

<b>ELECTIONS COMMITTEE</b>		
<b>Report Title</b>	Electoral Agenda: the next five years	
<b>Key Decision</b>	No	Item No. 4
<b>Ward</b>	All	
<b>Contributors</b>	Chief Executive and Head of Law	
<b>Class</b>	Part 1	Date: 18 October 2010

## 1. Purpose

- 1.1 This report provides the Committee with an outline of anticipated referendums, elections, statutory reviews and relevant legislative changes over the next five years (2010 – 2015) and their impact on Lewisham’s forthcoming electoral agenda.

## 2. Recommendations

- 2.1 The Committee is advised to note the report and the impact of the forthcoming electoral agenda and legislative changes.

## 3. Background

- 3.1 The new Government has put forward an ambitious programme for political and electoral reform which, if implemented, will have a significant impact on how elections are managed, the political landscape and the voter experience. Over the next five years there will be a number of new and additional requirements adding to the already complex legislative framework that surrounds elections. There is proposed legislation that may totally change the voting system, the number of MPs to be voted for and new national requirements in relation to electoral registration.

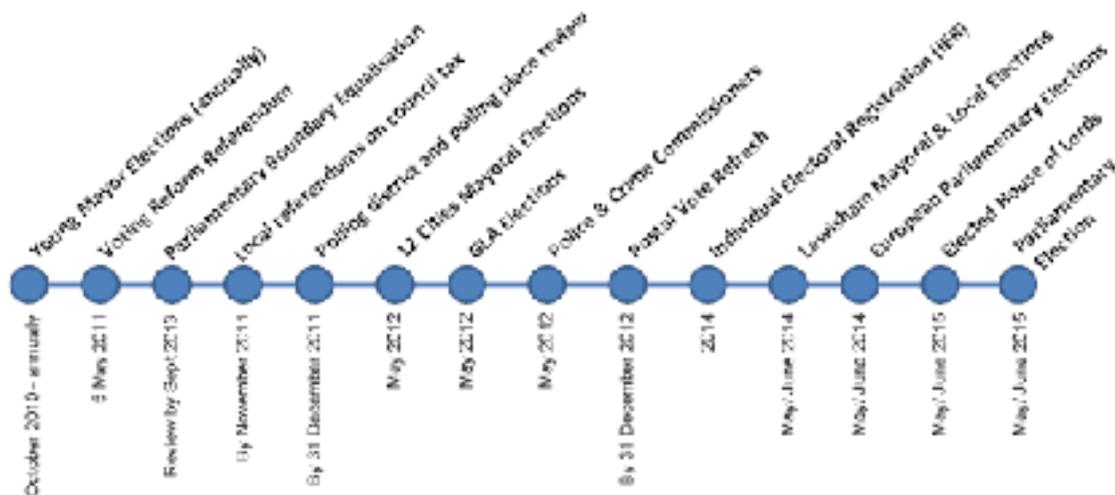
- 3.2 The Association of Electoral Administrators notes that already:

“Over 25 separate pieces of primary and secondary legislation (some of which have been amended on several occasions) governed the administration of the elections that took place across the UK in May 2010.”<sup>1</sup>

<sup>1</sup> Association of Electoral Administrators., Beyond 2010: the future of electoral administration in the UK. 2010.

The agenda set out in this report is very likely to increase that complexity.

#### 4. Electoral Agenda (2010-2015)



4.1 Set out below are the anticipated referendums, elections, statutory reviews and relevant legislative changes proposed over the next five years (2010-2015). Due to pending legislation, there are still some unknowns in terms of local implications and dates. Where this is the case, these have been identified.

#### 4.2 The Parliamentary Voting System and Constituencies Bill (early 2011)

4.2.1 The Parliamentary Voting System and Constituencies Bill (subsequently referred to as “the Bill”) is currently before Parliament. The Bill would, if passed, introduce significant changes to the electoral process in the United Kingdom. It proposes to introduce a voting reform referendum for the new alternative vote (A.V) system (see 4.3 below), as well as to reduce the number of MPs in the House of Commons from 650 to 600 and establish boundary reviews to create more equally sized constituencies (see 4.4 below).

4.2.2 It is anticipated that the Bill will receive assent in Jan/Feb 2011. However, the proposed regulations and rules detailing some of the implementation have been released as part of the Bill.

