



Elections and electoral administration: developments since 2010

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This paper looks in brief at some of the developments relating to elections and electoral administration in the UK since the general election since 2010. It tracks the commitments in relation to elections contained in the Coalition Government's agreement, *The Coalition: Our Programme for Government*, published in May 2010.

Other key developments relating to elections are outlined, for example the Law Commission's review of electoral law and proposed changes to electoral arrangements for the Northern Ireland Assembly and the National Assembly for Wales.

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1 Coalition agreement

The Coalition Government's Programme for Government, published in May 2010, included a number of proposals which would have an impact on elections and electoral administration in the UK.

The proposals were included in the 'political reform' of the Programme of Government.¹ Nine of the 27 bullet points in this section related to elections. The Coalition stated that:

We will establish **five-year fixed-term Parliaments**. We will put a binding motion before the House of Commons stating that the next general election will be held on the first Thursday in May 2015. Following this motion, we will legislate to make provision for fixed-term Parliaments of five years. This legislation will also provide for dissolution if 55% or more of the House votes in favour.

We will bring forward a **Referendum Bill on electoral reform**, which will include provision for the introduction of the Alternative Vote in the event of a positive result in the referendum, as well as for the creation of fewer and more equal sized constituencies. We will whip both Parliamentary parties in both Houses to support a simple majority referendum on the Alternative Vote, without prejudice to the positions parties will take during such a referendum.

We will bring forward early legislation to introduce the power of **recall**, allowing voters to force a by-election where an MP is found to have engaged in serious wrongdoing and having had a petition calling for a by-election signed by 10% of his or her constituents.

We will establish a committee to bring forward proposals for a wholly or mainly elected chamber on the basis of **proportional representation**. The committee will come forward with a draft motion by December 2010. It is likely that this will advocate single long terms of office. It is also there will be a grandfathering system for current peers. In the interim, Lords appointments will be made with the objective of creating a second chamber that is reflective of the share of the vote secured by the political parties in the last general election.

We will reduce **electoral fraud** by speeding up the implementation of **individual voter registration**.

We will fund 200 **all-postal primaries** over this Parliament, targeted at seats which have not changed hands for many years. These funds will be allocated to all political parties with seats in Parliament that they take up, in proportion to their share of the total vote in the last general election.

We will introduce **extra support for people with disabilities** who want to become MPs, councillors or other elected officials.

We will give residents the power to instigate **local referendums** on any local issue.

We will give residents the power to veto excessive council tax rises.

In addition the following commitments were made in other sections of the document:

We will introduce measures to make the police more accountable through oversight by a directly elected individual, who will be subject to strict checks and balances by locally elected representatives (under the heading Crime and Policing).

¹ [The Coalition: our programme for government](#), May 2010 (PDF, 475KB, 36 pages)

We will create directly elected mayors in the 12 largest English cities, subject to confirmatory referendums and full scrutiny by elected councillors (under the heading of Communities and Local Government).

We will review the governance arrangements of National Parks in order to increase local accountability (under the Environment, Food and Rural Affairs heading).

The Coalition Government published a progress report in January 2013 which gave an outline of the achievements in some objectives and progress towards others.² This paper looks in brief at those developments and other key issues relating to elections since 2010.

2 Fixed term Parliaments

The date of the next and each subsequent ordinary general election are now fixed following the passing of the *Fixed-term Parliaments Act 2011*.³ Elections will take place every five years with the polling day for the next scheduled election to be held in May. The next general election is therefore due to be held on 7 May 2015.

The Act allows for early elections in the event of the House of Commons passing a motion calling for an early election by a two-thirds majority, or by the passing of a no confidence motion in an incumbent government where no alternative government gains a vote of confidence in the House of Commons within 14 days.

In the event of early elections the Act makes provision for the five year cycle of Parliaments with elections to be held in May to be restored.

The Act also alters the cycle for elections to the Scottish Parliament and the National Assembly for Wales (see Section 12).

3 Electoral Reform

The Coalition Government promised to introduce a Bill to make provision for a referendum on electoral reform, a key condition for the Liberal Democrats to agree to the formation of a coalition. Although the Conservative Party opposed the introduction of a different electoral system for UK Parliamentary general elections the Prime Minister committed the Conservative Party to the holding of a referendum.

The electoral system to be voted on in the referendum was the Alternative Vote (AV) system. The Coalition agreement committed both parties in the Coalition to whipping their MPs and Peers to introduce the legislation without prejudicing the position the two parties would take during the referendum campaign itself.⁴

Neither of the Coalition partners had made a commitment to hold a referendum on AV in their election manifestos. The Conservative Party was committed to a reduction in the number of MPs in the House of Commons (the Bill allowing for the referendum on AV also made provision for the reduction in the number of seats in the House of Commons – see Section 13) and the Liberal Democrats had promised a referendum on the use of the Single Transferable Vote (STV) for Westminster elections which, if accepted would lead to a reduction in the number of MPs to 500. The provisions to allow for the referendum were

² [The Coalition: together in the national interest](#), January 2013

³ See Library Standard Note SN06111, [Fixed-term Parliaments Act 2011](#) for details and references to the passage of the Bill and the [Explanatory Notes to the Act](#)

⁴ [The Coalition: our programme for government](#), May 2010, p27

contained in the *Parliamentary Voting System and Constituencies Bill*. The Bill also made provision for the reduction of the number of Parliamentary constituencies from 650 to 600.

These apparently separate policies were linked in the Bill, since the proposals emanated from the Coalition Agreement made in May 2010. The Alternative Vote could not be introduced unless or until the Order for boundary changes had been agreed. However, the boundary changes were not dependent on the introduction of AV (see Section 13 for more information on the review of Parliamentary constituency boundaries).

Library Research Paper 10/55, [Parliamentary Voting System and Constituencies Bill \[Bill 63 of 2010-11\]](#), considers the Bill in detail. Other Library papers detail the progress of the Bill through its various stages: Library Research Paper 10/72, [Parliamentary Voting System and Constituencies Bill 2010-11: Commons Stages](#); Library Standard Note 5780, [Parliamentary Voting System and Constituencies Bill: Lords stages](#) and Library Standard Note 5863, [Parliamentary Voting system and Constituencies Bill: summary of amendments](#).

The referendum was held on May 5 2011 and the question on the ballot paper 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 referendum had a turn out of 42% and the change to AV was opposed by 67.9% of voters. The results are analysed in detail in Library research paper RP 11/44, [Alternative Vote Referendum 2011](#).

Although the referendum rejected the change to the voting system, the provisions in the *Parliamentary Voting System and Constituencies Act 2011* for the reduction in the number of seats in the House of Commons were not dependent on the referendum outcome. The Boundary Commissions therefore started their work on the proposals for new constituency boundaries to implement the reduction in the number of seats (see Section 13).

4 Recall elections

The Coalition agreement promised to introduce the power of recall, allowing voters to force a by-election where an MP is found to have engaged in serious wrongdoing and where a petition calling for a by-election has been signed by 10% of his or her constituents.⁵

The Government published draft legislation and a White Paper on recall elections in December 2011.⁶ The draft Bill proposed that a petition for the recall of an MP could be triggered by an MP receiving a custodial sentence of less than 12 months (under the Representation of the People Act 1981, where a Member receives a custodial sentence of more than 12 months, they are automatically disqualified from membership of the House) or where the House of Commons resolves that one of its members should face recall.

The draft legislation applies recall only to Members of the House of Commons but the Government stated it would give consideration to extending the provisions to other elected officials. Library Standard Note 5089, [Recall Elections](#) gives more details on the background to recall elections, the Government’s proposals and the reactions to them.

⁵ [The Coalition: our programme for government](#), May 2010, p27

⁶ Cabinet Office, [Recall of MPs draft Bill](#), Cm8241, December 2011

The House of Commons Political and Constitutional Reform Committee's first report of session 2012-13, HC 373, [Recall of MPs](#). The report examined the Government's draft Bill. The Committee recommended that:

...the Government abandon its plans to introduce a power of recall and use the parliamentary time this would free up to better effect.⁷

Whilst rejecting the principle of recall elections, the Committee made a number of recommendations to the Government in the event of the Government taking the proposals forward.

