would "help inform the decisions of Members as to which candidate to support in the contest". The Committee also considered that this would "reveal the level of support a candidate has within their own party, thus making unnecessary the introduction of a requirement for candidates to have a minimum number of sponsors from that party as well as from opposition parties".<sup>24</sup>

In 2019, the lists of sponsors was [published](#) on the parliamentary website on the day of the election (see Section 3.2).

## Hustings

In its 2001 report, the Procedure Committee considered the question of hustings and campaigning but made no formal provision. In the 2009 contest a number of informal hustings events took place, including a session organised by the Hansard Society and televised by BBC Parliament. Although the Committee received evidence supporting the case for hustings events to be included in the process, it commented that there was no need to incorporate them into the formal procedure as the informal arrangements "worked well and should be the norm for the future". The Committee accepted that there would not be time for informal hustings if an election took place immediately after a General Election and recommended that, in that case, "Members and others should accept that the formal address to the House is the only appropriate time and place for each candidate to make his or her pitch for support".<sup>25</sup>

## Candidates' speeches

One innovation of the 2001 rules was that candidates, rather than their proposers and seconders, should address the House in support of their own cause. During the morning of the election, the presiding Member drew lots to determine the order in which each candidate would address the House; candidates were informed and then a list was published – confirming not only the order but also who the candidates were. The Procedure Committee believed that "this worked well and was a great improvement on the pre-2001 system whereby the House had no advance warning of who was to be nominated, or in what

<sup>23</sup> *Ibid*, paras 13-14

<sup>24</sup> *Ibid*, paras 15- 17

<sup>25</sup> *Ibid*, paras 18-20

order, until an informal indication was given by the Father of the House at the start of business”.

The Procedure Committee noted that both the 2001 report and Standing Orders were silent on the length of any candidate’s speech. It noted that the Presiding Member gave an informal guide and that an alternative would be to incorporate a rule on the length of candidates’ speeches in the Standing Order. The Committee favoured the informal approach and indicated that a limit of six or seven minutes was “about right” and it recommended that such guidance should be published.<sup>26</sup>

### Voting procedure

In the 2009 contest, the Speaker was elected in an exhaustive secret ballot. The Procedure Committee noted that the decision on whether the ballot should be secret or not was the most difficult faced by its predecessor Committee, such that it left it to the House to decide. The Committee commented that:

Against this background, it is perhaps surprising that the secrecy of the ballot was not a matter of controversy during the 2009 election process. **We conclude that the use of a secret ballot has been a success and that the House's decision in 2001 should be maintained in all future elections.**<sup>27</sup>

The Committee gave serious consideration to the question of whether the names of those who voted in each round should be recorded. It identified a number of circumstances in which Members might not vote; and commented that publication would cut against the secrecy of the ballot. It concluded that the names of those voting should not be published, either in response to Freedom of Information requests relating to the 2009 contest or in future.<sup>28</sup>

The Committee considered the voting system:

The electoral system set out in Standing Order No. 1B is the exhaustive ballot, with a provision that candidates polling fewer than 5% of the total votes cast be eliminated. Sir Patrick Cormack suggested that this should be changed to allow Members to list their top three (or six) preferences. The Procedure Committee considered the comparative advantages of the Alternative Vote and the exhaustive ballot in 2001 and concluded that “the benefits brought by the Exhaustive Ballots are sufficiently great as to outweigh the inconvenience in terms of time brought by the need to have multiple ballots”. These benefits included the ability of Members to amend their preferences in each round after the results of the previous round are known and the opportunity offered to candidates to withdraw at any stage, thus speeding up the process. Advice from the Electoral Reform Society to that inquiry also indicated that with the exhaustive ballot the winning candidate was far more likely to have more than 50% support of all Members than under AV. We believe that these arguments still hold. In particular, we have been told that candidates and Members valued the provision for candidates to withdraw when it is clear that they have insufficient support to have a realistic chance of winning. It is also undoubtedly the case that the

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<sup>26</sup> *Ibid*, paras 21-23

<sup>27</sup> *Ibid*, para 24

<sup>28</sup> *Ibid*, para 25

winning candidate commanded the majority support of the Commons. When coupled with a desire to change the system only where necessary in order to ensure continuity, these benefits persuade us that **the current electoral system remains the best option for this purpose.**<sup>29</sup>

It also considered the time allowed for each ballot. It concluded that 20 minutes would be adequate for each round of voting. It considered that a period of ten minutes to allow candidates to withdraw was “about right”.<sup>30</sup>

## Practicalities

The Committee supported proposals from the Clerk Assistant to count the votes in a larger room – both to allow it to be speeded up and to allow observers. It also thought that papers supporting candidates should not be displayed in the voting lobbies.<sup>31</sup> Although prayers are not read on the day of a Speaker’s election, prayer cards were placed in the Chamber on 22 June 2009. Those for candidates remained but others were removed. The Committee commented that “This policy seems to have developed ad hoc as a result of the convention that prayers are not read on the day of the Speaker’s election”. It went on to recommend that prayers be read on the day of the election of a Speaker:

