



## AV and electoral reform

Standard Note: SN/PC/05317

Last updated: 12 July 2011

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The Coalition Programme of May 2010 included a commitment to introduce a Referendum Bill on electoral reform. The *Parliamentary Voting System and Constituencies Act 2011* made provision for the introduction of the Alternative Vote system for the House of Commons if there was a positive result in a referendum. 67.9% of voters opposed changing the voting system to AV in the referendum held on 5 May 2011. For an analysis of the referendum results see [Library Research Paper 11/44](#), *Alternative Vote Referendum 2011*.

This Note provides a summary of the main provisions of the *Parliamentary Voting System and Constituencies Act 2011*; full details on the introduction of the Bill are given in [Library Research Paper 10/55](#). Details are given of the party manifesto commitments in 2010 relating to electoral reform and background to the history of calls for electoral reform in the UK including details of the report of the Jenkins Commission on the voting system in 1998 and subsequent reviews of the voting systems in the UK.

[Standard Note SN/PC/5142](#) gives details of the mechanics for holding the referendum on electoral reform and summarises the applicable provisions of the *Political Parties, Elections and Referendums Act 2000* (PPERA) which regulate publicity and campaigning. [Standard Note SN/PC/4458](#) provides brief details of the different voting systems currently used in the United Kingdom.

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## 1 Party positions at the 2010 General Election

The 2010 General Election manifestos of the main political parties included the following on electoral reform:

The [Conservative Party manifesto](#) stated:

We support the first-past-the-post system for Westminster elections because it gives voters the chance to kick out a government they are fed up with (p67)

The [Liberal Democrat manifesto](#) said that the party would:

Change politics and abolish safe seats by introducing a fair, more proportional voting system for MPs. Our preferred Single Transferable Vote system gives people the choice between candidates as well as parties. Under the new system, we will be able to reduce the number of MPs by 150 (pp 87-8)

The [Labour Party manifesto](#) included a commitment to:

Referenda, held on the same day, for moving to the Alternative Vote for elections to the House of Commons and to a democratic and accountable Second Chamber (chapter 9:2)

## 2 The Coalition Government's policy

On 5 July 2010 the Deputy Prime Minister made a statement on the Government's proposals for Parliamentary reform.<sup>1</sup> Mr Clegg announced that a bill would be introduced before the summer recess to provide for a referendum on the Alternative Vote system and for a review of constituency boundaries in order to create fewer and more equally sized constituencies. The number of MPs would be reduced from 650 to 600. Mr Clegg said that the referendum on AV would be held on 5 May 2011, the same day as elections to the devolved legislatures in Scotland, Wales and Northern Ireland, and local elections in England. The referendum would be decided on the basis of a simple majority.

### 2.1 *The Parliamentary Voting System and Constituencies Bill 2010-11*

The Bill was introduced on 22 July 2010 and made provision for the next general election to be fought under the Alternative Vote system, provided that the change was endorsed in a referendum to be held on 5 May 2011. The referendum would therefore be held after the legislation had been enacted, but the provisions changing the voting system would not come into force unless there was a simple majority for a change by those voting in the referendum. The Bill also provided for the introduction of AV to be linked with the proposed reduction of the size of the House of Commons to 600. Until the necessary boundary changes have been made, AV cannot be introduced. However, the boundary changes will take effect, whatever the result of the referendum. If AV was introduced, this would be another new electoral system since 1997 to be used in the UK: the Single Transferable Vote system, the Additional Member system, the Closed Party List system and the Supplementary Vote system have already been introduced since then. The form of AV proposed for Parliamentary elections in the UK would allow voters to express a preference for as many or as few candidates as they wish.

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<sup>1</sup> HC Deb 5 July 2010 c23

The referendum question was set out in the legislation and was modified on the advice of the Electoral Commission during the passage of the Bill. The Commission was given the role under PPERA to be consulted as to the intelligibility of the referendum question. The question was as follows:

At present, the UK uses the “first past the post” system to elect MPs to the House of Commons. Should the “alternative vote” system be used instead?

The Commission had a role in administering the expense limits in the campaign under PPERA and in nominating umbrella organisations for the Yes and No campaigns. The Bill gave the Commission a role in organising the counting of the referendum and a duty to promote public awareness; there were also detailed adaptations of the election rules. The referendum period for the purpose of PPERA began at Royal Assent; this was relevant for regulating campaign expenditure.

It was estimated that 39 million electors already had the right to vote in scheduled elections in May 2011, for the Scottish Parliament, National Assembly of Wales, Northern Ireland Assembly and local elections. There was some controversy as to whether the referendum ought to be combined with such polls and concerns were expressed that this would lead to voter confusion.

The Bill also introduced new Rules for the Redistribution of Seats, beginning with a target of 600 seats for the whole of the UK. As well as reducing the number of MPs, the Bill aimed to reduce inequalities of electors per seat. There is to be a uniform electoral quota, based on the electoral register for December 2010. The boundary reviews are to be completed by September 2013.

The Bill received Royal Assent on 16 February 2011.

### **3 Background**

#### **3.1 The history of AV in the UK**

Interest in electoral reform developed in the UK in the late nineteenth century. A Royal Commission of 1909-10 advocated an ‘alternative vote’ (AV) system for the House of Commons without success.<sup>2</sup> Irish demands for Home Rule added to these discussions, as Unionists in Southern Ireland saw PR as a protection against a Catholic-Nationalist Dublin Parliament - Redmond, the Nationalist leader, indicated sympathy for this approach - and British supporters saw it as a means of reconciling the divided communities. PR was inserted into the Home Rule Bill of 1912 for the proposed Irish Upper House and for just under a fifth of the Lower House during its legislative passage. The Bill was not brought into effect due to the outbreak of World War One.