The Government published its response to the Committee's report on 22 October 2012.⁸ This gave initial responses to the recommendations made by the Political and Constitutional Reform Committee but the Government committed to send the Committee a further response in due course setting out proposals in more detail.⁹ The Government also stated that:

We remain committed to introducing a mechanism for the recall of MPs and will consider further the Committee's recommendations alongside detailed and careful consultation with our stakeholder in determining our policy on recall.¹⁰

The Government's progress report published in January 2013 still contained the commitment to introduce recall elections for MPs but gave no further details of how this was to be achieved.¹¹

In July 2013, Chloe Smith MP, Parliamentary Secretary, Cabinet Office, issued a written statement announcing the publication of the Government's full response to the Political and Constitutional Reform Committee report.¹² The statement reaffirmed the Government's commitment to the introduction of recall using the two triggers contained in the draft Bill but gave no date for the introduction of a Bill.¹³

In February 2014 there was press speculation that the commitment to allow recall elections would not be included in the next Queen's Speech and that the policy had been dropped.¹⁴

5 Lords Reform

All three main parties had included manifesto commitments to reform the House of Lords. The Labour Party and the Liberal Democrats made commitments for a wholly elected House of Lords while the Conservatives had pledged to have a mainly elected second chamber.

After the 2010 general election, the Coalition agreement committed the Government to bring forward proposals for a wholly or mainly elected chamber on the basis of proportional representation. A draft Bill was published in May 2011 and a Government Bill was introduced to Parliament in June 2012. See Library Research Paper 12/37 [House of Lords Reform Bill 2012-13 - Commons Library Research Paper](#) for more details.

⁷ Political and Constitutional Reform Committee, [Recall of MPs](#), HC 373 20012-13, p3

⁸ Political and Constitutional Reform Committee, [Recall of MPs: Government Response to the Committee's First Report of Session 2012-13](#), HC646 2012-13

⁹ Ibid, p1

¹⁰ Ibid, p9

¹¹ [The Coalition: together in the national interest](#), January 2013, p39

¹² [HC Deb 17 July 2013 c103WS](#)

¹³ The full report was published as Cm 8640, [Government Response to the Report of the Political and Constitutional Reform Committee on the Draft Recall of MPs Bill](#) (PDF, 494KB)

¹⁴ [Guardian, David Cameron accused of blocking manifesto pledge on recall of MPs](#), 14 February 2014

The Bill introduced in June 2012 made provision for 360 elected Members of the House of Lords. The main electoral features were:

- A semi-open list form of proportional representation in Great Britain, based on the regional list system used for European Parliament elections, and STV for Northern Ireland
- 120 members to be elected at each House of Lords election, usually every five years
- a single non-renewable term typically of 15 years (ie three parliaments)
- elections to be held at the same time as general elections to the Commons, using the same constituencies as in European Parliament elections
- vacancies would be replaced by a substitute member, rather than through by-elections

The Bill also made provision for 90 appointed members, up to 12 Lords Spiritual and an unspecified number of ministerial members, giving a chamber of over 460 members. The Bill received a Second Reading on 12 July 2012.¹⁵

The Bill was ultimately withdrawn by the Deputy Prime Minister after the Government's attempts to secure a timetable motion for the progress of the Bill failed. In August 2012, during the Summer recess, the Deputy Prime Minister issued a statement saying that the Bill would be withdrawn and a full statement would be made when Parliament returned in September. In his September statement to the House of Commons the Deputy Prime Minister said:

Members will be aware that the Government have decided not to proceed with the House of Lords Reform Bill during this Parliament, and I can confirm that the Government have today withdrawn that Bill...Shaping our proposals was a painstaking process, in which the Government courted compromise at every turn, and in July of this year this House voted—overwhelmingly—in favour of the Bill on Second Reading, with 462 in favour and 124 against.

However, in spite of all that, it is now clear that we will not be able to secure the Commons majority needed to pass the programme motion that accompanies the Bill. Without that motion, the Bill effectively becomes impossible to deliver, because it cannot be kept on track; the Bill's opponents will be able to block reform by unreasonably dragging out parliamentary debates. That is a situation I clearly cannot allow, not least with Parliament facing so many other pressing issues, particularly in terms of jobs and growth.¹⁶

There is now no prospect of significant reform to the House of Lords in the current Parliament. For more information on the withdrawal of the Bill see Library Standard Note 6405, [House of Lords Reform Bill 2012-13: decision not to proceed](#).

6 Individual electoral registration

The previous Labour Government had introduced individual electoral registration (IER) in the *Political Parties and Elections Act 2009*. The introduction was to be phased, although this requirement was not originally in the Bill and was added during committee stage in the

¹⁵ [HC Deb 12 July 2012 c188-279](#)

¹⁶ [HC Deb 3 September 2012 c35-53](#)

House of Lords after pressure from the opposition parties. The phasing of the implementation was set out in a statutory timetable and the final phase of implementation was to take place only if the Electoral Commission, which was tasked with providing annual progress reports on the implementation, said it should take place.

The Coalition agreement included a commitment to reduce electoral fraud by speeding up the implementation of IER. Draft legislation was published in June 2011 and the *Electoral Registration and Administration Bill* was presented on 10 May 2012. For detailed information see Library Research Paper 12/26, *Electoral Registration and Administration Bill*.

The Bill received Royal Assent on January 31 2013 and the details of the progress of the Bill are given in Library Standard Note 6359, *Electoral Registration and Administration Bill 2012-13: progress of the bill*.

In October 2013 the Electoral Commission released its assessment that the implementation of IER in June 2014 could proceed as planned, stating:

An independent assessment of the Government's plans to transform the electoral registration system in 2014 has been carried out by the Electoral Commission. The Commission has advised the Government that, while some risks remain which must be addressed, it considers it can proceed with the implementation of individual electoral registration (IER) to the current timetable.¹⁷

On October 31 2013 the Government announced funding allocations to local authorities to help pay for the transfer to IER.¹⁸ The Electoral Commission gives more information on the change to IER on its website.¹⁹

In December 2013 the Government confirmed that it would proceed with the planned implementation timetable. In a written statement the Minister for State at the Cabinet Office, Greg Clark MP, stated:

Following the debates in Committee of the House of Commons and House of Lords this month to consider the statutory instruments necessary to commence individual electoral registration, the Government confirm their intention to bring individual electoral registration into force as planned on 10 June 2014 in England and Wales and 19 September 2014 in Scotland.²⁰

Individual electoral registration will be compulsory from these dates but provisions have been made for no one to be removed from the electoral register before the 2015 general election if they fail to register under the new system. The Minister confirmed these arrangements:

As a transitional arrangement, eligible electors who appear on the electoral register before the introduction of individual electoral registration will continue to be entitled to vote in elections, including the 2015 general election, whether or not they have registered individually. It remains the Government's intention to conclude this transitional arrangement in 2015, but the Electoral Registration and Administration Act will allow the next Parliament to make the decision, following the advice and

¹⁷ Electoral Commission, *Major change to electoral registration can go ahead but risks to address, says Electoral Commission*, press release 23 October 2013

¹⁸ Cabinet Office, *Funding for roll-out of Individual Electoral registration*, press release, 31 October 2013

¹⁹ The Electoral Commission pages on individual voter registration are available here: <http://www.electoralcommission.org.uk/find-information-by-subject/electoral-registration>

²⁰ HC Deb 18 December 2013, c105WS

assessment of the Electoral Commission, as to whether the transition should conclude in 2015 or 2016.²¹

The Electoral Commission has published more information about the transfer to IER on its [website](#).

7 All postal primaries

The Coalition agreement included the pledge to fund 200 all-postal primaries over this Parliament, targeted at seats which have not changed hands for many years. These funds would be allocated to all political parties with seats in Parliament that they take up, in proportion to their share of the total vote in the last general election.

Library standard note SN05168, [Candidate selection – primaries](#), gives some background and looks at the possibility of introducing primaries into the candidate selection processes of UK political parties, following the experiment of an open primary in Totnes, Devon, by the Conservative Party.

In January 2011 Jon Trickett MP asked a series of written parliamentary questions on the Government's proposals for all-postal primaries.

Mr Harper [holding answer 31 January 2011]: The Government have not made a detailed assessment of the cost of funding the all-postal primaries, and no decisions have yet been taken on how funds would be allocated to political parties or administered.

I have not held discussions with representatives of political parties on this issue and have not undertaken any formal consultation on the proposal. To date, no expressions of interest have been received in holding all-postal primaries, although I have received correspondence and parliamentary questions requesting further information on the Government's proposals.

The Government have embarked on a major programme of constitutional reform, including the introduction of the Parliamentary Voting System and Constituencies (PVSC) Bill which provides for a referendum to be held on the voting system for the House of Commons and for a review of constituency boundaries in order to create fewer and more equally sized constituencies. The Government's proposals for a boundary review under the PVSC Bill - where the number of MPs will be reduced from 650 to 600 - will have particular implications for all-postal primaries which we will need to consider. I would highlight the point made by the Boundary Commissions' Secretaries when they appeared before the Political and Constitutional Reform Select Committee that all seats (with the exception of the constituencies of Orkney and Shetland and Na h-Eileanan an Iar) are likely to be affected by the boundary review. As a consequence, far fewer will meet the criteria set out in the coalition programme.