We can see no reason why prayers should not be read in the usual way. This would enable the sitting to open with a due sense of decorum and would also enable prayer cards to be used to allow Members to reserve places. We recommend that this be done in future.<sup>32</sup>

## 4.2 Implementing the Procedure Committee recommendation

At Business Questions on 25 February 2010, the Leader of the House indicated that the Procedure Committee’s recommendations would be considered by the House. She noted that the “issue has been in the pipeline for some time”.<sup>33</sup>

A motion appeared among the Remaining Orders and Notices on 2 March 2010, to give effect to the Procedure Committee’s recommendations:

### ELECTION OF SPEAKER BY SECRET BALLOT

Ms Harriet Harman

That the following amendments be made to Standing Order No. 1B (Election of Speaker by secret ballot):—

- (1) In line 15, leave out from ‘of’ to ‘fifteen’ in line 16.
- (2) In line 24, after ‘candidates’, insert ‘and their sponsors’.

<sup>29</sup> *Ibid*, para 27

<sup>30</sup> *Ibid*, para 28

<sup>31</sup> *Ibid*, paras 29-30

<sup>32</sup> *Ibid*, para 31

<sup>33</sup> HC Deb 25 February 2010 c452

## 15 The election of a Speaker

(3) In line 50, leave out 'half an hour' and insert 'twenty minutes'.<sup>34</sup>

The motion was not brought forward for debate.

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<sup>34</sup> Remaining Orders and Notices, 3 March 2010, Item 79

## 5. Review of the process for re-electing the Speaker after a General Election by the Procedure Committee

In addition to reviewing the procedures and practice of electing the Speaker in 2009, the Procedure Committee also addressed the issue of re-electing the former Speaker after a general election. At present, if the Member who was Speaker at the Dissolution of the previous Parliament is returned to the House; that Member is willing to be chosen as Speaker; and that Member submits him- or herself to the House, another Member moves that he or she takes the Chair and the question is put forthwith (Standing Order No 1A).

The Committee noted that:

It is rare for a Speaker returned to the House in a General Election to be rejected by the House if he or she wishes to stand again for the post. ... Although the rules for elections have changed, these principles have been maintained by the House, even when a landslide such as in 1906 and 1945 has led to a returning Speaker from a now minority party being re-elected to the Chair. They underpin the convention that the Speaker stands in the General Election as "The Speaker seeking re-election" and is unopposed by candidates from the main parties.<sup>35</sup>

It reviewed the decisions of the Procedure Committee that recommended changes to the system of election in 2000, particularly its decision that the re-election should take place on the basis of putting the Question "that [the former Speaker] do take the Chair of this House as Speaker". It considered that as the Speaker was elected on the basis of a secret ballot, it could be argued that "the decision on the re-election of a Speaker should from now on be decided by secret ballot".

The Committee continued:

We have therefore considered whether any change is necessary to bring the procedure for the re-election of a Speaker in line with that for elections to both that post and the posts of Deputy Speaker. In doing so, we have borne in mind the fact that at most only eleven months will have passed between the election of the current Speaker and the opening of the next Parliament. Nevertheless, we are concerned that the current specific circumstances should not dictate the procedure which it is right for the House to operate in general.<sup>36</sup>

The Committee considered three options:

- the current procedure as set out in Standing Order No. 1A;
- a similar procedure but with the decision on the Question made by secret ballot rather than an open division; or,

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<sup>35</sup> Procedure Committee, *Election of the Speaker and of the Deputy Speakers*, 3 February 2010, HC 341 2009-10, para 66

<sup>36</sup> *Ibid*, para 69

- an open election under provisions similar to those in Standing Order No. 1B

After reviewing the advantages and disadvantages of the three options, it drew the following conclusions:

77. We recognise that the circumstances at the start of the forthcoming Parliament, with the current Speaker having been elected less than a year earlier, make it inadvisable to suggest radical change at this time. We also believe that the role of Speaker has changed and will change even more in the future, as acknowledged by the development of manifestos from candidates in the last election. These factors together lead us to recommend that a review be carried out in the next Parliament of all these issues with a view to establishing whether radical change is needed for implementation at the opening of the Parliament after that.