*The Representation of the People Bill 1917-18*<sup>3</sup> included proposals for STV and AV following the Speaker’s Conference of January 1917, which recommended STV<sup>4</sup> in urban constituencies returning 3-7 MPs and AV in rural single member constituencies. The Prime Minister, Lloyd George, was not convinced of the merits of proportional representation and the decision was taken to allow a free vote on the issue. The transferable vote was rejected

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<sup>2</sup> Cd 5163

<sup>3</sup> Bill 49 of 1917-18

<sup>4</sup> Cd 8463. For background on the Speakers Conference see *British Interparty Conferences* Chapter 8 (1980) by John D Fair. The minutes and papers of the Conference have not survived

by 169 to 201 votes in the Commons.<sup>5</sup> All parties were split but the majority of Unionists voting were against and the majority of Liberals voting were in favour.<sup>6</sup> A proposal to introduce the Alternative Vote for single member constituencies was accepted by 125 to 124 votes with once again a majority of Liberals voting in favour and a majority of Unionists voting against.<sup>7</sup>

In the Bill as passed by the Commons, AV had been adopted for single member constituencies and STV for university constituencies only.<sup>8</sup> In the Lords STV was reinserted in the Bill by 131 to 42<sup>9</sup> and a motion to take out AV was passed by 66 votes to 9.<sup>10</sup> Lords amendments came back to the Commons on 30 January 1918 where the reintroduction of STV was rejected by 223 to 113. The deletion of AV was rejected by 178 to 170.<sup>11</sup>

The deadlock between the two Houses continued until the last day of the session on February 6 until both STV and AV were removed from the Bill.<sup>12</sup>

Thereafter PR became more associated with the Liberal Party and it was not until there was a minority Labour Government in 1929-31 that another Speaker's Conference was held, which failed to agree on electoral reform.<sup>13</sup> Subsequently, the Government introduced the *Representation of the People (No 2) Bill* to establish an AV system, as a means of securing Liberal support.<sup>14</sup> Winston Churchill made his opposition clear, commenting "The decision is to be determined by the most worthless votes given for the most worthless candidates." This was a reference to the argument that AV treats second and subsequent votes as of the same value as first preference votes. In this speech, Winston Churchill argued for second ballot instead of AV, if any electoral reform had to take place.<sup>15</sup>

In the Lords, under Conservative pressure, amendments confined AV to one third of all the constituencies, that is, London and the larger boroughs. The Bill was returned to the Commons on 21 July 1931, but the Labour government resigned in August 1931 and the Bill was lost.

### 3.2 Supplementary Vote

A modified form of AV is used for the election of the London Mayor – the Supplementary Vote. It restricts the voters to two preferences so as to prevent the very weak preferences at the bottom of the ordering scale influencing the result unduly. If a candidate has over half the first preferences they are elected. If no candidate has over half, all but the top two candidates are eliminated, and the second preferences of those who voted for the eliminated candidates are counted - those for either of the top two candidates are added to the vote, and whoever has the highest number wins.

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<sup>5</sup> HC Deb 4 July 1917 c1134-40

<sup>6</sup> *Parliamentary Franchise Reform 1885-1918* 1921 H.L.Morris

<sup>7</sup> HC Deb 9 August 1917 c645

<sup>8</sup> Bill 99 of 1917-8 as amended in Commons Committee

<sup>9</sup> HL Deb 21 January 1918 c824

<sup>10</sup> HL Deb 22 January 1918 c1002

<sup>11</sup> HC Deb 31 January 1918 c1820

<sup>12</sup> For further background see *Franchise Reform in England 1885-1918*, H L Morris; *The Electoral System in Britain since 1918* by D Butler; *Electoral Reform in War and Peace 1906-18* by Martin Pugh; *The People and the Party System* by Vernon Bogdanor

<sup>13</sup> *Letter from Viscount Ullswater to the Prime Minister*, 17.7.1930

<sup>14</sup> Bill 85 of 1930-31. An earlier version, Bill 82, was withdrawn after publication.

<sup>15</sup> HC Deb 2 June 1931 c106

*The Representation of the People (No 2) Bill* of 1930-31 as originally printed, proposed a system of Alternative Vote which broadly corresponds to the Supplementary Vote. An elector was allowed only two preferences in marking the ballot paper. However, only the candidate with the smallest number of votes was eliminated initially, unlike the modern variant of the Supplementary Vote where all but the top two candidates are eliminated from the count. The drafting implied that only three candidates would be the norm in constituencies (Clause 1, Schedule 1).

At Second Reading the then Home Secretary, J. R. Clynes, said that its solution was the best and the most simplest given that there were only three parties which stood any chance of forming a government.<sup>16</sup> At the Committee Stage of the Bill, however, Schedule 1 was amended so that voters could give as many preferences as candidates.<sup>17</sup> The amendment was moved by Sir Herbert Samuel, for the Liberals, but accepted by the Labour government. Sir Herbert pointed out that the 1917-18 *Representation of the People Bill* had allowed for more than two preferences to be made on the ballot paper, and argued that four cornered contests were becoming common, owing to party splits.<sup>18</sup> In response, Mr Clynes accepted that there were indications that new parties were being formed (c1060). The Conservative spokesman, Sir Samuel Hoare, complained that by introducing third, fourth and fifth preferences the result of the election was being put into the hands of an even smaller number of voters than before (c1062). However, as noted above, the Lords were hostile to AV and the Bill was eventually lost.