We will consider how best to take forward the proposal concerning all-postal primaries in light of these other significant changes impacting upon our electoral process.²²

The *Financial Times* suggested on 13 May 2011 that plans for the all-postal primaries had 'been quietly shelved'.²³

²¹ [Ibid](#)

²² HC Deb 1 February 2011 c766W

There was no mention of all-postal primaries in the Coalition's mid-term review, *The Coalition: together in the national interest*, published in January 2013.

The boundary review, which had implications for the policy of introducing all-postal primaries, has now been postponed until 2018 (see Section 13). There has been no indication to date about the implications for the Government's policy on all-postal primaries. The issue was raised on 26 March 2013 by Sadiq Khan. He asked the Deputy Prime Minister about progress on the policy. The Deputy Prime Minister replied:

As the right hon. Gentleman knows, it was slightly in abeyance as long as the debate about the boundary changes was still a live issue. As that has now been settled for the time being...we will of course return to the issue of all-postal primaries and make our views clear.²⁴

Sadiq Khan asked about the policy again on 10 October 2013:

Sadiq Khan: To ask the Deputy Prime Minister when he plans to bring forward legislative proposals to allow 200 all-postal primaries.

Greg Clark: The Government is continuing to consider the detail of how to take forward this measure, however the political parties can choose all-postal primaries where they want to without requiring this to be funded by the taxpayer, or requiring primary legislation.²⁵

8 Access to elected office fund for those with disabilities

The Coalition Agreement stated that the Government would assist candidates with disabilities:

We will introduce extra support for people with disabilities who want to become MPs, councillors or other elected officials.²⁶

The Speaker's Conference on Parliamentary Representation, which was convened during the last Parliament, made a number of recommendations about supporting disabled candidates and Members. Library Standard Note 6181, *Speaker's Conference on Parliamentary representation* gives further details about the background to the establishment of the Conference.

The Government held a [public consultation](#) on access to elected office for disabled people in early 2011. The consultation was announced by the Home Secretary, Theresa May, in a written statement.²⁷ In September 2011 the Government published a summary of responses to the consultation which included the Government's response:

The government is committed to equality for disabled people and an important part of restoring trust is to open up our democracy and ensure that our political system better reflects the people it serves. Disabled people are currently under-represented in public life, despite there being over 10 million disabled people in the UK.

The consultation document put forward six proposals as suggested ways of delivering changes which could support more disabled people into elected positions. These were:

²³ Coalition keeps, and breaks, promises, *Financial Times*, 13 May 2011

²⁴ [HC Deb 26 March 2013 c1452](#)

²⁵ [HC Deb 10 October 2013 c399W](#)

²⁶ HM Government, *The Coalition: Our Programme for Government*, May 2010

²⁷ [HC Deb 16 February 2011 c86-7WS](#)

- Proposal 1: Government should work more closely with political parties, the Local Government Association (LGA) and disability organisations to develop focused awareness raising.
- Proposal 2: Work with political parties, the Local Government Association (LGA) and disabled people's organisations to develop a cross-party Ambassadors programme.
- Proposal 3: Provide training and development opportunities aimed at supporting disabled people through the route to political participation.
- Proposal 4: Establish an Access to Elected Office Fund to support disability related costs.
- Proposal 5: Work with political parties to analyse their existing disability access policies and cascade and promote any good practice.
- Proposal 6: Promote and explain legal obligations that apply to political parties, e.g. develop a short guide, website materials and/or a toolkit to support local authorities and political parties to fulfil their duties under the Equality Act.

Following the consultation the Government stated it intended to take forward all of the proposals, with the exception of Proposal 2.²⁸

On 9 July 2012 the Government announced that there would be funding to support disabled candidates. The announcement was made by the Minister for Equalities, Lynne Featherstone, in a written statement:

The government is today launching a £2.6 million fund to support disabled people who wish to stand for elected office. This proposal forms part of the Government's strategy to provide support for disabled people - the Access to Elected Office Strategy. Following public consultation, the Strategy has been developed by the Home Office, working with the Cabinet Office and the Department for Work and Pensions.

Disabled people are under-represented in public life, as the Speaker's Conference report and the Parliamentary debate on 12 January recognised. Following public consultation, the Government last year published proposals to provide extra support for disabled people who wish to stand for elected office. The Fund we are launching today will support disabled people with some of the additional costs that a disabled person may face in standing for elections, compared to a non-disabled person.

This will not, however, replace existing obligations for parties, which is why I have published guidance for political parties on their legal responsibilities under the Equality Act 2010, particularly on the reasonable adjustments they should make for disabled people.

The Fund will be open until March 2014 and will be available to support disabled people seeking elected positions in the following polls, including by-elections: Police and Crime Commissioners; English local and English mayoral; Greater London Authority; and UK Parliament. The impact of the fund and the strategy overall will be evaluated to inform any decision about any further support beyond the current spending period. We will also continue to work with colleagues in the Devolved Administrations to share our learning from this strategy.

²⁸ Home Office, [Access to elected office for disabled people: a response to the consultation](#), 2011

The fund will be complemented by an introductory online training course on standing for elections, launched today. It will be of interest to anyone without previous experience who wishes to stand for elections but is aimed particularly at disabled people. It includes contributions from disabled politicians and others to encourage disabled people to stand for elected office.

As I have already announced to the Speaker in my letter of 16 March, I am also pleased to say that, as part of the Access to Elected Office's commitment to provide support to disabled people, I am funding up to three additional placements specifically for disabled people as part of the Speaker's Parliamentary Placement Scheme.²⁹

More details of the Government's scheme can be found on the Government's Gov.uk web portal.³⁰ The scheme provides grants of between £250 and £20,000 for disability-related costs, such as sign language interpreters, transport needs if the candidate has difficulty using public transport, or extra travel and accommodation costs for a carer. In January 2013 an update on the number of applications and the amount of money allocated so far was given in answer to a written question from Luciana Berger:

Luciana Berger: To ask the Secretary of State for Culture, Media and Sport (1) further to the answer of 8 January 2013, *Official Report*, column 150, what steps she plans to take to encourage further applicants to the Access to Elected Office Fund; and what steps she plans to take to ensure that further funding is available after March 2014; [137731 (2) what proportion of the Access to Elected Office Fund has been distributed; how many people received funding; and how much on average was paid to each recipient. [137800]

Mrs Grant: The £2.6 million Access to Elected Office Fund was launched in July 2012. Six applications to the fund from individual applicants totalling £33,970 have been approved. A further six applications are awaiting a decision. With effect from 1 January 2013, the application limit per applicant per calendar year has been increased from £10,000 to £20,000 to encourage more applications particularly from disabled people. The Government also continues to work jointly with political parties, the Local Government Association, disability organisations and Convey, the independent administrator for the Fund, to promote greater awareness of the Fund. There are no plans to extend the fund beyond March 2014 at present.³¹

The fund cannot be used for general campaigning or living costs. There are eligibility criteria which must be met before funds can be accessed.³² The fund is not available for people wishing to stand as candidates for the devolved legislatures or local government posts in Scotland, Northern Ireland or Wales.

New rules introduced in 2013 mean that some spending by disabled candidates receiving money from the Access to elected office fund will no longer count towards election spending limits. The Electoral Commission has released updated guidance for candidates with disability in receipt of money from the Access to elected office fund.³³

Up to November 2013 53 people had applied to the fund. The figures were released in an answer to a parliamentary question from Alison McGovern:

²⁹ [HC Deb 9 July 2012 c7WS](#)

³⁰ [Creating a fairer and more equal society](#)

³¹ [HC Deb 13 January 2013 c234-5W](#)

³² [Access to Elected Office Fund](#)

³³ Electoral Commission, [Factsheet: Access to Elected Office for Disabled People Fund: changes to the election expenses rules](#), March 2013

The Access to Elected Office for Disabled People Fund helps disabled people with any additional disability-related cost they incur as a result of either participating in a selection process or standing for election, including standing as an independent candidate.

To date, 53 people have applied to the fund, of which 21 applications have been fully approved. A further 14 applications have been approved in principle by the fund administrator, subject to receipt of supporting evidence and documentation. The remaining 18 applications are pending a decision.

Nine applications have been from candidates representing the Conservative Party, 21 from the Labour Party, seven from the Liberal Democrat Party, seven from other parties and nine from independent candidates.