78. For now, we recommend that this House be given an opportunity to decide between the options of retaining the current procedure for re-electing a former Speaker at the start of a new Parliament or of adopting a secret ballot for deciding this question, rather than a division.<sup>37</sup>

### 5.1 Motions tabled in 2005-10 Parliament

On 2 March 2010, a motion in the name of the Leader of the House to give effect to the Procedure Committee's second option – re-election by secret ballot – appeared among the Remaining Orders and Notices:

RE-ELECTION OF FORMER SPEAKER: AMENDMENT TO STANDING ORDERS

Ms Harriet Harman

Mr Greg Knight

Mr Christopher Chope

Mr Edward Leigh

That the following amendment be made to Standing Order No. 1A (Re-election of former Speaker) with effect from the beginning of the next Parliament:

Line **11**, at end insert:

'(1A) If the opinion of the Member presiding as to the decision of the question is challenged he shall direct that there be a secret ballot on the question that the former Speaker do take the Chair, according to the provisions of paragraphs (1B) to (1E) below.

(1B) Preparatory arrangements for a ballot shall be made under the supervision of the Clerk of the House.

(1C) The Member presiding may not vote in a ballot.

(1D)(a) A ballot shall take place in the lobbies unless the Member presiding directs otherwise.

(b) Each Member intending to vote shall be provided with a paper on which to record their votes on the question.

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<sup>37</sup> *Ibid*, paras 77-78

(c) A ballot shall be declared closed after the expiration of half an hour and counting shall take place under arrangements made by the Clerk of the House.

(d) The Member presiding shall have discretion to vary the timings given in this order and power to give final directions on any matter of doubt arising from the conduct of a ballot or from an individual ballot paper.

(1E) As soon as practical after the votes have been counted the Member presiding shall announce the result to the House.'

*The First Report from the Procedure Committee, on Election of the Speaker and of the Deputy Speakers, HC 341, is relevant.*<sup>38</sup>

Then on 4 March 2010, a second motion, giving effect to the Procedure Committee's first option – to retain the current procedure, appeared:

RE-ELECTION OF FORMER SPEAKER

Ms Harriet Harman

That this House endorses the arrangements for the re-election of a former Speaker as set out in Standing Order No. 1A.

*The First Report from the Procedure Committee, on Election of the Speaker and of the Deputy Speakers, HC 341, is relevant.*<sup>39</sup>

There was an expectation that these motions would be considered on 4 March 2010, when the House considered the Procedure Committee's recommendation on the election of Deputy Speakers.<sup>40</sup> However, the motions were not tabled for debate or decision on 4 March. This prompted some exchanges during both Business Questions and the debate on the Business of the House motion before motions relating to the recommendations of the Reform of the House Select Committee (the Wright Committee) were debated. During Business Questions, the Leader of the House provided the following reason not tabling the motions for debate:

**Ms Harman:** Because we are taking forward, in this afternoon's business of the House, issues that were raised by the Select Committee on Reform of the House of Commons, which was chaired by my hon. Friend the Member for Cannock Chase (Dr. Wright). If we can agree by the end of the day on the election of the Chairs and members of Select Committees and on a new Committee of the whole House to agree not only Back-Bench business but Government business, and if we can, in addition, improve the procedure for getting Deputy Speakers, we will have taken great steps forward. We changed the rules when we elected our Speaker, which was the first election by secret ballot, so we have recently addressed that issue by introducing a new procedure for electing the Speaker.<sup>41</sup>

<sup>38</sup> Remaining Orders and Notices, 11 March 2010, Item 53

<sup>39</sup> Remaining Orders and Notices, 11 March 2010, Item 52

<sup>40</sup> Further details on the election of Deputy Speakers can be found in House of Commons Library Briefing Paper, [The election of Deputy Speakers](#), SN05375

<sup>41</sup> HC Deb 4 March 2010 c1023

## 5.2 Revisiting the Procedure Committee recommendation

In 2012, the Procedure Committee reviewed all the elections that had taken place at the beginning of the 2010 Parliament. It noted that its predecessor committee had recommended that “the House should be given the opportunity before the last General Election to decide on the narrower question of whether to retain the open division procedure for determining the result where the question on re-electing a returning Speaker was challenged from the Floor”. It believed that its “predecessor Committee reached the right conclusions on this issue” and recommended that “the House be invited to decide whether on the first day of a new Parliament, where the Presiding Member’s decision on the question that a former Speaker take the Chair is challenged, the question should be decided by secret ballot or by open division”.<sup>42</sup> This recommendation was not proceeded with by the Government at the time.

In a report towards the end of the 2010 Parliament, the Procedure Committee commented that it had previously recommended that the House be given the opportunity to decide whether a contested question on whether to reappoint a returning Speaker should be decided by an open division or a secret ballot. It noted that the matter had not yet been put to the House and it suggested that “our successors in the new Parliament may wish to pursue them to ensure that the House is given an opportunity to consider our proposals”.<sup>43</sup>

On 26 March 2015 (the last sitting day of the 2010-15 Parliament), a motion was placed before the House to change Standing Orders to cause the re-election of the Speaker following the General Election to be conducted by secret ballot. The text of the motion was:

That this House notes the recommendation of the Procedure Committee in its Fifth Report of Session 2010-12, 2010 Elections for positions in the House, that the House should be invited to decide between a secret ballot or open division where the question at the start of a new Parliament that a former Speaker take the Chair is challenged, and accordingly makes the following change to Standing Orders, with effect from the beginning of the new Parliament:

Standing Order 1A (Re-election of former Speaker) Line 11, at end insert–

“(1A) If that question is contested, it shall be determined by secret ballot, to take place on the same day under arrangements made by the Member presiding, who shall announce the result of the ballot to the House as soon as is practicable.”