Electoral reform began to resurface again in the 1970s and 1980s, when the two party dominance began to be challenged by a resurgent Liberal Party and nationalist parties with representation in the Commons. In 1990, following a vote at Annual Conference, the Labour Party set up the Working Party on Electoral Systems chaired by Professor Raymond Plant, a professor of politics at Southampton University. The Working Party issued an initial document "*Democracy Representation and Elections*" in 1991 which identified relevant issues, and discussed alternative voting systems without coming to specific conclusions. The working party then produced a shorter second interim report for the party conference in 1992 following the General Election. The final report was published in April 1993 and recommended, by a narrow majority, the Supplementary Vote for elections to the House of Commons.<sup>19</sup>

### **3.3 The Report of the Independent Commission on the Voting System**

In 1997 the Labour Party manifesto contained a commitment to hold a referendum on the voting system for the House of Commons. The Independent Commission on the Voting System was subsequently established by the Labour government in December 1997.

The remit of the Independent Commission on the Voting System, chaired by the Rt Hon Lord Jenkins of Hillhead, was to recommend an alternative to the existing system for Parliamentary elections to be put before the people in a referendum. The report was published in October 1998.<sup>20</sup> The Commission's central recommendation was that 'the best alternative for Britain to the existing First Past the Post System is a two-vote mixed system which can be described as either limited AMS or AV Top-up. The majority of MPs (80-85%) would continue to be elected on an individual constituency basis, with the remainder elected

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<sup>16</sup> HC Deb 4 March 1931 c455 and 23 April 1931 c1267, as given by Hart

<sup>17</sup> HC Deb 12 May 1931 c1049-1072 Bill 151 gives the text of amendments in committee

<sup>18</sup> Ibid c1049-54

<sup>19</sup> Library Research Paper 98/112, *Voting systems: the Jenkins Report*

<sup>20</sup> Cm 4090

on a corrective Top-Up basis which would significantly reduce the disproportionality and the geographical divisiveness which are inherent in FPTP.' The Commission rejected AV, *on its own*, as an alternative to the First Past the Post system for UK Parliamentary elections:

81. The simplest change would be from FPTP to the Alternative Vote (henceforth referred to as AV). This meets several of our four criteria. It would fully maintain the link between MPs and a single geographical constituency. It would increase voter choice in the sense that it would enable voters to express their second and sometimes third or fourth preferences, and thus free them from a bifurcating choice between realistic and ideological commitment or, as it sometimes is called, voting tactically. There is not the slightest reason to think that AV would reduce the stability of government; it might indeed lead to larger parliamentary majorities. This is a formidable list of assets, particularly in the context of our terms of reference. And there are at least two further ones. AV would involve no change of constituency boundaries, and could thus be implemented from the moment that Parliament accepted a positive vote in a referendum. It would also virtually ensure that each MP commanded at least majority acquiescence within his constituency, which is far from being the case under FPTP, where as we have seen nearly a half of members have more opponents than supporters, and, exceptionally, a member can be elected (as in Inverness in 1992) with as little as 26% of the vote. However, it is necessary to acknowledge the argument that the second or subsequent preferences of a losing candidate, if they are decisive, are seen by some as carrying less value (and even as arising almost accidentally) and so contributing less to the legitimacy of the result, than first preference votes (or indeed the second preferences of the most powerful candidates).

82. Beyond this AV on its own suffers from a stark objection. It offers little prospect of a move towards greater proportionality, and in some circumstances, and those the ones which certainly prevailed at the last election and may well do so for at least the next one, it is even less proportional than FPTP. Simulations of how the 1997 result might have come out under AV suggest that it would have significantly increased the size of the already swollen Labour majority. A 'best guess' projection of the shape of the current Parliament under AV suggests on one highly reputable estimate the following outcome with the actual FPTP figures given in brackets after the projected figures: Labour 452 (419), Conservative 96 (165), Liberal Democrats 82 (46), others 29 (29). The overall Labour majority could thus have risen from 169 to 245. On another equally reputable estimate the figures are given as Labour 436, Conservatives 110, Liberal Democrats 84 and others 29, an overall majority this time of 213. On either basis an injustice to the Liberal Democrats would have been nearly two-thirds corrected (their strictly proportional entitlement was 111 seats) but at the price of a still greater injustice to the Conservatives. The Conservative 30.7% of the votes should strictly have given them 202 seats. Instead FPTP gave them 165 or 25% of the seats, whereas AV would have given them on one estimate only 96 (or 14.6% of the seats), and on the more favourable one from their point of view 110 seats (or 16.7% of the total).

83. The 1997 election, it can be argued, was far from typical. The scenario was the one most calculated to produce an exaggerated majority and to increase disproportionality. There was a strong desire to get rid of the incumbent government, the third party (Liberal Democrats) was much closer to the main Labour challenger than to the government, and many voters cared more about casting an anti-Conservative vote than about whether this would result in a Labour or a Liberal Democrat victory in their particular constituency. (This last factor, however, did not clearly add to the difference between a FPTP and an AV result, for many electors did a sort of 'do it yourself' AV and voted for whichever of the two opposition candidates they

thought was the more effective challenger.) In the three previous elections, those of 1983, 1987 and 1992, AV would have had a less distorting effect on proportionality between the two main parties. For example, one estimate suggests that it would have led to a Conservative majority (with the actual FPTP result again given in brackets) of 27 (21) in 1992. But it would have avoided this distortion at the expense of being able to claim much less credit for correcting the adverse treatment of the third party. The Liberal Democrats would in 1992 have got only 31 or 4.8% of the seats for 19% of the vote.

84. Added to this, AV on its own, because it makes use exclusively of single-member constituencies, would fail to address several of the more significant defects of FPTP which we identified earlier. In particular, there would still be large tracts of the country which would be electoral deserts for major parties. Conservative voters in Scotland, for example, might only hope to influence the result through their second choice. And although AV would probably increase the number of marginal seats thus reducing the number of voters effectively excluded from influencing the overall result, most seats in the country would remain safe.