#### 4.3 Voting Reform Referendum (5 May 2011)

4.3.1 In addition to a proposal for new boundary arrangements and equalising of Parliamentary constituencies, the Bill also proposes:

- 4.3.1.1 A UK – wide referendum on whether the UK should move to the alternative vote system for UK Parliamentary elections;
- 4.3.1.2 Details of the AV system that would be brought into if there were a “yes” vote at the referendum (see appendix 1 for an example of an AV ballot paper and the existing First Past the Post ballot paper as well as an example of a supplementary vote ballot paper).
- 4.3.2 Whilst Lewisham has held a referendum before (in 2001 for the directly elected Mayoral model), like every other local authority, it has not hosted one at a national level since the 1975 European Communities membership referendum.
- 4.3.3 Unless and until the Bill receives Royal Assent (if passed likely to be in early 2011) there will remain a lack of clarity which will hinder local planning. For example, it is not yet known what date the count will be scheduled for, as this will need to be synchronised across the UK to take into account areas where multiple elections are held. It is also unknown who the Regional Counting Officer will be or whether additional questions will be added to the referendum paper.
- 4.3.4 There will be considerable publicity and awareness campaigns organised by the Electoral Commission. It is also likely that there will be a ‘Yes’ and ‘No’ campaign at a national level and may involve politicians from all parties in both of these campaigns. Despite this there may still be a degree of voter confusion at this referendum (see appendix 2 for an example of a referendum ballot paper).
- 4.3.5 Appendix 3 sets out the most recent advice from the Electoral Commission in relation to the Referendum campaign issued in September 2010.
- 4.3.6 Given the extent of preparation required under this new legislation, and the extent of existing ambiguity, the Association of Electoral Administrators (AEA) endorse findings from the Gould<sup>2</sup> report on the 2007 elections in Scotland and state that that;

“Except in cases of unforeseen emergencies, changes to election law should not be applicable to any elections within a six-month period from the date the legislation comes into effect”<sup>3</sup>

Despite this, if passed, there will only be approximately four months in which to prepare for the referendum, thereby failing to comply with the Gould recommendations.

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<sup>2</sup> Independent Review of Scottish Parliamentary and Local Government Elections, Ron Gould, 2007.

<sup>3</sup> Association of Electoral Administrators., Beyond 2010: the future of electoral administration in the UK. 2010.

- 4.3.7 The Bill makes provision for the fees and charges for the referendum to be on the same basis as that in place for the European Parliamentary Elections in 2009 and the UK Parliamentary General Election in 2010. It is still unknown what the upper fee limit will be to host the referendum, and the extent to which it will increase existing financial pressure.
- 4.3.8 If the referendum results in a 'Yes' vote then English local government will be the only tier of government in the UK which will not be based some form of proportional representation. This may prompt pressure for some form of proportional representation to be introduced locally. This is a position which the Council has previously considered and supported.

#### **4.4 Parliamentary Boundary Equalisation (review by September 2013)**

- 4.4.1 Under the Parliamentary Voting System and Constituencies Bill, boundary changes have been made to reduce the size of the House of Commons from 650 to 600 by the next General Election. The Bill also proposes new rules for the redistribution of seats.
- 4.4.2 The rules will give priority to numerical equality as a principle, in that there will be a uniform electoral quota for the UK, and seats may not vary by more than 5 per cent from the quota, with some limited exceptions. Regular redistributions would take place every five years. The Parliamentary Boundary Commission is to conduct a review by the end of September 2013 with subsequent reviews every five years.
- 4.4.3 The equalising of electoral boundaries will be based upon the electoral register as at 1<sup>st</sup> December 2010, making the canvass leading up to this point particularly significant.
- 4.4.4 The new approach to reviewing constituency boundaries, with its emphasis on numerical equality according to the "quota" is likely to bring about the creation of many new constituencies, and constituencies that cross local government boundaries.
- 4.4.5 Based on 2009 figures, the reduction in constituencies means that the quota per constituency is approximately 75,700 (total UK electorate of approximately 45.4 million divided by 600). In London, the total electorate for 2009 approximated 5.3 million. Therefore the number of MPs for London is likely to be in the region of 70, a reduction of 3 on the current number of 73. The average size of a constituency for the Lewisham area is likely to rise from approximately 67,300 to in the region of 75,700. This is an increase in the average size of a London constituency of over 3,000, and of over 8,000 for Lewisham constituencies. Given this, it is likely that

Lewisham's parliamentary constituency boundaries will be expanded even further across local government boundaries.