Payments are generally processed in arrears but applicants are able to request that the fund pays the supplier directly. The ability of potential disabled candidates to stand for office should not therefore be affected.³⁴

In February 2014 the Government announced the fund would be extended to cover the 2015 general election.³⁵

Mental disability

Until 2013 MPs were also disqualified from sitting in the House of Commons if they were detained under Section 141 of the *Mental Health Act 1983* for a period of months or more. The Coalition announced their intention to repeal s.141 when Parliamentary time allowed.³⁶ The provision was in fact repealed following the passing of the Private Members' Bill introduced by Gavin Barwell MP. The *Mental Health (Discrimination) Act 2013* received Royal Assent on 28 February 2013.³⁷ Details can be found in Library Standard Note 6168 [Repeal of section 141 of the Mental Health Act 1983](#).

9 Local Referendums

Under the Coalition Government's localism plans two new specific types of binding local referendums have been introduced; one relates to council tax and the other relates to local development plans. The Coalition Government has also given power to local residents to initiate local non-binding referendums on any subject. These provisions were in the *Localism Act 2011*. Details about the passing of the Act can be found in Library Research Papers 11/02 [Localism Bill: Local government and community empowerment \[Bill No 126 of 2010-11\]](#) and 11/32 [Localism Bill: Committee Stage Report](#).

Local referendums are not new; parish polls can be demanded at a parish meeting but the results are not binding. Advisory (non-binding) polls can be held by a local authority on any matter relating to its services or powers of well-being under the terms of the *Local Government Act 2003*. Library Standard Note 3409, [Local government: polls and referendums](#) looks at these local polls in more detail.

³⁴ [HC Deb 7 November 2013 c354W](#)

³⁵ Government Equalities Office, [Cash grants to help disabled people in standing for election extended for another year](#), 3 February 2014

³⁶ [HC Deb 3 February 2011 vol 522 c49WS](#)

³⁷ See Library Standard Note SN06483 [Mental Health \(Discrimination\) \(No. 2\) Bill: Committee Stage Report \(Bill 11 2012-13\)](#) for more detail of the Bills contents.

9.1 Resident initiated polls

The Coalition agreement committed the Government to give residents the power to instigate local referendums on any local issue. These polls would have been non-binding and could be initiated by local residents as well as by councillors or a local authority itself as long as certain criteria were met.

The provisions for such polls were dropped from the *Localism Bill* before it was enacted (see Library Standard Note 3409, [Local government: polls and referendums](#)).

9.2 Mayoral Referendums

Local authorities can hold mayoral referendums to decide whether or not to opt for a directly-elected mayor. These referendums are binding. Referendums for directly-elected mayors were introduced in the UK by the *Local Government Act 2000*. For more information see Library Standard Note 5000, [Directly-elected mayors](#).

The Coalition agreement included a commitment, under the Communities and Local Government heading, to create directly elected mayors in the 12 largest English cities, subject to confirmatory referendums and full scrutiny by elected councillors. These cities were Birmingham, Leeds, Sheffield, Bradford, Manchester, Liverpool, Bristol, Wakefield, Coventry, Leicester, Nottingham and Newcastle-upon-Tyne.

Two of the twelve cities, Liverpool and Leicester resolved to adopt directly-elected mayors without the need for a confirmatory referendum. Referendums in the other 10 cities were held on 3 May 2012. Of those ten cities, only Bristol voted in favour of a directly-elected mayor. The results of the referendums are shown in Library Standard Note 5000, [Directly-elected mayors](#).

9.3 Council tax referendums

The Coalition Government's agreement pledged to give residents the power to veto excessive council tax rises. This power was introduced by the *Localism Act 2011*. The provisions apply to England only.

A set of principles determined by the Secretary of State is used to decide whether an authority's council tax level is excessive. An authority proposing to set an excessive council tax level is required to make substitute calculations which will take effect if the proposed amount of council tax is rejected in a referendum. The substitute council tax level must be below the amount which is considered excessive under the principles. Library Standard Note 5682, [Council tax: local referendums](#) gives more information about council tax referendums.

9.4 Neighbourhood planning referendums

The *Localism Act 2011* introduced a new regime for neighbourhood planning. One aspect of this was to allow parish councils or groups of people from the community to prepare draft neighbourhood development plans and orders. These would be subject to local planning authority checks and independent checks to ensure the plans have regard to national planning policies and do not breach EU obligations.

The plan can then be put to the local electorate in a referendum to approve or reject the plan. A simple majority is required and if approved the result is binding and the local planning authority must make the plan or order. Library Standard Note 5838, [Neighbourhood Planning](#) gives more information.

The referendums are governed by secondary legislation.³⁸ The first referendum of this type was held in Cumbria on 7 March 2013. The Upper Eden Neighbourhood Plan (covering Brough Parish and 16 surrounding parishes in East Cumbria), was approved by 1,310 (90%) votes to 138 (10%) on a turnout of 34%.³⁹

10 Police and Crime Commissioner elections

Under the heading of crime and policing the Coalition agreement committed the Government to make the police more accountable through oversight by a directly elected individual, who will be subject to strict checks and balances by locally elected representatives.

The Coalition Government proposed to abolish police authorities and create police and crime commissioners (PCCs) for each police force (except London) in England and Wales. The legislation required to give effect to this change was passed in September 2011 and the elections were held in November 2012. Library Research Paper 12/73 *Police and Crime Commissioner Elections, 2012* looks at the background to the establishment of PCCs and analyses the results of the elections in November 2012.

The elections were originally intended to be held in May 2012 with subsequent elections held every four years. However, the delay in the passing of the legislation making the necessary provisions for the elections, the *Police Reform and Social Responsibility Bill* meant that the elections were postponed until November 2012. As a result of the delay the first elected PCCs will serve three and a half year terms with elections returning to a four yearly cycle from May 2016.

The elections to select the PCCs were held using the Supplementary Vote system (SV).⁴⁰ This is the same method used to elect the Mayor of London and elected Mayors in England. The electorate eligible to vote were those entitled to vote in local government elections within the police area. Disqualification from standing as a candidate was different to other elections.

The PCC elections proved controversial. These were a new style of election for a new style of elected office and there was much debate about the level of turnout of the elections before and after the poll. Concerns were also expressed about the lack of information available to voters and the planning by the Home Office, which had responsibility for PCC legislation.

The Government announced that the PCC elections would be postponed from May to November 2012 in September 2011, shortly before the *Police Reform and Social Responsibility Act* received Royal Assent. The Home Secretary, Theresa May, told a meeting of the Commons Home Affairs Select Committee:

Having looked at the timetable which was appearing following the vote that took place in the Lords, and having thought that through further and had the conversations with the Electoral Commission about the amount of time necessary, and given that this is to prepare for the first time we will have had police and crime commissioner elections, we decided it was appropriate to delay it for that period into the autumn of 2012, and specifically into November.

That will give full and proper time to enable us to ensure that not just the practicalities of the election are in place, as with the requirements of the Electoral Commission, but

³⁸ [Neighbourhood Planning \(Referendums\) Regulations 2012](#) SI2012/2031

³⁹ Eden District Council, [H Yes Vote in UK's first Neighbourhood Plan Referendum](#), 8 March 2013

⁴⁰ Voting Systems are explained in more detail in Library Standard Note 4458 [Voting systems in the UK](#)

also that we are able to make sure that campaigns can be run about the new body. The new individuals will be elected so that people are fully aware of who these individuals are, what their responsibilities will be and the importance of these elections.⁴¹

Despite the assurances given by the Home Secretary that sufficient time would be given to preparing for these new elections the Electoral Commission expressed concern at the amount of time available for electoral administrators to prepare for the elections. In the Commission's briefing on its response to the Government consultation on the draft secondary legislation required to run the elections, the *Police and Crime Commissioner Elections Order 2012* and *Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012*, it had stated:

Without clear processes and rules in place in sufficient time, trust and confidence in the system may be called into question not only by those who want to stand for election but also by voters.⁴²

The Electoral Commission and the Association of Electoral Administrators subsequently published reports that were critical of the Government's preparations for the PCC elections. The Association of Electoral Administrators stated that:

The elections were held during the usual period for the annual canvass with a resulting overlap that impacted on both the updating of the registers and the planning for the elections.

The detailed rules on how the elections should be run and how much could be spent in order to deliver them were both extremely late.

The central conclusion of this report is that it is not in the interests of voters or the effective administration of the electoral process to hold a major national poll in November and during the usual period for the annual canvass.