85. The Commission's conclusions from these and other pieces of evidence about the operation of AV are threefold. First, it does not address one of our most important terms of reference. So far from doing much to relieve disproportionality, it is capable of substantially adding to it. Second, its effects (on its own without any corrective mechanism) are disturbingly unpredictable. Third, it would in the circumstances of the last election, which even if untypical is necessarily the one most vivid in the recollection of the public, and very likely in the circumstances of the next one too, be unacceptably unfair to the Conservatives. Fairness in representation is a complex concept, as we have seen in paragraph 6, and one to which the upholders of FPTP do not appear to attach great importance. But it is one which, apart from anything else, inhibits a Commission appointed by a Labour government and presided over by a Liberal Democrat from recommending a solution which at the last election might have left the Conservatives with less than half of their proportional entitlement. We therefore reject the AV as on its own a solution despite what many see as its very considerable advantage of ensuring that every constituency member gains majority acquiescence.

Library Research Paper 98/112, [Voting Systems: the Jenkins Report](#) gives further details of the report. The Government did not respond formally to Jenkins but it was the subject of a debate in the House of Commons on 5 November 1998.<sup>21</sup> A referendum on the proposals was not held.

### **3.4 Independent Commission to review Britain's experience of PR voting systems**

In 2001 the Labour Party manifesto promised a review of Britain's experience of the new PR voting systems introduced since 1997 before considering any changes to the electoral system for the House of Commons. An independent Commission was established by the Constitution Unit of University College London to assist that review and published [Changed Voting Changed Politics: lessons of Britain's experience of PR since 1997](#) in 2003.

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<sup>21</sup> [HC Deb 5 November 1998 c1032-1113](#)

### 3.5 The Labour Government's Review of Voting Systems

In 2005 the Labour Party manifesto stated that the party remained 'committed to reviewing the experience of the new electoral systems' and repeated the 2001 statement that a referendum remained the 'right way to agree any change for Westminster'.<sup>22</sup>

The Labour Government's review of voting systems in the UK was published on 24 January 2008.<sup>23</sup> The publication of the review was announced in a Written Ministerial Statement by Michael Wills, the then Minister of State at the Ministry of Justice.<sup>24</sup> Mr Wills said that the review provided:

...a summary of the experiences of the new voting systems introduced over the past decade and on that basis sets out the advantages and disadvantages associated with each. It uses a range of commonly accepted criteria for assessing the experience of the new voting systems. These include the degree of proportionality under different systems, the impact on voters in terms of the choices available, voter turnout rates, the impact on political campaigning, social representation, Government formation and administration of elections under different systems.<sup>25</sup>

A Ministry of Justice press notice summarised the findings of the review:

- there is no clear causal relationship between proportional representation and a range of desirable outcomes;
- the new voting systems have led to more proportional allocation of seats in devolved administrations, which has resulted in more parties being represented in the elected bodies and given rise to a tendency towards coalition government;
- it has not been the experience of the UK that voter participation has risen with the introduction of proportional systems, although there is some evidence that proportional systems have a marginally higher turnout internationally;
- positive action policies have a greater impact on increasing women's representation than more proportional voting systems;
- there has been little change to party campaigning, with continued emphasis on winning constituency seats;
- changes to voting systems require significant research, planning and testing to ensure voters understand the system and can use their vote.<sup>26</sup>

The review was intended to inform debate about the voting system for Westminster and looked at the implications of changing to some form of PR. The executive summary notes:

45. A move to any form of PR for Westminster would imply a range of significant changes including:

- more small parties represented in Parliament (due to proportionality)
- greater tendency for coalition governments

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<sup>22</sup> Labour Party manifesto, 2005

<sup>23</sup> *Review of Voting Systems: the experience of new voting systems in the United Kingdom since 1997*. Cm 7304, January 2008

<sup>24</sup> HC Deb 24 January 2008 c 61WS

<sup>25</sup> Ibid

<sup>26</sup> "Governance of Britain – UK voting systems review", *Ministry of Justice press release*, 24 January 2008

- multi-member constituencies.

46. On these three points and, in the case of greater proportionality, research and evidence is clear about the outcome of a shift to PR. The benefits of PR are that it is likely to increase people's choices in elections and provide a more proportional allocation of seats in Parliament. This in turn increases the likelihood of coalition governments. There would need to be a shift to more government by consensus and compromise, particularly in the period following elections when coalition or other agreements were being negotiated. This consequential change to the nature of government formation is a key consideration in the debate about whether PR should be introduced for Westminster, including the subsequent changes to the nature of policy development. Any party could become part of the coalition government, regardless of its size or share of the votes.<sup>27</sup>

### 3.6 The Constitutional Reform and Governance Bill 2009-10

The *Constitutional Reform and Governance Bill* was introduced in the 2008-09 session and carried over into the 2009-10 session. In his statement to the House of Commons on constitutional renewal in June 2009, the then Prime Minister, Gordon Brown, stated:

Last year, we published our review of the electoral system and there is a long-standing debate on this issue. I still believe that the link between the MP and constituency is essential and that the constituency is best able to hold its MP to account. We should be prepared to propose change only if there is a broad consensus in the country that it would strengthen our democracy and our politics by improving the effectiveness and legitimacy of both Government and Parliament and by enhancing the level and quality of representation and public engagement. We will set out proposals for taking this debate forward.<sup>28</sup>

In response to a Parliamentary Question on 6 January 2010 the then Minister of State, Michael Wills, said:

... the Prime Minister has set out our commitment to a referendum being held early in the next Parliament for the people to decide whether they want to move to the Alternative Vote system for elections to the House of Commons, for which legislation will be required...<sup>29</sup>