This would change the current situation, noted above, whereby a new Speaker is elected by secret ballot but no vote is required on a ‘returning’ Speaker.

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<sup>42</sup> Procedure Committee, [2010 elections for positions in the House](#), 31 October 2011, HC 1573, para 19

<sup>43</sup> Procedure Committee, [Matters for the Procedure Committee in the 2015 Parliament](#), 17 March 2015, HC 1121 2014-15, para 30

The motion was moved by the Leader of the House, William Hague MP. Less than 24 hours' notice was given of the intention to move the motion, which caused some complaint from backbench Members.<sup>44</sup> Previously, the Government's response to the Procedure Committee's 2012 report had indicated that it expected the Backbench Business Committee to make time to debate the issue.<sup>45</sup> The motion was rejected by 228 votes to 202.

### 5.3 Concerns about the process in 2019

On 4 November 2019, John Spellar expressed frustration about the process for electing a new Speaker. After the announcement of the results of one ballot, time is allowed for candidates to withdraw; only then could fresh ballot papers be printed. Mr Spellar said:

I think colleagues know who has dropped out. It seems to me utterly absurd not to have just reprinted the ballot paper for people to put their cross. All of this delay is quite unnecessary and bureaucratic.<sup>46</sup>

In response, Kenneth Clarke, who was chairing proceedings, said that:

... although these arrangements do need revising in various other respects, with the arrangements that we have it was not possible to know who the candidates were for the next round until a proper opportunity had been given for any candidates who wished to withdraw. I am afraid that the delay is inevitable.<sup>47</sup>

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<sup>44</sup> See [HC Deb 26 Mar 2015](#) c1619-20

<sup>45</sup> Procedure Committee, *2010 elections for positions in the House: Government Response to the Committee's Fifth Report of Session 2010-12*, 16 February 2012, HC 1824, p7

<sup>46</sup> [HC Deb 4 November 2019](#) c617

<sup>47</sup> [HC Deb 4 November 2019](#) c617

## 6. The election of 23 October 2000<sup>48</sup>

### 6.1 Events leading up to the election

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

On the first day back after the recess, 23 October, there will be no Question Time and the only business before the House will be the election of your successor. That will take place under the chairmanship of the Father of the House, as provided in Standing Order No. 1.<sup>49</sup>

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

- Madam Speaker's retirement as Speaker (and as a Member) "immediately before the House returns from the summer recess" meant that the election on 23 October would take place with no sitting Speaker
- The date of election being the first sitting day after the summer recess meant that there was a limited amount of parliamentary time available for discussion of the election process or any possible changes to the existing process.<sup>50</sup>

Members had raised questions and concerns about the election process through, for example points of order<sup>51</sup> and Early Day Motions. The main concerns appeared to be the limited opportunity for the House to consider the election process before the election date set, and the ability of the existing process to provide Members with a full and free choice of 'candidates'.

Tony Benn had proposed a ballot system for the election,<sup>52</sup> and had distributed a note which included a *draft* of a manuscript amendment he intended to seek the agreement of the Father of the House in the Chair at the start of business to move.

An unofficial 'hustings' was arranged by some Members for the morning of the election in a Commons committee room, and it is understood that some of the 'candidates' participated (see Box 1). Some 'candidates' had also issued statements (sometimes described as a 'personal manifesto') in support of their candidature.

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<sup>48</sup> A fuller version of the review of the election of the new Speaker on 23 October 2000 is given in the Library Research Paper RP 01/30, [Election of a Commons Speaker \(2nd edition\)](#), 19 March 2001

<sup>49</sup> HC Deb 12 Jul 2000 Vol 353 c 869

<sup>50</sup> The House rose on Friday 28 July for the summer recess

<sup>51</sup> Such as those on 20 July (HC Deb Vol 354 cc 567-9), 24 July (HC Deb Vol 354 cc 790-1), 25 July (HC Deb Vol 354 cc 914-6) and 27 July (HC Deb Vol 354 c 1276). The matter also arose during Business Questions on 27 July (HC Deb Vol 354 cc 1241ff)

<sup>52</sup> See, for example, "[Benn may change election of Speaker](#)", *Guardian*, 18 October 2000