Government responsibility for delivering the first elections of Police and Crime Commissioners lay with the Home Office. They did not have sufficient resources or the level of expertise to do so effectively and the electoral process suffered as a result.⁴³

The Electoral Commission stated:

There was no reason why the government wasn't able to avoid such late confirmation of the detailed framework for the conduct of the PCC elections. The legislation was framed using existing legislation, requiring relatively straightforward amendments to reflect the specific requirements for the PCC elections. Better planning, and a more collaborative approach to legislative development across (and between) Government departments, and a greater clarity about policy goals is needed to support more effective and timely delivery of legislation.⁴⁴

⁴¹ Home Affairs Select Committee, *Policing Large Scale Disorder: Lessons from the disturbances of August 2011: Vol II oral and written evidence*, 22 December 2011, Ev27

⁴² Electoral Commission, *Update on Police and Crime Commissioners election*, March 2012

⁴³ Association of Electoral Administrators, *A question of timing? The administration of the Police and Crime Commissioners elections in England and Wales*, 22 February 2013, Executive Summary, p3

⁴⁴ Electoral Commission, *Police and Crime Commissioner elections in England and Wales*, March 2013, p9

The turnout figures for the PCC elections were 14.7% across England and Wales (not including rejected ballots). This was the lowest ever recorded turnout for a national election.⁴⁵ The Electoral Commission stated:

A perceived lack of information about the contests and the candidates for these elections was the main reason that people said they did not vote. In particular, only 22% of people said they had enough information on candidates to be able to make an informed decision.⁴⁶

The Electoral Reform Society conducted a poll immediately after the elections and found that 45% of those who did not vote “did not have enough information about the candidates to make a decision” and 19% of those who did not vote did not agree with electing police officials.⁴⁷

The Government had decided not to make provision for free mail shots of information on PCC candidates to voters. Unlike most other elections, official candidate information for voters was provided on a central website. The Electoral Commission ran a public awareness campaign to make people of the elections and how to participate but the Commission was critical of the Government’s decision. It said:

While this information is important for voters, it is the parties and candidates themselves that give people a reason to vote; there is little evidence that public awareness campaigns alone...provide voters with the motivation to vote.⁴⁸

The Electoral Commission was also critical of the information available to candidates. It acknowledged that the primary responsibility for ensuring a candidate’s eligibility to stand rested with the candidates themselves and their agents but the Commission noted that many of the rules for the qualification and nomination of candidates were significantly different from those in place for other elections, particularly those relating to previous convictions. The Commission stated that:

Important lessons need to be learned...about how best to ensure prospective candidates fully understand the rules surrounding eligibility to stand as a candidate...It is clear that a small but significant number of people were unable to access accurate advice about whether the disqualification relating to convictions for imprisonable offences applied to their specific circumstances.⁴⁹

Despite the controversies relating to the elections the Commission reported that the administrative aspects of the election were well run, although it did make recommendations relating to postal voter instructions and to reviewing the overall counting process to improve efficiency of some counts.⁵⁰

In November 2013, the Independent Commission into the future of policing, established by the Labour Party and chaired by ex-Met Police Commissioner Lord Stevens, included the recommendation that “the PCC model is systematically flawed as a method of democratic

⁴⁵ Library research paper RP 12/73 *Police and Crime Commissioner Elections, 2012*, p10

⁴⁶ Electoral Commission, *Police and Crime Commissioner elections in England and Wales*, March 2013, p9

⁴⁷ Electoral Reform Society, *How not to run an election: The Police and Crime Commissioner Elections*, 15 November 2012, p9

⁴⁸ Electoral Commission, *Police and Crime Commissioner elections in England and Wales*, March 2013, p8

⁴⁹ Ibid, pp10-1

⁵⁰ Ibid, pp11-2

governance and should be discontinued in its present form at the end of the term of office of the 41 serving PCCs".⁵¹

At present the Government is committed to retaining PCC elections.⁵² The Labour Party has indicated it will accept most of Lord Stevens recommendations if it wins the next general election.

11 National Parks elections

The Coalition Agreement of May 2010 stated that the Government would "review the governance arrangements of National Parks in order to increase local accountability."⁵³ A general consultation was conducted from November 2010 until February 2011 with the Government's response published in September 2011. A written statement accompanying the publication of the Government response said:

Central to this consultation was the question of accountability and the ultimate accountability is of course through the ballot box. Ever since the original legislation was being enacted in 1995, there have been calls for some members to be directly elected and that already happens in the Scottish NPAs. I have concluded that the time has now come for us to explore that option more thoroughly in England. I therefore propose to bring forward legislation which will allow for the possibility of elections in the national park authorities and the broads authority. Initially we propose to apply the new legislation in two NPAs on a pilot basis, namely the New Forest and the Peak district NPAs which provide different contexts on which to assess the impact of directly elected members.⁵⁴

Scotland has two national parks, Loch Lomond and the Trossacks National Park and the Cairngorms National Park. Responsibility for the governance of these parks is devolved to the Scottish Government. Both parks are governed by boards, which each have a proportion of their members elected directly by residents within the park boundaries. Elected members serve 4 year terms and elections are conducted by post. Elections to the Cairngorms National Park authority last took place in 2011.⁵⁵ The elections for the Loch Lomond and the Trossacks National Park took place in 2010.⁵⁶

In early 2012, the Department for Food and Rural Affairs (DEFRA) consulted further on the five main issues which would require primary legislation for implementation arising from the governance review.⁵⁷ The issue of elections to national park boards was further discussed in a Westminster Hall debate in November 2012 raised by Tim Farron.⁵⁸

In April 2013, DEFRA published a brief update:

Since publication of the [2012] consultation further discussions have also been held with Cabinet Office to explore the legislative implications of proposals to enable direct

⁵¹ Independent Commission into the future of policing, *Policing for a Better Britain*, p5

⁵² The Government has stated that it "will learn from the 2012 elections in preparing for the 2016 elections" in its response to the Electoral Commission reports on administration of and spending on PCC elections (p7). [Deposited Paper 2013/1993H](#) *Government response to Electoral Commission reports on PCC elections*, 12 Dec 2013

⁵³ *The Coalition: our programme for government*, May 2010, p17

⁵⁴ HC Deb 13 September 2011 c43-44WS

⁵⁵ The Cairngorms National Park Authority - [Notice of Election](#), 11 January 2011, accessed 7 May 2013

⁵⁶ Loch Lomond & The Trossachs National Park Board, [Election update 08/06/2010](#), accessed 7 May 2013

⁵⁷ DEFRA, *Changes to National Park governance*, 8 March 2012

⁵⁸ [HC Deb c135-44WH](#)

elections. This has clarified that primary legislation would be required as well as extensive secondary legislation.⁵⁹

The update concluded;

The Government has looked carefully at all of the comments made in response to the 2012 consultation and intends to publish its response shortly. In conjunction with the Park Authorities we will continue to look at what can be achieved to increase accountability and openness.⁶⁰

12 Timing of elections to the devolved assemblies

The *Fixed-term Parliaments Act 2011*, which fixes the date of the next general election for the House of Commons at May 7 2015, also altered the pattern of elections to the Scottish Parliament and the National Assembly for Wales (NAW). Elections to both were also due on 7 May 2015 under the provisions of the legislation establishing the Scottish Parliament and the National Assembly for Wales.

When the UK Coalition Government announced plans for fixed-term Parliaments at Westminster the devolved administrations expressed concerns about holding UK Parliamentary elections on the same day as elections for the devolved governments. The *Fixed-term Parliaments Bill* was amended, following consultation with both the Scottish Parliament and the NAW, to delay the devolved elections for Scotland and Wales for one year, now to be held in 2016, and for subsequent devolved elections to revert to the 4 year cycle.⁶¹

The electoral cycle for elections to the National Assembly for Wales is now likely to be changed so that fixed terms of five years will become the norm for the NAW from 2016 (see Section 16 on electoral arrangements for Wales). The electoral cycle for Scottish Parliament elections would be unaffected by the proposed change to the NAW elections.

The Northern Ireland Assembly, which was also due to hold election in May 2015, was not included in this alteration because the UK Coalition Government considered that the electoral cycle for the Assembly had not been fully established, given extended suspension of the Assembly before 2007. The Government stated it would talk to the political parties in Northern Ireland before reaching a decision on delaying NIA elections.⁶²

The Government announced in the Queen's Speech of May 2013 that a Northern Ireland Bill would be brought forward to 'give effect to a number of institutional improvements in Northern Ireland'.⁶³ The Bill was published two days later.⁶⁴ Included in the Bill was a measure extending the length of the current Assembly term by one year to 2016, bringing Northern Ireland in line with Scotland and Wales. Another measure in the Bill would provide for subsequent terms for the Northern Ireland Assembly to be fixed at 5 years.⁶⁵ See Library Research Paper 13/38 *Northern Ireland (Miscellaneous Provisions) Bill* for more information.