On 2 February 2010 Gordon Brown announced in a speech to the Institute for Public Policy Research that the Labour Government was tabling clauses to the *Constitutional Reform and Renewal Bill 2009-10* which would make provision for a referendum on changing to the Alternative Vote system for UK Parliamentary elections:

... it is also essential that MPs are accountable to their constituents and that their mandate is clear and strong. If the public choose this change as the right way forward, I hope we can move to a situation where every MP is able to say, as they cannot today, that when it came to the final count, they were the choice of an absolute majority. The first past the post system maintains a clear link to a member of parliament's constituency and it has usually given governments a clear mandate to govern. But as we seek to re-engage people and enhance public participation I believe we should ask the people to look afresh at whether the electoral system can enhance the mandate of the constituency MP, as well as engaging people further in the choice

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<sup>27</sup> [Review of Voting Systems: the experience of new voting systems in the United Kingdom since 1997](#). Cm 7304, January 2008, para 45-6

<sup>28</sup> HC Deb 10 June 2009 c798

<sup>29</sup> HC Deb 6 January 2010 c433W

they have at the ballot box. The alternative vote system has the advantage of maintaining the benefit of a strong constituency link; allowing MPs to be not simply policy makers, but also community leaders, community organisers, and the strongest champions for neighbourhoods they know and love. But if the people decide to back the alternative vote, it also offers voters increased choice with the chance to express preferences for as many of the candidates as they wish. It means that each elected MP will have the chance to be elected with much broader support from their constituency, not just those who picked them as their first choice. In short it offers a system where the British people can, if they so choose, be more confident that their MP truly represents them, while at the same time remaining directly accountable to them.

Any change will not be for the forthcoming election. But we are agreed there should be a referendum at a date in the near future, because any decision on something as fundamental as electoral reform must not be the subject of an executive decision endorsed by parliament but rather a question for the British people in a referendum. I will argue and campaign for such a change. And because this is a major change in our democratic arrangements, we are today publishing the key clauses we are tabling as part of the Constitutional Reform and Governance Bill. That bill will have the effect of introducing the primary legislation required to hold a referendum on moving to the alternative vote system, which we intend should be held before the end of October 2011.

And in moving towards a more democratic form of election, I hope too that we can move towards making parliament itself better reflect the people it serves.<sup>30</sup>

The Government tabled a new clause in the name of Jack Straw, the then Secretary of State for Justice. The new clause made provision for a referendum on the voting system to be held no later than 31 October 2011. When the new clause was [debated in Committee](#) Jack Straw said that a referendum would:

...the case for making the change is to do with the fact that we have moved from a two-party arrangement in the House - which is what obtained, unusually in British politics, between 1945 and 1970 - to the three or four-party system that has much more often been the default setting of British politics. The question of whether there should be a change is nothing new - as I shall make clear, it has been debated on a number of occasions - but of course some hon. Members will ask why we need to make the change now. The answer is that in the past 12 months, as everyone knows - it has affected hon. Members in all parts of the House in the same way - we have seen a crisis of confidence in our political system and our politicians on a scale that none of us has witnessed before in our political lifetime. Trust has been profoundly damaged...

...all of us here must do all that we can to restore trust in politics, and it is axiomatic that part of that process must involve consideration of which electoral system can best serve the people of this country and asking them to make a decision. Our response is to put in place a credible alternative that would go with the grain of what the British people value in our system, and allow them to express their clear view in a referendum.

Sensible constitutional change should enhance the effectiveness and legitimacy of our institutions, not undermine them. I suggest, and I will suggest to the British people if these new clauses are passed, that adopting the alternative vote system would achieve that. The alternative vote system builds on the strengths of our current system: direct accountability for individual Members, and the chance for voters to select or reject

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<sup>30</sup> ["Towards a new politics"](#), Speech by the Prime Minister to the IPPR, 2 February 2010, pp7-8

Governments. I believe that it would help to rebuild the trust and connection between electors and their representatives that is vital to restoring politics.<sup>31</sup>

The clauses relating to a referendum on electoral reform in the *Constitutional Reform and Governance Bill* were removed as part of the wash-up process on 7 April 2010.<sup>32</sup>

## 4 How AV works

The Labour Government's [review of voting systems in the UK](#), published in 2008 (see above), provided summaries of different voting systems. The section on AV is given below:

### Alternative Vote (AV)

#### Summary

Voters fill in a ballot paper by marking their ballot paper 1,2,3 etc against their most preferred individual candidates in a single member seat. Winning candidates must get more than 50% of the votes as the second and later preferences of the least successful candidates are counted in turn.

#### Example:

Three parties stand for election – Party A, Party B and Party C. At the polling booth, voters list each party in order of preference. On election day, 120 people turn-out to cast their vote. The votes are counted and tallied as follows (third preferences have been omitted for the sake of simplicity):

	42 voters	17 voters	10 voters	51 voters
1st preference	Party B	Party A	Party A	Party C
2nd preference	Party A	Party B	Party C	Party A

The first preferences are counted and the results are:

**Party A = 27, Party B = 42, Party C = 51**

No candidate has the 61 votes needed to win an outright majority. Party A has the fewest votes, so is eliminated. The votes of those who put Party A as their first preference are then re-distributed to their second preference nominations. In this example, 17 votes are transferred to Party B and 10 votes are transferred to Party C. After this process, the new result is:

**Party B = 59, Party C = 61**

The system of AV that would have been used in the UK if there had been a positive result in the referendum was the optional preferential system. This version of AV allows, but does not require, voters to rank the candidates in order of preference by numbering them 1,2,3 etc. Voters may simply vote for one candidate as they do under the First Past the Post system and if they do number their preferences they do not have to do this for all the candidates.