**Box 1: Unofficial hustings**

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

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

**Mrs. Beckett:** I know that my right hon. Friend took part in those procedures. One of the concerns that was expressed--I speak from memory--on at least the previous two occasions of a Speaker's election, was that under our former procedures it was not necessarily the case that every potential candidate was heard. I know that that was part of the difficulty that my hon. Friend the Member for Pendle (Mr. Prentice) was seeking to overcome in the procedure to which my right hon. Friend referred. I think that it is one of the virtues of the proposals of the Procedure Committee that such a procedure would now allow all potential candidates to address the House without any being excluded.<sup>53</sup>

## 6.2 Proceedings on 23 October

The proceedings on 23 October,<sup>54</sup> the first day after the summer recess, contained many contributions, from candidates, their proposers and seconders, and from other Members, discussion of the election process itself and the important parliamentary role of the Speakership. The House met at 2.30, and the Father of the House, Sir Edward Heath, took the Chair. He explained the procedure for the day's business:

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

The Standing Order therefore means that all I can preside over is the election of a Speaker by the means laid down in the Standing Order. Although that procedure may sound complex, it is exactly the same as that adopted by the House in deciding on any motion to which amendments are offered. First, the motion is moved. If there are amendments, they are then moved and decided on. Once an amendment has been carried, the main question, as amended, is put to the House for decision. If no amendment is carried and no more are forthcoming, the main question is put for decision. I hope that that will be helpful.<sup>55</sup>

Tony Benn then tried to move his motion to run the election by ballot.<sup>56</sup>

<sup>53</sup> HC Deb 22 March 2001 cc501-502

<sup>54</sup> HC Deb 23 October 2000 Vol 355 cc1-106

<sup>55</sup> HC Deb 23 October 2000 c1

<sup>56</sup> HC Deb 23 October 2000 cc2-3

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

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

It may assist the House if I announce in advance the order in which I shall call Members to propose candidates – that is, the order of all those who have notified me that they wish to take part in the debate. I do so with two provisos. First, if any amendment is carried and the main question as amended thereafter is agreed to, no subsequent amendments can be proposed. Secondly, the list that I am about to read out is not necessarily exhaustive. If no amendment moved by a Member whose name is on the list is carried, other Members may catch my eye to put forward other candidates.<sup>57</sup>

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

It was done at my discretion. That has always been the case, but my predecessors have never announced in advance who has been chosen and where they are placed. I was hoping that my doing so would be helpful to the House.<sup>58</sup>

Further points of order followed, and Sir Edward responded:

Some of the complications of the proposed system are now emerging clearly. For us to go over to a new system will take considerable time and a great deal of investigation. What has been proposed so far as a simple solution is not simple at all. On the other hand, providing the names of those who wish to be considered and their proposers and seconders, as I have done, gives the House far more information than it has ever had in the past and provides a foundation for taking decisions today. Therefore, I cannot accept the proposals that have been made from various quarters. We should get on with our business, and I call Mr. Snape to propose Mr. Martin.<sup>59</sup>

After almost half an hour the election process itself began, and continued until approximately 9.15 (with a 15 minute break around 6pm). Michael Martin (Lab)<sup>60</sup> was proposed in the main motion, and the divisions on the amendments proposing other candidates were as follows:

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<sup>57</sup> HC Deb 23 October 2000 cc2-3

<sup>58</sup> HC Deb 23 October 2000 c5

<sup>59</sup> HC Deb 23 October 2000 c8

<sup>60</sup> First Deputy Chairman of Ways and Means. Proposed by Peter Snape (Lab); seconded by Ann Keen (Lab)

	<b>Aye - No</b>
Sir Alan Haselhurst (Con) <sup>61</sup>	140 - 345
Alan Beith (Lib Dem) <sup>62</sup>	83 - 409
Gwyneth Dunwoody (Lab) <sup>63</sup>	170 - 341
Sir George Young (Con) <sup>64</sup>	241 - 317
Menzies Campbell (Lib Dem) <sup>65</sup>	98 - 381
David Clark (Lab) <sup>66</sup>	192 - 257 <sup>72</sup>
Nicholas Winterton (Con) <sup>67</sup>	116 - 340
John McWilliam (Lab) <sup>68</sup>	30 - 309
Michael Lord (Con) <sup>69</sup>	146 - 290
Sir Patrick Cormack (Con) <sup>70</sup>	130 - 287
Richard Shepherd (Con) <sup>71</sup>	136 - 282

All the amendments having been negatived, the main motion was put to the House, and on a division, Michael Martin was elected by 370-8.<sup>73</sup>

Following a further suspension from 9.44pm to 11.18pm, the House went to the Lords to hear of the Queen's approval of their choice of Speaker, adjourning at 11.35pm.<sup>74</sup>

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<sup>61</sup> Chairman of Ways and Means. Proposed by David Winnick (Lab); seconded by Peter Brooke (Conservative)