⁵⁹ DEFRA, [Review of National Park governance: Implementation update](#), April 2013

⁶⁰ Ibid

⁶¹ Library Standard Note SN05932, *Fixed-term Parliaments Bill – Lords stages*, p7

⁶² HL Deb 15 March 2011 c203

⁶³ HC Deb 8 May 2013 c4

⁶⁴ Northern Ireland Office, *Northern Ireland Bill published*, 10 May 2013, accessed 13 May 2013.

⁶⁵ Ibid

13 Constituency boundaries

In January 2013 the Sixth Periodical Review (also known as the 2013 review) of Parliamentary constituency boundaries was halted. Each of the four Boundary Commissions was required to halt proceedings on the 2013 Review following the passing of the *Electoral Registration and Administration Act 2013*.

The 2013 Review had started in 2011 following the passing of the *Parliamentary Voting System and Constituencies Act 2011*. This fulfilled the Coalition Government's commitment to introduce a referendum on the voting system used for elections to the House of Commons and to reduce the size of the House to 600 seats with each seat having an electorate more equal in size.⁶⁶

The Act amended the Rules of Redistribution contained in the *Parliamentary Constituencies Act 1986* so that the number of constituencies would be reduced from 650 to 600 and ensured that, with the exception of four islands constituencies (Orkney and Shetland, Western Isles, and two seats on the Isles of Wight), the electorate of each constituency would be within 5% of the electoral quota for the UK. The four island constituencies were exempt from this parity rule. The electoral quota for the review was 76,641.⁶⁷

The future of the 2013 Review was thrown into doubt on 6 August 2012 when the Deputy Prime Minister, Nick Clegg, announced that plans to reform the House Lords were to be dropped and that the Liberal Democrats would not vote to approve the Order implementing the recommendations of the Boundary Commissions. Mr Clegg subsequently made a statement to the House of Commons on 3 September 2012.⁶⁸ In response to an intervention by Bernard Jenkin MP, Mr Clegg said;

On boundaries, we are, I suppose, strictly speaking, adhering to the coalition agreement, unlike on Lords reform...The hon. Gentleman is right to say that, because the primary legislation is still on the statute book, there is nothing in my power to stop the work of the boundary commissions, but I have made it clear that, since I think I reasonably believe that the constitutional reform package was exactly that—a package—and since this is the first time that either of the coalition parties has been unable to deliver on a major coalition agreement commitment, it is therefore right to rebalance things and not to proceed with an unbalanced package.⁶⁹

Mr Clegg later added

As I have explained, the primary legislation is as it is, and no one is proposing that we repeal it. My own view—I have made this perfectly public—is that it would be better not to complete the outstanding stages of the Boundary Commission investigations because the end result is now a foregone conclusion, but if that is what is felt necessary then a vote will be held and the boundary changes will not go through before 2015.⁷⁰

The Boundary Commissions therefore had to continue with their work, in the absence of any statutory requirement to desist, and, as the Deputy Prime Minister noted in his statement on

⁶⁶ [The Coalition: our programme for government](#), p27

⁶⁷ Library Standard Note 5929 [Constituency boundaries: the Sixth General Review](#) gives more details.

⁶⁸ [HC Deb 3 September 2012 c35](#)

⁶⁹ [HC Deb 3 September 2012 c39](#)

⁷⁰ [HC Deb 3 September 2012 c43](#)

3 September 2012, 'there is no agreement within Government to repeal that primary legislation'.⁷¹

In October 2012, an amendment was tabled to the *Electoral Registration and Administration Bill 2012-13* during the Committee stage in the House of Lords. The amendment, moved by Lord Hart of Chilton, postponed the date on which the Boundary Commissions would have to submit their final reports to the Secretary of State. This would have the effect of ending the 2013 review. The amendment was passed in January 2013.

The House of Commons considered the Lords amendments on 29 January 2013.⁷² The Leader of the House of Commons, Andrew Lansley, argued that the House should disagree with Lords amendment 5 which made provision to postpone the Parliamentary boundary review until 2018. The motion to disagree with Lords amendment 5 was defeated: Ayes 292, Noes 334 and the amendment made by the Lords which delays the boundary review until 2018 remained in the Bill.⁷³

The Bill received Royal Assent on 31 January 2013. All four Boundary Commissions announced that the 2013 Review would therefore cease.

14 Review of electoral law

In June 2012 the Law Commission announced the start of a project to review electoral law in the UK. The Law Commission reviews areas of the law that have become unduly complicated, outdated or unfair.⁷⁴

The Law Commission announced that the project would be split into three phases, with the first phase consisting of a scoping consultation. The second phase would consist of the formulation of detailed proposals, with a consultation paper in late 2014 and substantive recommendations in the summer of 2015. If the Commissions and Government decide to continue with the project, the Commission would aim to publish a final report and bill in early 2017.⁷⁵

The scoping consultation paper was published 15 June 2012.⁷⁶ It noted that two previous consolidations of electoral law had occurred in 1949 and 1983:

At the time of the first consolidation of electoral law in the Representation of the People Act 1949, the elections covered – parliamentary and local government elections – were the only types of elections to public office in England, Wales and Scotland. All employed the same voting system and therefore could share core rules as to candidacy, nominations and the like. Northern Ireland had a separate electoral regime, which has its own particular history, but the picture across the rest of the UK was uniform...This essentially remained the case in 1983.⁷⁷

The consultation also noted that:

⁷¹ HC Deb 3 September 2012 c47

⁷² [HC Deb 29 January 2013 c806](#)

⁷³ For more detail see Library Standard Note SN06359 [Electoral Registration and Administration Bill 2012-13: progress of the Bill](#)

⁷⁴ The Law Commission, [What we do](#), Accessed 13 May 2013

⁷⁵ <http://lawcommission.justice.gov.uk/areas/electoral-law.htm> Accessed 13 May 2013

⁷⁶ Law Commission, [Electoral Law in the UK](#), 15 June 2012

⁷⁷ *Ibid*, p9

The electoral landscape changed dramatically after the 1983 consolidation and, in particular, after 1997. There is now more variety in the type of elections that can be held and in the voting systems used in those elections. There is also greater scope and tendency for two or more types of elections to be held and administered together, known as the combination of polls. Referendums have become more frequent and local referendums are set to be a more common occurrence in the future.⁷⁸

The consultation highlighted that key stakeholders, such as the Electoral Commission and the Association of Electoral Administrators, had already been calling for a comprehensive reform of electoral law.⁷⁹

In a report published in September 2012, the Electoral Commission highlighted the current complexity of UK electoral law. The report, a comparative analysis of electoral legislation with five selected countries, included an appendix that listed the electoral legislation of the UK. The list included 48 pieces of primary legislation and over 150 pieces of secondary legislation that have a bearing on electoral regulation in the UK.⁸⁰

On 12 December 2012 the Law Commission published its *Electoral Law Scoping Report*, which analysed the responses to the questions it asked in the consultation paper.⁸¹ The report made 16 recommendations on the scope of the review of electoral law. These are shown in the table below.

The Law Commission recommended that nearly all aspects of electoral law should be within the scope of the review. The areas the Law Commission recommended should be excluded from the review are those highlighted in recommendation 3 (the franchise, electoral boundaries and voting systems). It concluded that:

A majority of consultees agreed that the franchise, voting systems and electoral boundaries are matters of significant democratic or constitutional import, which would be best left to democratic or political consensus. However, successful law reform of electoral law must be able to cater for and take into account the challenges presented by the current range of franchises, voting systems and boundary change processes.⁸²

Law Commission recommendations for the scope of the electoral law review

Recommendation 1	The scope of the reform project should include all elections to public office and national and local referendums conducted under statute.
Recommendation 2	The substantive reform project should review the legislative framework to reduce the problems of volume, complexity and fragmentation, including the proper place of rules within the legislative hierarchy.
Recommendation 3	The scope of the project should exclude the franchise, electoral boundaries and voting systems.
Recommendation 4	The scope of the reform project should include consideration of management and oversight of elections, but exclude fundamental change to the current institutional framework for electoral administration.