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<sup>31</sup> HC Deb 9 February 2010 c798-9

Under AV a winning candidate may not necessarily have secured more than 50% of all votes cast.

Section 9 of the *Parliamentary Voting system and Constituencies Act 2011* set out how the votes would have been counted under AV by adding a new Rule 45A to the Parliamentary Election Rules in the *Representation of the People Act 1983*:

(2)After rule 45 in that Schedule there is inserted—

*“How votes are to be counted*

45A(1) This rule sets out how votes are to be counted, in one or more stages of counting, in order to give effect to the preferences marked by voters on their ballot papers and so to determine which candidate is elected.

(2) Votes shall be allocated to candidates in accordance with voters’ first preferences and, if one candidate has more votes than the other candidates put together, that candidate is elected.

(3) If not, the candidate with the fewest votes is eliminated and that candidate’s votes shall be dealt with as follows—

(a) each vote cast by a voter who also ranked one or more of the remaining candidates shall be reallocated to that remaining candidate or (as the case may be) to the one that the voter ranked highest;

(b) any votes not reallocated shall play no further part in the counting.

(4) If after that stage of counting one candidate has more votes than the other remaining candidates put together, that candidate is elected.

(5) If not, the process mentioned in paragraph (3) above shall be repeated as many times as necessary until one candidate has more votes than the other remaining candidates put together, and so is elected.

## 5 Australia

The Jenkins Commission looked closely at the electoral system in Australia where the AV system is used for the House of Representatives and the Single Transferable Vote system is used for the Senate. The Labour Government’s [review of voting systems](#) published in 2008 also examined the voting systems in Australia and noted:

7.64 The AV system for the House of Representatives has helped to deliver majority government in Australia. There is effectively a two party system, with a majority held either by the Liberal/National Party coalition (which has been in power since 1996, led by John Howard) or the Australian Labor Party (which prior to 1996, had been in power since 1983, led by Bob Hawke from 1993-91 and Paul Keating from 1991-96). There have been three Prime Ministers in the past 23 years – indicative of stable government.

7.65 STV is used to elect members of the Senate, although this does not lead to proportionality according to the number of voters, as each of the six States elects 12 senators, and the two Territories elect two. This leads to the smaller and less populated states being over-represented in comparison with the more heavily populated states like New South Wales and Victoria. The proportionality of STV is

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<sup>32</sup> [HL Deb 7 April 2010 c1610](#)

reflected by the political make-up of the Senate in which small parties are represented, with the Australian Greens and Australian Democrats each holding four seats since 2005 and the Family First and Country Liberal parties holding one each, in the 76 seat chamber. It is argued that the more diverse political representation in the Senate enhances its reviewing role on legislation, particularly when the majority party (or coalition) in the House of Representatives does not have a majority in the Senate. Further, in both recent periods when the Government has had a majority in both Houses, some Senators from the party of Government have opposed elements of Government legislation and obtained amendments in negotiation with the Opposition and cross benches.

## 6 The referendum campaign

The referendum campaign period began at Royal Assent of the *Parliamentary Voting System and Constituencies Bill* on 16 February 2011. The campaign period was eleven weeks with polling day on 5 May 2011. The Yes to Fairer Votes campaign was launched in November 2010 and the No to AV campaign was officially launched on 15 February 2011. On Friday 18 February 2011 David Cameron and Nick Clegg both made speeches about the AV referendum; the Prime Minister supported retaining the First Past the Post system and the Deputy Prime Minister supported the introduction of AV. The *Times* reported their speeches:

Mr Cameron insisted that AV was “completely the wrong reform”, excessively complex, unfair, unclear and unaccountable.

There was nothing fair about people who voted BNP or Monster Raving Loony Party having their votes counted more times than a Tory or Lib Dem voter, he said.

Rather than encouraging smaller parties, the evidence from Australia suggested that AV could exaggerate swings — so that Margaret Thatcher would have had larger majorities in the 1980s and likewise Tony Blair in 1997 — with the result that smaller parties would be squeezed out. And the “weird” counting system meant that winners “crawled over the finishing line” by gaining “passive acceptance” rather than outright approval.

“It can mean someone who’s not really wanted by anyone winning an election because they were the least unliked,” the Prime Minister added. “It could mean that those who are courageous and brave and may not believe in or say things that everyone agrees with are pushed out of politics, and those who are boring and the least controversial limping to victory.”<sup>33</sup>

The Prime Minister also referred to Nick Clegg’s description of AV in 2010 as a ‘miserable little compromise.’<sup>34</sup> Mr Clegg made the comment in an interview with the *Independent* on 22 April 2010 when he was asked about the Labour government’s proposals for electoral reform.<sup>35</sup>

Mr Clegg said that the first past the post system ‘gave too many MPs in safe seats jobs for life because they could rely on a core vote and forget about the views of thousands of their constituents.’ He continued

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<sup>33</sup> Cameron and Clegg announce their very alternative views on vote reform, *Times*, 19 February 2011

<sup>34</sup> AV reform is ‘inherently unfair’ says David Cameron, *Guardian Unlimited*, 19 February 2011

<sup>35</sup> I want to push this all the way, declares Clegg, *Independent*, 22 April 2010

It is because there were so many MPs taking their constituents for granted that so many abused their expenses ...There's a clear link between how safe an MP's seat was and how likely they were to abuse the system."

Whereas first-past-the-post was a good system for the 1950s when Labour and the Tories shared 97 per cent of the vote, it was out of step with current politics and the divergent views of voters. More than two thirds of MPs were elected last May with less than half the vote.

"It makes politicians more concerned with getting their own supporters out than to appealing to anyone else," said the Deputy Prime Minister. "It makes it easy for MPs to ignore you altogether."