<sup>62</sup> Proposed by Dafydd Wigley (PC); seconded by Jackie Ballard (LD)

<sup>63</sup> Proposed by David Davis (Con); seconded by a Cabinet Minister, Marjorie Mowlam, speaking from the back-benches (cc32-33)

<sup>64</sup> Who had stepped down as Shadow Leader of the House to be a candidate. Proposed by John MacGregor (Con); seconded by Helen Jackson (Lab)

<sup>65</sup> Proposed by Martin O'Neill (Lab); seconded by Derek Wyatt (Lab)

<sup>66</sup> Proposed by John Maxton (Lab); seconded by Joan Ruddock (Lab)

<sup>67</sup> Proposed by John Wilkinson (Con); seconded by Stephen Pound (Lab)

<sup>68</sup> Proposed by Jamie Cann (Lab); seconded by Helen Brinton (Lab)

<sup>69</sup> Second Deputy Chairman of Ways and Means. Proposed by Tom King (Con); seconded by Andrew Reed (Lab)

<sup>70</sup> Who had stepped down as Shadow Deputy Leader of the House to be a candidate. Proposed by Gillian Shephard (Con); seconded by Tam Dalyell (Lab)

<sup>71</sup> Proposed by Martin Bell (Ind); seconded by Tony Wright (Lab)

<sup>72</sup> The 'No' vote was originally declared as 296, but corrected at the end of the election process.

<sup>73</sup> HC Deb 23 October 2000 c96

<sup>74</sup> HC Deb 23 October 2000 c106

## 7. The Procedure Committee's February 2001 Report

The Procedure Committee announced its inquiry into the process for electing Speaker on 31 October 2000,<sup>75</sup> just over a week after Michael Martin had been elected. As well as taking evidence, it sent a questionnaire to all Members, and received 130 replies.

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

We have attempted not to lose sight of the fact that in the choice of Speaker, the outcome matters more than the details of the process. Our recommendations will be judged not merely by whether they enable the will of the House to be more effectively ascertained, but also by whether they assist the House to choose persons who will uphold the high traditions of the Speakership; in particular the paramount tradition of complete and transparent political impartiality. Our proposals are designed to achieve both of these ends.<sup>76</sup>

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

We conclude that some, though not all, of the criticisms of the present system of electing a Speaker are justified. We believe it is right to make a change, and to put before the House proposals for an alternative system. We also wish to put on record, however, our belief that the outcome of the election on 23 October 2000 would have been the same regardless of the particular electoral system employed.<sup>77</sup>

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

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

36. Nevertheless, we understand the sense of frustration felt by many Members that the timing of the election last October did not allow the House at that time to conduct a debate on the rules governing the Speakership election. It is in order to allow the

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<sup>75</sup> Procedure Committee, [\*Inquiry into the rules governing the election of the Speaker\*](#), PN No. 13 of 1999-2000, 13 November 2000

<sup>76</sup> Procedure Committee, Second Report, *Election of a Speaker*, 13 February 2001, HC 40 2000-2001, para 4

<sup>77</sup> *Ibid*, para 3

House to conduct that debate, and to do so on a well-informed basis, that we have carried out the present inquiry. We have sought to answer two questions. Is there a case for replacing the 1972 system of election? And if so, with what alternative system should it be replaced?<sup>78</sup>

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

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

39. A claim made by several witnesses was that the 1972 arrangements worked reasonably well in the context for which they were designed, that of an election involving at most two candidates, but that they broke down under the pressure of multiple candidatures. However, it was widely acknowledged that over a period of decades there has been a shift in the attitude taken by the House collectively which makes it increasingly unlikely that elections can be confined to a small number of candidates.<sup>79</sup>

The Committee reached the following conclusions about the existing system:

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

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

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

<sup>78</sup> *Ibid*, paras 35-36

<sup>79</sup> *Ibid*, paras 38-39

returned to the House) multi-candidate elections are likely to become the norm.

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

It therefore recommended a new ballot-based system:

(vi) For the above reasons we accept the view of the great majority of our witnesses, and **recommend that the 1972 system for electing the Speaker be replaced by a ballot-based system.**<sup>80</sup>

The report stated that the most difficult decision in relation to the new system was whether the ballot should be secret or open.<sup>81</sup> Of the responses to the questionnaire sent to all Members, 86% supported a ballot-based system,<sup>82</sup> and 63% supported a secret ballot.<sup>83</sup> On balance, the Committee recommended that the ballot should be secret, but that this question should be the subject of a specific and separate decision of the House:

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

61. We hope that the House will accept our recommendation. However, we are conscious that this is an issue on which there are strong views in the House on both sides of the argument. Although we have sampled the opinion of Members through our

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<sup>80</sup> *Ibid*, para 44