⁷⁸ Ibid, p10

⁷⁹ Ibid, pp11-2

⁸⁰ Electoral Commission, *Electoral legislation, principles and practice: a comparative analysis*, September 2012

⁸¹ Law Commission, *Electoral Law Scoping Report*, December 2012

⁸² Ibid, p24

Recommendation 5	The scope of the reform project should include electoral registration and consider defining the meaning of residence.
Recommendation 6	The scope of the reform project should include consideration of the rules on candidates and the campaign.
Recommendation 7	The scope of the reform project should exclude political party regulation and national campaign publicity.
Recommendation 8	The scope of the reform project should include consideration of the rules on manner of voting (ie in person, by post or proxy voting).
Recommendation 9	The scope of the reform project should include consideration of the rules on polling day.
Recommendation 10	The scope of the reform project should include consideration of the rules for determining and declaring the result.
Recommendation 11	The scope of the reform project should include consideration of the timetables for elections.
Recommendation 12	The scope of the reform project should include the combination of polls.
Recommendation 13	The scope of electoral law reform should include the processes of challenging elections.
Recommendation 14	The scope of the reform project should include consideration of electoral offence.
Recommendation 15	The scope of the reform project should include consideration of the electoral administration of national referendums.
Recommendation 16	The scope of the reform project should include consideration of the electoral administration of local referendums conducted under statute, including parish and community polls.

15 Franchise

15.1 Prisoner Voting

In October 2005 the European Court of Human Rights ruled that the UK's current ban on all serving prisoners from voting contravenes Article 3 of Protocol No 1 of the European Convention on Human Rights.

The disenfranchisement of prisoners in Great Britain dates back to the *Forfeiture Act 1870* and was linked to the notion of 'civic death'. The 1870 Act denied offenders their rights of citizenship. There were specific legislative provisions in the twentieth century and these were consolidated into the *Representation of the People Act 1983*. In 2000, prisoners who were on remand and had yet to be convicted of any crime were allowed to remain registered to vote. Provisions were made for this in the *Representation of the People Act 2000*. Convicted prisoners remain disenfranchised under s3 of the *Representation of the People Act 1983*, as amended.

Library Standard Note SN01764 [Prisoners' voting rights](#) gives details of the background to the ban on serving prisoners being disenfranchised and developments since the ECtHR judgement of 2005.

The Coalition Government published the *Voting Eligibility (Prisoners) Draft Bill* on 22 November 2012. A Joint Select Committee of both Houses of Parliament has been established to conduct pre-legislative scrutiny of the draft Bill. Membership of the Committee was established in April 2013 (Commons) and May 2013 (Lords).⁸³

The Committee reported on 18 December 2013.⁸⁴ The committee recommended that:

the Government introduce a Bill at the start of the 2014-15 session, which should provide that all prisoners serving sentences of 12 months or less should be entitled to vote in all UK parliamentary, local and European elections; and moreover that prisoners should be entitled to apply, up to 6 months before their scheduled release date, to be registered to vote in the constituency into which they are due to be released.⁸⁵

15.2 Voting age

Under current legislation, a person must be 18 or over to vote for Parliamentary, European Parliamentary and local elections in the UK. In recent years there have been calls for the voting age to be reduced to allow 16 and 17 year olds to vote.

The Liberal Democrats included a commitment to reduce the voting age in its 2010 general election manifesto. The Coalition Agreement of May 2010 did not include any commitment on voting age. In a Westminster Hall debate 18 December 2012 on the subject Chloe Smith, Parliamentary Secretary at the Cabinet Office, confirmed that the Conservative Party opposed lowering the voting age and that the Government had no plans for a change in this Parliament.⁸⁶

The issue of reducing the voting age has received increased prominence recently following the Scottish Government's decision to legislate to allow 16 and 17 year olds to vote in the Scottish Independence referendum in 2014. Library Standard Note 1747 [Voting age](#) gives details on the calls for changes to the voting age and the Scottish Government's proposal that the franchise for the referendum on independence for Scotland.

The *Scottish Independence Referendum (Franchise) Bill* was passed on 27 July 2013 and became an Act of the Scottish Parliament. The Scottish Parliament Information Centre produced a [briefing paper](#) on the Bill,⁸⁷ and the progress of the Bill, including the accompanying documents, is available on the Scottish Parliament website.⁸⁸

Children aged 16 and 17 and who are qualified to register to vote for the referendum will therefore be able to cast a ballot at the Scottish independence referendum as long as they have registered.

⁸³ The [Joint Committee](#) is a committee of both Houses appointed to conduct pre-legislative scrutiny of the *Draft Voting Eligibility (Prisoners) Bill*.

⁸⁴ Joint Committee on Draft Voting Eligibility (Prisoners) Bill, *Draft Voting Eligibility (Prisoners) Bill*, HL 103/HC 924, 18 December 2013.

⁸⁵ Ibid, p4

⁸⁶ HC Deb 18 December 2012 c229WH

⁸⁷ SPICe Briefing 13/18: *Scottish Independence Referendum (Franchise) Bill*

⁸⁸ [Scottish Independence Referendum \(Franchise\) Bill pages](#)

The UK Government currently has no plans to make any alteration to the voting age following the decision by the Scottish Parliament. In answer to a question from the Lord Roberts of Llandudno, Lord Wallace of Saltaire, the Cabinet Office spokesman for the Coalition Government in the House of Lords, stated there was no consensus for such a change:

Asked by **Lord Roberts of Llandudno**: To ask Her Majesty's Government whether they will monitor the experience in lowering of the voting age to 16 in the Scottish referendum with a view to informing future decisions about lowering the voting age throughout the rest of the country.[HL4274]

Lord Wallace of Saltaire: The UK and Scottish Governments have agreed that the power to legislate for a referendum on Scotland's independence should be devolved to the Scottish Parliament. As a result it will be for the Scottish Parliament to determine the franchise of the referendum—just as it is responsible for determining the franchise for any other referendum or election within its devolved competence.

However, this sets no precedent for the franchise for the UK Parliament, Scottish Parliament or local authorities, which remain the responsibility of the UK Government and Parliament. There is no consensus within government for lowering the voting age to 16 and we therefore have no current plans to do so.⁸⁹

This view was reiterated by the Deputy Prime Minister

Mr Jim Cunningham (Coventry South) (Lab): What consideration has the Deputy Prime Minister given to lowering the voting age to 16?

The Deputy Prime Minister: That is not something that the coalition is going to deliver. I am personally persuaded of the case for lowering the voting age, but it was not included in the coalition agreement, so it is not something that the coalition Government will deliver during this Parliament.⁹⁰

15.3 Overseas voting

British citizens living overseas are entitled to be registered to vote in UK Parliamentary elections for up to 15 years in the constituency they were registered in before leaving the UK. They are not entitled to vote in UK local elections or elections to the devolved assemblies.

There have been calls for the 15 year rule to be changed, most recently during consideration of the *Electoral Registration and Administration Bill 2012-13* but the Government has indicated that it has no plans to alter the arrangements for overseas voters at the moment.

Harry Shindler, a British citizen who has lived in Italy since 1982, and who has not been able to vote in UK Parliamentary elections since 1997, took his case to the European Court of Human Rights in 2009 and argued that no time limit should be imposed on the right of British citizens living overseas to vote in the UK. In its judgment on 7 May 2013, the European Court ruled that there had been no violation of Article 3 of Protocol No 1 (right to free elections) of the European Convention on Human Rights and determined that the UK had legitimately confined the parliamentary franchise to those citizens who had 'a close connection to the UK and who would therefore be most directly affected by its laws.'

Library Standard Note SN05923 [Overseas Voting](#) gives further details.

⁸⁹ [HL Deb 8 January 2013 c21-2](#)

⁹⁰ [HC Deb 26 March 2013 c1456](#)

16 National Assembly for Wales (Electoral Arrangements)

On 13 March 2013 the Government announced that it would take forward three of the four proposals on which it had consulted following the publication in 2012 of the Green Paper on the future electoral arrangements for the National Assembly for Wales. These proposals are:

- The National Assembly for Wales should move permanently from four to five-year terms;
- There should be an end to the prohibition on candidates at Assembly elections standing in both a constituency and a region at the same time; and
- Assembly Members should be prohibited from sitting simultaneously as MPs.

The fourth proposal relating to whether the link between the Parliamentary constituencies and constituencies for elections to the NAW should be re-instated will not be taken forward. There is no immediate need to re-establish the link following the *Electoral Registration and Administration Act 2013* which has moved the date of the next Parliamentary Boundary review until 2018. The boundaries of Parliamentary and Assembly constituencies will remain the same until the next review is implemented.

The Government announced in the Queen's Speech on 8 May 2013 that a draft Bill would be published in the new session. There is more detail in Library Standard Note 6641 [Electoral Arrangements in Wales](#).