He said it was wrong to suggest AV was too complicated or alien for Britain. A version of AV, the supplementary vote, is used in the London Mayoral elections. "It's not too complicated for Australians or Londoners," he said. The Lib Dem leader insisted that the change amounted to evolution, not revolution, and put voters "back in charge". He said: "It's a small change which will make a big difference."<sup>36</sup>

The Labour Party leader, Ed Miliband, supported AV and backed the Yes campaign. In an article in the *Guardian* on 16 February 2011 he argued that AV offered an opportunity for political reform which would ensure that 'the voice of the public is heard louder than it has been in the past.'<sup>37</sup> He added that making politics more relevant to the concerns of the public 'was at the heart of the AV debate' and that the referendum 'should be just the first step to strengthen democracy by making it more representative of the people it serves.'

On 30 March 2011 the Electoral Commission launched a nationwide public awareness campaign about the referendum and elections to be held on 5 May 2011.<sup>38</sup> The Commission sent out 27.8 million information booklets, one to every UK household, and supported this with an advertising campaign on television and radio. There were separate versions of the booklet in Scotland, Wales and Northern Ireland, which provided information on the elections in those areas.<sup>39</sup>

## 6.1 Financing the campaigns

Library Standard Note [SN/PC/5142](#) set out the mechanics for holding the AV referendum and summarised the applicable provisions of the *Political Parties, Elections and Referendums Act 2000* (PPERA) which regulate publicity and campaigning. Briefly, groups had to register with the Electoral Commission if they planned to spend more than £10,000 during the referendum period; the maximum expenditure was £0.5m for political parties. The limit was related to the share of the vote at the last general election. Details of expenditure would not be known until after the referendum had taken place. The Electoral Commission could nominate designated or umbrella organisations for each side of the campaign; these would then benefit from a public grant of £380,000, spending limits of up to £5m as well as a free mail shot to voters and referendum broadcasts. The Commission announced its decision on designation on 18 March 2011; the 'Yes in May 2011 Ltd' (campaigning as 'Yes to Fairer Votes') was

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<sup>36</sup> *ibid*

<sup>37</sup> Why the alternative vote gets my vote, *Guardian*, 16 February 2011

<sup>38</sup> [Referendum information to go to 28 million households as elections watchdog launches awareness campaign](#), Electoral Commission, 30 March 2011

<sup>39</sup> [Local elections and referendum](#), Electoral Commission booklet, 2011

designated as the lead 'Yes' campaigner and 'No Campaign Limited' (campaigning as 'NO to AV') was designated as the lead 'No' campaigner.<sup>40</sup>

There was press comment on the sources of finance for the Yes and No campaigns. The *Times* commented on the funding of the campaigns on 19 February 2011:

Funding presents another problem. It is understood that the Unite and GMB unions are offering some cash, raising the prospect of Mr Cameron having to rely on the same barons he accused of fixing the Labour leadership election for Mr Miliband.

The Joseph Rowntree Reform Trust is giving to the "yes" campaign, and one of the tougher sells for the "no" campaign is to present it as a pernicious force in British politics.<sup>41</sup>

The *Spectator* published an article on 24 February 2011 which suggested that the Electoral Reform Society was the biggest donor to the Yes campaign.<sup>42</sup>

## 6.2 The No campaign

The [No2AV](#) campaign was officially launched on 15 February 2011; its campaign director was Matthew Elliott. No2AV stated that it was 'a campaign that has support from right across the country. Members of the public, trade unionists and members of several political parties are part of a campaign that has a common goal. Whilst we have many different views on what system of elections is best for Britain, we all believe that the Alternative Vote (AV) system will only damage Britain's democracy.' The campaign provided a summary of its arguments against a change from FPTP to AV on its website:

### **AV is costly**

The change to AV will cost up to an additional £250 million. Local councils would have to waste money on costly electronic vote counting machines and expensive voter education campaigns. With ordinary families facing tough times can we really afford to spend a quarter of a billion pounds of taxpayers' money bringing in a new voting system? **Schools and hospitals, or the Alternative Vote – that's the choice in this referendum.**

### **AV is complex and unfair**

The winner should be the candidate that comes first, but under AV the candidate who comes second or third can actually be elected. That's why it is used by just three countries in the world – Fiji, Australia and Papua New Guinea. Voters should decide who the best candidate is, not the voting system. **We can't afford to let the politicians off the hook by introducing a loser's charter.**

### **AV is a politician's fix**

AV leads to more hung parliaments, backroom deals and broken promises like the Lib Dem tuition fees U-turn. Instead of the voters choosing the government,

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<sup>40</sup> [Official Yes and No campaigns designated for referendum](#), Electoral Commission press release, 18 March 2011

<sup>41</sup> How coalition leaders both have a lot to lose, *Times*, 19 February 2011

<sup>42</sup> [What the Yes to AV campaign doesn't want you to know](#), *Spectator*, 24 February 2011

politicians would hold power. Under AV, the only vote that really counts is Nick Clegg's. **We can't afford to let the politicians decide who runs our country.**

### **Vote NO to AV on 5 May 2011**<sup>43</sup>

On 18 February 2011 the *Independent* listed prominent supporters of both campaigns. Those who supported the No campaign included: Ken Clarke, William Hague, John Prescott, Margaret Beckett, John Reid and David Blunkett.