**4.5 Local referendums on Council Tax and other local matters (by November 2011)**

4.5.1 The Government intends to introduce legislation through the Decentralisation and Localism Bill (expected to become law by November 2011) requiring a local authority setting an excessive council tax increase to hold a referendum. This referendum would be legally binding, as opposed to a consultative poll.

4.5.2 The purpose of this Bill, if passed, would be to:

4.5.2.1 Ensure that excessive council tax increases occur only where they have a clear mandate from local people.

4.5.2.2 To abolish existing central government capping powers.

4.5.3 The Government anticipate that the costs of organising a referendum are in the range of £70,000-250,000<sup>4</sup>. These costs are to be met by the relevant local authority.

4.5.4 The proposals would require local authorities to prepare a shadow budget and (if necessary) repay council taxpayers depending on the outcome of the referendum.

4.5.5 The Government also intends to make provision in the same Bill for local referenda to be held on receipt of a petition signed by enough local people requesting a referendum on a matter of local concern. The detail of these provisions is of course yet to be fleshed out in the legislation.

**4.6 12 Cities Mayoral Elections (from November 2011 – elections in May 2012)**

4.6.1 The Decentralisation and Localism Bill, if passed, will enable and may require the largest 12 cities in England to have Mayors from 2012, subject to confirmatory referenda and full scrutiny by elected councillors, with elections taking place in May 2012.

4.6.2 The Government will begin developing options for the transition to mayors from November 2010 which will provide more clarity relating to the timetable for the referendums. It is expected that the Bill will become law in November 2011 and this is likely to prompt increased interest in the elected Mayor model.

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<sup>4</sup> Decentralisation and Localism Bill – Provision for referendums to veto excessive council tax increases: Impact assessment – consultation stage, August 2010.

#### **4.7 Police and Crime Commissioners (May 2012– date unconfirmed)**

- 4.7.1 The consultation paper *Policing in the 21st Century: Reconnecting Police and the People* (July 2010) outlines plans to introduce directly elected Police and Crime Commissioners. The Government's stated intention in introducing these measures is to make police services in England and Wales "more accountable to the public and responsive to local people, more focused at a national level and more effective at tackling crime, as well as providing better value for money" (Home Office, 2010).
- 4.7.2 Currently, there is no plan for a Police and Crime Commissioner to be elected in London. This is due to the directly elected London Mayoral model in which the Mayor (or his deputy) takes the lead for the Metropolitan Police Authority. However, if and when police authorities in other parts of the country are abolished and elections for Police and Crime Commissioners take place, this may call into question the arrangements in London and bring pressure to bear for a move to harmonise the London arrangements with the rest of the country.

#### **4.8 Individual Electoral Registration (IER) 2014**

- 4.8.1 IER will be introduced in order to modernise the electoral registration system and reduce fraud (as announced by the Government 15 September 2010).
- 4.8.2 From 2014, voters will be required to provide their date of birth, signature and national insurance number, which will be cross-checked, before they can be added to the electoral register. The process will replace the existing system of household registration, in which one person at each address is responsible for providing the names of eligible voters who live there. The wider resource implications relating to this are yet to be addressed nationally.
- 4.8.3 The measure will speed up the timetable for implementing individual registration, which was not previously due to replace household registration until 2015 at the earliest. The promise to speed up individual electoral registration was contained in the Government's Coalition Agreement and details were set out by Mark Harper, Minister for Political and Constitutional Reform, in an oral statement to Parliament. A draft Bill is to be introduced this Parliamentary session, to be followed by legislation.
- 4.8.4 No voters will be removed from the electoral register for not registering individually until after the next General Election, due to take place in May 2015, giving people at least 12 months to comply with the new requirements so the impact of IER on voter registration is likely to be felt in 2016. Any new registrations from 2014 will be

on an individual basis and from that point voters will also need to register individually to cast a proxy or postal vote.

4.8.5 In Great Britain, there is currently an annual canvass process based on household registration, and an individual rolling registration process that enables registration up to 11 days before polling day. Neither of the systems provide for the collection and verification of personal identifiers. Similarly, apart from names and addresses of voters, voter lists currently do not contain any personal identifiers to distinguish voters, and voters are not obliged to present any identification to be able to vote. To verify the individual identifiers would require the introduction of a data matching exercise, potentially using national databases and introduce greater complexity in the administration of electoral registration.

4.8.6 IER also has implications for voter engagement, with the real possibility that this could disproportionately affect certain groups who do not have, or do not want to disclose, their National Insurance number. When introduced in Northern Ireland (2002) a 10% drop in registration levels was observed<sup>5</sup>. The introduction of IER will mean that intensive efforts will need to be made to encourage all to register and minimise this decline.