<sup>81</sup> *Ibid*, para 55

<sup>82</sup> *Ibid*, para 37

<sup>83</sup> *Ibid*, para 59

questionnaire and by taking evidence, we are not confident that we know what the majority view in the House is. We therefore recommend that **the question of whether the ballot be secret or open should be the subject of a specific and separate decision by the House.**<sup>84</sup>

The Committee proposed no changes to the system of either the outgoing Speaker or Father of the House presiding over the election. It recommended that the Clerk should supervise the conduct of the ballot.<sup>85</sup> Other recommendations included the following:

- Each candidate's nomination should have the support of 12 other Members, of whom at least three should not be members of his or her party.<sup>86</sup>
- There should be no formal role for manifestos or hustings, but they should not be formally prohibited.<sup>87</sup>
- There should not be an automatic ballot at the start of a Parliament where a sitting Speaker seeking re-election to the Chair has been returned to the House.<sup>88</sup>

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

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

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

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

- (i) the winning candidate should have the support of more than 50% of those voting;
- (ii) Members should be able to vote for the candidate of their choice without fear of their vote being wasted;
- (iii) all candidates should be treated equally; and
- (iv) the procedure should be transparent and efficient.<sup>89</sup>

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<sup>84</sup> *Ibid*, paras 60-61

<sup>85</sup> *Ibid*, paras 46-47

<sup>86</sup> *Ibid*, para 48

<sup>87</sup> *Ibid*, para 52

<sup>88</sup> *Ibid*, para 76

In its Memorandum to the Committee, the ERS stated that the present system did not meet these criteria.<sup>90</sup> From the various voting systems which it examined, it concluded that both AV and the Exhaustive Ballot did satisfy them.<sup>91</sup>

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

We consider that the benefits brought by the Exhaustive Ballot are sufficiently great as to outweigh the inconvenience in terms of time brought by the need to have multiple ballots. We therefore prefer the Exhaustive Ballot to AV and recommend that it be the system adopted. In order to reduce the overall time taken, however, we also recommend that, as in Canada, candidates polling less than 5% of the total votes cast should be eliminated after the first ballot.<sup>92</sup>

The Committee's overall conclusions were as follows:

The election of a Speaker is one of the most important decisions taken by the House. It has become clear that the system of election introduced in 1972 is no longer satisfactory as a means of making this decision. Our proposed alternative system is a fairer and simpler mechanism for enabling the will of the House to be expressed. We believe that, using this system, the House will continue to elect Speakers who will maintain the high traditions of their office, in particular those of complete political impartiality and devotion to the service of the House.<sup>93</sup>

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<sup>89</sup> *Ibid*, paras 63-65

<sup>90</sup> Procedure Committee, Second Report, *Election of a Speaker*, 13 February 2001, HC 40 2000-01, Memorandum by the Electoral Reform Society, *Choosing a voting system for the election of the Speaker*, Appendix 3 to the Minutes of Evidence, p 71 -76

<sup>91</sup> *Ibid*, para 6

<sup>92</sup> *Ibid*, para 69

<sup>93</sup> *Ibid*, para 87

## 8. Debate on the Procedure Committee's report

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

Let me stress at once that the motion has been tabled in my name simply to allow the House to reach a decision on the recommendations of the Procedure Committee, as has the amendment in the name of my hon. Friend the Parliamentary Secretary. I shall deal with that shortly. The motion and the amendment have been drawn up with the assistance of the Clerks. The detailed process of drafting has, as is often the case, created the need for minor amendment and to expand the Committee's precise recommendations, so that the Standing Orders do, in some places, flesh out the detail of the Committee's recommendations. I believe that the Committee expected that. We have been greatly assisted by the Chairman of the Committee, the hon. Member for Macclesfield (Mr. Winterton), who has been consulted on our detailed interpretation of the recommendations.<sup>94</sup>

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

The first part of the motion simply approves the recommendations that the Procedure Committee made about the election of a Speaker. They include matters that probably cannot adequately be put into Standing Orders, but should nevertheless guide the House in future. For example, the Committee noted that it perceived no need for hustings or manifestos, but did not recommend their formal prohibition. It deprecated strident campaigning and noted that it should be possible to carry out the whole electoral process in a single sitting day. Those are important guidelines, which should be put on the record, but they need not be written into Standing Orders.<sup>95</sup>

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

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

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

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<sup>94</sup> HC Deb 22 March 2001 c500

<sup>95</sup> HC Deb 22 March 2001 c500

contain up to 15 signatures. That gives some room for manoeuvre.<sup>96</sup>

She then described the way in which the contest would proceed. Paragraph (6) of the Standing Order provides that “the order in which candidates address the House should be determined by lot in the House”. Paragraph (7) provides that the presiding Member will not have a vote in any ballot, as under the 1972 arrangements.<sup>97</sup>