The draft Bill was published on 18 December 2013.⁹¹ As well as making provision for the electoral arrangements mentioned above, the Bill makes provisions to allow the NAW to legislate on devolved taxation and it also creates a mechanism for allowing the NAW to trigger a referendum on allowing the Welsh government to vary the income tax rate in Wales. On the same day the Commons Welsh Affairs Committee announced it would commence pre-legislative scrutiny of the Bill in January 2014.⁹²

17 Northern Ireland Assembly (Electoral Arrangements)

In May 2013 the Government published the *Northern Ireland (Miscellaneous Provisions) Bill 2013-14*. This followed pre-legislative scrutiny of a draft Bill, which was published for consultation in February 2013.⁹³

The Explanatory Notes to the Bill published in May summarises the main provisions of the Bill:

The Bill makes provision in relation to the following:

- donations and loans for political purposes in connection with Northern Ireland;
- ending the practice of Members of the Northern Ireland Assembly holding a dual mandate to sit concurrently as Members of the House of Commons, or as Teachta í Dála in Dáil Éireann (members of the lower house of the Irish Parliament);

⁹¹ [HC Deb 18 December 2013, c118-9WS](#)

⁹² Welsh Affairs Select Committee, [Announcement of pre-legislative scrutiny: Draft Wales Bill](#), accessed 19 December 2013

⁹³ [Publication of Draft Legislation Northern Ireland \(Miscellaneous Provisions\)](#), February 2013

- determining the future size of the Northern Ireland Assembly;
- extending the length of future terms of the Northern Ireland Assembly to five year fixed terms;
- changes to the process of appointment and dismissal for the Northern Ireland Justice Minister;
- steps towards the devolution of functions in relation to the Northern Ireland Civil Service Commission, Northern Ireland Human Rights Commission, and matters relating to district electoral areas.
- registration of electors and electoral administration in Northern Ireland ;
- amendments to certain order making powers and court rule making powers in respect of Northern Ireland ; and,
- preventing Northern Ireland Civil Service Commissioners from sitting in the Northern Ireland Assembly.⁹⁴

The Bill received its Second Reading in the House of Commons on 24 June 2013.⁹⁵ The Commons Committee stage was completed on 16 July 2013.⁹⁶ [Subsequent stages](#) are shown on the Parliament website.

18 European Parliament elections

18.1 Date of 2014 elections

In 2012 the Council of the European Union proposed moving the date of the 2014 European Parliament elections to avoid any reduction in voter turnout caused by the June Pentecost holidays. The European Parliament indicated in late 2012 that it would agree with this proposal as bringing forward the date of the elections to May 2014 would give the new Parliament time to prepare for the election of the President of the European Commission in July 2014.

The draft European Council Decision which proposed moving the date of the 2014 European Parliamentary elections to between 22 and 25 May 2014 was considered by the House of Commons European Scrutiny Committee.⁹⁷ The Committee agreed with the Government's support for the change of date, which was:

... partly based on the possibility of combining the European elections with local elections in England which were originally scheduled to take place on 1 May 2014. These elections are for 160 local authorities, five directly elected mayors and a number of parish councils. Previous combination of these two sets of elections (in 2004 and 2009), the Minister says, shows that it is more cost effective to run them as a combined poll than two stand-alone elections on different days — in 2009 some £10m was saved — and helps to facilitate voter participation.⁹⁸

⁹⁴ [Northern Ireland \(Miscellaneous Provisions\) Bill Explanatory Notes](#)

⁹⁵ [HC Deb 24 June 2013 c48-119H](#). See Library Research Paper 13/38 H [Northern Ireland \(Miscellaneous Provisions\) Bill](#) for the background to the Bill

⁹⁶ [Public Bill Committee proceedings](#), 16 July 2013

⁹⁷ [European Scrutiny Committee, Fourth Report, 18 June 2013, HC 83-iv, para 17](#)

⁹⁸ [Ibid](#), para 17.4

The European Council agreed the Decision at a meeting of the Foreign Affairs Council on 14 June 2013.⁹⁹ Library Standard Note 6707 *Moving the date of local elections in England in 2014* gives further details.

18.2 Number of seats in the European Parliament

On 13 March 2013 the European Parliament adopted a resolution that would alter the number of MEPs.¹⁰⁰ The Lisbon Treaty capped the number of seats in the Parliament at 751. There are currently 766 MEPs. The resolution still needs to be approved by the heads of state and government in the European Council.

If approved, at the 2014 European Parliament elections 15 seats would need to be abolished.

The resolution adopted by the European Parliament limits the number of seats to be lost by each affected country to 1 with the countries losing seats. The basis for allocating the reductions is based on demographic changes. The exception is Germany which will lose 3 of its current 99 seats under the terms of the Lisbon Treaty.

The 12 countries losing one seat each are Austria, Belgium, Bulgaria, Croatia, Czech Republic, Greece, Hungary, Ireland, Latvia, Lithuania, Portugal and Romania.

The UK will retain its current number of seats in the European Parliament (73). At the last elections, in 2009, the UK elected 72 MEPs but gained an additional seat in the West Midlands region on 1 December 2011, as a result of the entry into force of the Lisbon Treaty.¹⁰¹

The Electoral Commission are required to undertake a statutory review of the distribution of MEPs between the 12 electoral regions of the UK before the next European Parliament elections. In June 2013 the Commission published its recommendation that the current distribution of UK seats in the European Parliament should remain unaltered.¹⁰²

The current distribution of MEPs in the UK is shown in the following table.

Region	MEPs
Eastern	7
East Midlands	5
London	8
North East	3
North West	8
South East	10
South West and Gibraltar	6

⁹⁹ Foreign Affairs Council press release, 14 June 2013

¹⁰⁰ European Parliament News, Plenary Session 13-03-2013

¹⁰¹ http://www.europarl.org.uk/view/en/your_MEPs.html Accessed 7 May 2013

¹⁰² Electoral Commission, *Distribution of UK MEPs between electoral regions* (PDF, 1317KB), June 2013

West Midlands	7
Yorkshire and the Humber	6
Scotland	6
Wales	4
Northern Ireland	3

19 Timing of local elections in 2014

The Department for Communities and Local Government (DCLG) published a consultation paper in March 2013 on whether the polls for the local government elections due to be held in England (there are no elections due in the rest of the UK) on 1 May 2014 should be moved to the same day as and be combined with the poll for the European Parliamentary Elections.¹⁰³ The European Parliamentary elections are due to be held at the end of May 2014 (see Section 18).

A provision in the *Local Government and Public Involvement in Health Act 2007* amended the *Representation of the People Act 1983* by adding a new section 37A which empowers the Secretary of State (and Assembly Government ministers in relation to Wales) to move the day of local elections to the same day as that of the European Parliament elections when the two fall in the same year.

Section 37A allows the Secretary of State to change the date of the local elections in the year of European Parliament elections, but does not require him to do so. The Government must also consult the Electoral Commission before making an Order.

The Order to change the date must be made six months before the date of the local elections.

The House of Lords considered the draft Order in Grand Committee on 24 July 2013,¹⁰⁴ and agreed the Order on 30 July 2013.¹⁰⁵ The draft Order was considered by the House of Commons Seventh Delegated Legislation Committee on 3 September 2013.¹⁰⁶ It was passed by the Commons on 4 September.¹⁰⁷

The Order was made on the 6 September 2013 and came into force the same day.¹⁰⁸

Library Standard Note 6707 *Moving the date of local elections in England in 2014* gives further details of the proposal to move the date of the local elections in 2014 and combination of local and European Parliamentary elections in other years.

¹⁰³ Department for Communities and Local Government, *Moving the date of the English local Government elections to the date of the European Parliamentary elections in 2014: consultation*, March 2013

¹⁰⁴ HL Deb 24 July 2013, c481-7

¹⁰⁵ HL Deb 30 July 2013 c 1648

¹⁰⁶ Delegated Legislation Committee, 3 September 2013

¹⁰⁷ House of Commons Votes and Proceedings, 4 September 2013

¹⁰⁸ *The Local Elections (Ordinary Day of Elections in 2014) Order 2013*, SI 2013/2277

20 Speaker's Commission on Digital Democracy

On 27 November 2013 the Speaker of the House of Commons, John Bercow, made a speech to the Hansard Society in which he announced the establishment of a Speaker's Commission on Digital Democracy.¹⁰⁹

Mr Speaker stated that the Commission would:

consider, report and make recommendations on how parliamentary democracy in the United Kingdom can embrace the opportunities afforded by the digital world to become more effective in representing the people, making laws and scrutinising the work and the performance of government. It should also consider how Parliament can become more relevant to the increasingly diverse population it seeks to serve.¹¹⁰

The full remit of the Commission is expected to be announced early in 2014 and the Commission is expected to publish a final report early in 2015. One aspect that the Commission may focus on is digital voting for elections to the House of Commons.

¹⁰⁹ See the [UK Parliament website](#)

¹¹⁰ A transcript of the speech is available on the [UK Parliament website](#)