#### 4.9 **Combined European and Lewisham Mayoral & Local Elections (June 2014)**

4.9.1 The UK European Union (EU) Parliamentary elections will take place in June 2014. The number of Members of the European Parliament (MEPs) that are elected from each party to represent a region depends on the overall share of votes that each party receives. The whole of London elects eight MEPs, selected on a form of proportional representation known as the party list system.

4.9.2 The Lewisham Council and Mayoral Elections are scheduled to take place in May 2014. However, given the closeness of the European Parliamentary Elections (June 2014) it may very well be that the elections will be combined. As the EU elections are the major election, if combined, the local elections would move to June, subject to the necessary statutory amendments to facilitate this. The combination of elections would mean there would be three different voting methodologies in place (supplementary voting in the Mayoral election; first past the post for multi-member wards in the local councillor elections; and the party list system for the European election). This increased complexity could result in voter confusion.

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<sup>5</sup> PriceWaterhouseCoopers - The Electoral Commission Northern Ireland desk research - Final report 2003

#### **4.10 Parliamentary Election (2015 – held on or before 11<sup>th</sup> June)**

4.10.1 This general election will be the first at which the major reforms to the electoral system set out in this report are likely to be in place. The Parliamentary Voting System and Constituencies Bill would, if passed, introduce significant changes to the electoral process in the United Kingdom. As well being the first potential election counted on the new A.V system, 600 MPs rather than 650 will be being elected to the UK Parliament, for new constituencies in which the number of voters have been equalised.

4.10.2 It is also proposed that in future Parliament will be for a fixed 5 year term with no discretion for the Prime Minister to call an earlier election.

#### **4.11 Elected House of Lords (2015)**

4.11.1 Subject to the legislation being put in place, the election for the House of Lords is likely to fall at the same time as the Parliamentary Election (held on or before 11<sup>th</sup> June 2015). The House of Lords Bill is before Parliament in 2011 and if and when passed will provide additional clarity. If combined with the Parliamentary election, this will add complexity and possible voter confusion.

#### **4.12 GLA Elections May 2012**

4.12.1 The GLA elections include the election of the London Mayor, Assembly and Constituency members. It has been decided that these will continue to use electronic counting and the count is to be held at the Excel Centre, which is to be one of several multi constituency counting centres, as in 2008.

4.12.2 This is a joint borough election with Lewisham being the lead borough for both Greenwich and Lewisham as it has the larger electorate. As such, Lewisham's Returning Officer will be the Constituency Returning Officer responsible for the count across both boroughs.

#### **4.13 Young Mayor Elections (13 October 2010 - annually)**

4.13.1 Though of course not a statutory requirement, Lewisham introduced its Young Mayor Elections in 2004. These are run annually and have proved a success involving many young people in civic engagement. In the 2010 election there were 35 polling stations, and early voting (two days prior) at four polling stations. In 2009, 9,616 ballot papers were included in the count,

which was equivalent to 52.5% turnout for the electorate eligible to vote.

#### **4.14 Polling district and polling place review (by 31<sup>st</sup> December 2011)**

- 4.14.1 The Electoral Administration Act 2006 (EAA) introduced new regulations requiring all local authorities to review their polling districts and polling places by the end of 2007, and on a four yearly basis thereafter. Each polling district must have sufficient and suitable designated polling places that provide 'such reasonable facilities for voting that are practicable in the circumstances' including accessibility for electors with disabilities.
- 4.14.2 Lewisham carried out the first of these reviews under the Act in 2007 which looked at the 109 polling districts and included a public period of consultation (starting April 2007). The review resulted in the use of seven alternative polling places and the amendment of two polling districts.
- 4.14.3 In addition to the above formalised reviews, an ongoing review process is also operated in Lewisham. Before each election polling places are assessed for availability and applicability and reviewed again following post-election feedback. A review of specific polling stations in Lewisham is planned prior to the referendum, and a statutory review must take place before the end of 2011.