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

... Paragraph (14) sets out the general principles that the House should meet at 2.30 pm on any day on which it is to elect a Speaker; that the question that a Member becomes Speaker shall be unamendable, as the Procedure Committee suggested; and that, in the unlikely event – one hopes – of the House rejecting the Member who comes top of the ballot, the whole process will be repeated on the following day.<sup>98</sup>

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

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

The Committee considered, on balance, that the ballot should be secret and that is why that provision is in the substantive motion. However, I stress that it is for the House to decide, and the amendment in the name of my hon. Friend the Parliamentary Secretary [and David Winnick, who moved it] enables that choice to be made by giving the House something on which to vote.<sup>99</sup>

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

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

The other issue on which there was a difference of views within the Committee was the voting system itself. The choice was between the exhaustive ballot and the alternative vote. Both were

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<sup>96</sup> HC Deb 22 March 2001 c501

<sup>97</sup> *Ibid*

<sup>98</sup> HC Deb 22 March 2001 c502

<sup>99</sup> *Ibid*

recommended by the Electoral Reform Society as suitable systems by which to elect a Speaker. The arguments for and against each are well set out in the report, and even more fully in the evidence from the Electoral Reform Society, printed with the report. My preference – which was shared, I am pleased to say, by a majority of the Committee – was for the exhaustive ballot.<sup>100</sup>

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

All our votes need to be duly recorded even when we vote on an internal matter that is of little concern to constituents. ... I want everything to be above board. Our votes on major and minor issues are recorded. That should be the case for all our actions, including the election of the Speaker.<sup>101</sup>

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

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

If there are valid arguments for a secret ballot, why is the Division to re-elect the Speaker at the beginning of a Parliament—when a Division can be called—open and not secret? Exactly the same arguments could be applied to that. What is to happen if there is a censure motion? I assume that there will be an open vote, as there is at the moment. Having conceded the argument on electing the Speaker in private in the report, the Committee may not have followed the logic through to other circumstances in which the authority of the Speaker may come into question.<sup>102</sup>

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

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

<sup>100</sup> HC Deb 22 March 2001 cc505-506

<sup>101</sup> HC Deb 22 March 2001 c516

<sup>102</sup> HC Deb 22 March 2001 cc524-525

and wanted to become a Minister – might think twice about voting against the perceived preference of, say, the Prime Minister.<sup>103</sup>

Dominic Grieve and others referred to the Canadian system where, as well as the ballot being secret, results were not reported to prevent tactical voting.<sup>104</sup>

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

It is proposed that we change our system and adopt a voting structure whereby the House will make a decision using a method that we have never used before. I am concerned that if we go down that road there is a risk that in future, in respect of other amendments, we shall be tempted to drift towards the use of a similar system – a poll, rather than a vote – which would do great damage to the rules and procedures of the House. I am sorry that the Committee has decided to cast away the system that resulted in the election of the man whom the House wanted. No one disagrees with that statement. When we have a system that is so transparent and democratic, I am dubious about making change merely for its own sake.<sup>105</sup>

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

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

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

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

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

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

I want to draw attention to the letter that the Bishop of Woolwich sent to the Committee. Although it did not appear in the report, it

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<sup>103</sup> HC Deb 22 March 2001 c532

<sup>104</sup> HC Deb 22 March 2001 c536

<sup>105</sup> HC Deb 22 March 2001 c519

was circulated to Committee members and in it he spells out in full the advantages of the alternative vote.<sup>106</sup>

When challenged that he could have tabled an amendment, he said that given his determination to get away from first past the post, he was prepared to accept the exhaustive ballot system.<sup>107</sup>

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

The Committee favoured two particular views about the exhaustive ballot. First, it accepted that such a ballot would enable candidates who obtained a small number of votes to exit the process at the first stage. Although candidates can take soundings, they will not necessarily be aware of how much support they have until the first round is completed. An exhaustive ballot would ensure that such candidates could withdraw their nominations immediately. Secondly, an exhaustive ballot would enable hon. Members to assess support for candidates and adjust their preferences accordingly in the second round. I believe that that would be of some help, although I acknowledge that the two views are finely balanced.<sup>108</sup>

The motion debated provided for a secret ballot in the election of a Speaker. David Winnick moved an amendment "to leave out the word 'secret'".<sup>109</sup> The amendment was rejected by 84 votes to 82;<sup>110</sup> and the main question (to approve the Procedure Committee's Report and the new Standing Orders) was agreed to without a division.<sup>111</sup>

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<sup>106</sup> HC Deb 22 March 2001 cc513-514

<sup>107</sup> HC Deb 22 March 2001 c514

<sup>108</sup> HC Deb 22 March 2001 c527

<sup>109</sup> HC Deb 22 March 2001 c515

<sup>110</sup> HC Deb 22 March 2001 c538

<sup>111</sup> HC Deb 22 March 2001 cc539-541

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