The No campaign launched an advertising campaign which argued that money spent on the referendum could be used instead on health, education and defence. The BBC reported that the Yes campaign had asked the Advertising Standards Authority to issue guidance on what advertising is acceptable in the campaign.<sup>44</sup> On 16 February 2011 the *Financial Times* reported that the No campaign estimated that a change to AV would cost £250m and provided a breakdown of that figure:

The No group said its figure was made up of £82m for the referendum, £9m for promoting the poll, £90m-£130m on electronic vote counting and £26m for subsequent voter education. It said AV was so complicated that voting machines would be required.<sup>45</sup>

### **6.3 The Yes campaign**

The Yes to Fairer Votes campaign also provided a summary of its arguments in favour of AV on its website:

SAYING YES! TO FAIRER VOTES MEANS

#### **MPs working harder to earn - and keep - our support**

Your next MP would have to aim to get more than 50% of the vote to be sure of winning. At present they can be handed power with just one vote in three. They'll need to work harder to win - and keep - your support.

#### **A bigger say on who your local MP is**

Ranking candidates gives you more say - in who comes first and who comes last. If your favourite doesn't win, you can still have a say. It's as easy as 1,2,3...

#### **Tackling the 'jobs for life' culture**

Too many MPs have their 'safe seats' for life. Force complacent politicians to sit up and listen, and reach out to the communities they seek to represent

AV keeps what works with our current system, and eliminates many of its weaknesses. It's a long overdue upgrade to make a 19th century system fit for the politics of the 21st century.

Our parliament will better represent our communities. MPs will have to have a better view of what your community thinks - and that's because they will have to listen harder to your views.

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<sup>43</sup> <http://www.no2av.org/why-vote-no/>

<sup>44</sup> [No to AV campaign reject rivals' 'scare stories' claim](#), BBC News, 24 February 2011

<sup>45</sup> Campaign against electoral reform exploits Clegg's woes, *Financial Times*, 16 February 2011

It's simple. If someone wants to represent your community they need the votes of the majority of the community. **That's what making every vote count really means.**

The Yes campaign's website listed organisations which supported AV; these included Conservative Action for Electoral Reform, Electoral Reform Society, Unlock Democracy and the Joseph Rowntree Reform Trust.

## 7 The referendum result

[Library Research Paper 11/44](#), *Alternative Vote Referendum 2011*, provides a full analysis of the referendum result and the summary below is taken from that paper.

- There were 6.2 million 'Yes' votes (32.1%) in favour of the change.
- There were 13.0 million 'No' votes (67.9%) opposing the change.
- The No vote was in the majority in every UK region. The No vote was above 70% in 5 of the 9 English regions – the North East, the West Midlands, the East Midlands, the East of England and the South East.
- Out of 440 vote counting areas, the No vote was in the majority in 430. Of the 10 areas that had a majority of Yes votes, 6 were in London.
- Turnout was 42.0%.

### 7.1 Cost of the referendum

The Government stated in an answer to a Parliamentary Question in the House of Lords that the estimated cost of the referendum would be between £106 million and £120 million. This includes the costs of the conduct of the poll and the freepost mailings sent out by the two designated campaign organisations. The final cost will not be known until all the accounts from the regional counting officers and counting officers for the conduct of the poll have been received and settled.<sup>46</sup>

## 8 Recent publications about AV

1. *What is AV? Introducing the Alternative Vote System*, Electoral Reform Society.<sup>47</sup>
2. Evidence to the Political and Constitutional Reform Committee on the *Parliamentary Voting System and Constituencies Bill* including written evidence submitted by Professor Patrick Dunleavy, Professor Michael Pinto-Duschinsky and others, July 2010.<sup>48</sup>
3. *Let's keep throwing the rascals out* by Professor Michael Pinto-Duschinsky, Standpoint Magazine, September 2010.<sup>49</sup>
4. *The Alternative Vote – the system no-one wants* by Dr Robert McIlveen. Edited by Natalie Evans. Policy Exchange, October 2010.<sup>50</sup>

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<sup>46</sup> HL Deb 18 May 2011 cWA 339

<sup>47</sup> <http://www.electoral-reform.org.uk/article.php?id=55>

<sup>48</sup> <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmpolcon/437/437we01.htm>

<sup>49</sup> <http://www.standpointmag.co.uk/node/3293/full>

<sup>50</sup> <http://www.policyexchange.org.uk/publications/publication.cgi?id=209>

5. David Sanders, Harold D Clarke, Marianne C Stewart and Paul Whiteley, "Simulating the Effects of the Alternative Vote in the 2010 UK General Election", *Parliamentary Affairs*, January 2011, Volume 64, Number 1, pp5-23
6. *A guide to the Alternative Vote* by Roger Mortimore, Ipsos MORI, February 2011.<sup>51</sup>
7. *The evaporating case for electoral reform* by Fabian Richter, Centre for Policy Studies, February 2011.<sup>52</sup>
8. *The Alternative Vote: a briefing paper* by Dr Alan Renwick, Political Studies Association, 2011.<sup>53</sup>
9. *The Right Alternative? Assessing the case for the Alternative Vote* by Guy Lodge and Glenn Gottfried. Institute for Public Policy Research, April 2011.<sup>54</sup>

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<sup>51</sup> <http://www.ipsos-mori.com/Assets/Docs/Polls/RM-AVarticle.PDF>

<sup>52</sup> [http://www.cps.org.uk/cps\\_catalog2/The%20evaporating%20case%20for%20electoral%20reform.pdf](http://www.cps.org.uk/cps_catalog2/The%20evaporating%20case%20for%20electoral%20reform.pdf)

<sup>53</sup> <http://www.psa.ac.uk/PSAPubs/TheAlternativeVoteBriefingPaper.pdf>

<sup>54</sup> [http://www.ippr.org/index.php?option=com\\_ippr&view=publication&id=1836&megafilter=&siteid=&Itemid=55](http://www.ippr.org/index.php?option=com_ippr&view=publication&id=1836&megafilter=&siteid=&Itemid=55)