#### **4.15 Postal Vote Refresh (by December 2012)**

- 4.15.1 The EAA also requires that postal voters provide personal identifiers (signature and date of birth) and for this information to be refreshed every five years. It also requires electoral services to cross-reference the personal identifiers of 20% of the postal votes against their registration details. In Lewisham, at all elections since the requirement came into law, 100% of postal votes are checked, despite receiving funds to check only 20% of the postal votes.
- 4.15.2 A total of 23,526 electors were issued a postal vote for the May 2010 elections which included 3164 postal voters in Bromley (who fall into the Lewisham West and Penge parliamentary constituency) and the 658 who registered in the five working days leading up to the application deadline.
- 4.15.3 As at 6/5/10 there were 184,253 electors on the electoral register (based on local government electors) of which approximately 12% were registered as postal voters. At the election, 17,203 postal votes were cast. This represents approximately 16% of the total votes cast, and a 73% turnout among absent voters.

4.15.4 In Lewisham the number of overall postal voters in 2010 represented a 23.5 per cent increase from 2009<sup>6</sup> and required a concentrated set of resources to distribute, replace, open and verify postal votes. The administration of this work has led to the process becoming a distinct project within itself, with the refresh also likely to be a considerable undertaking.

## **5 Administrative implications**

- 5.1 In Lewisham, and other local authorities, core electoral functions include overseeing the registration and publication of the electoral register and elections management more broadly. Preparing for this activity spans across the year, and is not restricted only to election periods. For example, whilst there is an annual canvass period in order for the full electoral register to be published by the 1<sup>st</sup> December, there is the additional requirement to manage rolling registration and to publish a Notice of Alteration on a monthly basis.
- 5.2 Similarly, preparation for an election spans between six to nine months depending on the complexity of the election. This time reflects the extent of planning required including; printing contracts, venue booking and liaison with stakeholders as well as the recruitment and training of between 600-800 staff (plus 109 canvassers). The busy and continuous agenda set out in this report clearly means that there will need to be sufficient resources in place to manage this period of rapid and significant change.

## **6 Funding**

- 6.1 Costs for UK and European Parliamentary elections and national referendums are met by the UK Government whilst local authorities fund their own elections. Despite the introduction of the EAA the funds from central government for national elections have largely remained static or reduced despite the increase in statutory electoral activity.
- 6.2 The MOJ (now the Cabinet Office) has introduced a 'notional cost' framework which has resulted in a national 'capping regime'. Local authorities are still entitled to what is 'reasonably and necessarily incurred' by way of election expenditure. However, where previously this operated on a claims basis for actual expenditure, it is now subject to an upper limit based on a notional unit cost. The scheme was introduced at the last European election which did not have the complexity of other elections, and where nationally there was an underspend of £9.8 million. When applied to more complicated elections, the notional cap is far more challenging. This is likely to be even more so as electoral activity grows and becomes even more complex.

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<sup>6</sup> based upon 17,621 electors registered for a postal vote on 1 Dec 2009.

- 6.3 There is still no clarity about the cost implications relating to the voting reform referendum to take place next year if the legislation is put in place, nor for IER where increased subsidy may be required.

## **7 Legal Implications**

The legal implications are contained in the body of the report. Many will not be clear until the appropriate legislation is in place.

## **8 Conclusion**

- 8.1 The Government's ambitious agenda for electoral reform, if implemented, will mean a rate of change not previously experienced. It will mean a new landscape for national and local elections, potentially with new voting systems, a busy timetable for a range of elections familiar and unfamiliar, as well as new registration requirements potentially affecting the numbers on the electoral roll in Lewisham.
- 8.2 The equalisation of the number of electors in parliamentary constituencies is likely to lead to a reduced number of MPs for London, with larger constituencies than exist now in Lewisham's three constituencies. We cannot know how this will operate in practice until the parliamentary boundary review is complete but it is likely that there will be more cross boundary issues as new parliamentary boundaries are likely to be even less co-terminous with borough boundaries than they are now.
- 8.3 This national shift may lead to an examination of local electoral arrangements, questioning for example whether proportional representation is appropriate at the local level, the number of wards and/or councillors per ward and/or Council. It may lead to pressure for a review of ward boundaries possibly through community governance reviews, or by central government initiative.
- 8.4 It is clear that electoral administration is one of the very few areas of Council business that is increasing. Since the introduction of the EAA a raft of new legislation has been introduced, with over 25 pieces of primary and secondary legislation governing the administration of the UK elections in May 2010. This trend is now likely to accelerate significantly as the electoral agenda shifts direction as set out in this report.

## APPENDIX 1

Examples of First Past the Post Parliamentary ballot paper and the Alternative Vote ballot paper proposed in the Parliamentary Voting System and Constituencies Bill. Note that the instructions to the voter in both instances are compliant with the regulations as they stand at present.

### example of Ballot Papers under both systems

#### First Past the Post ballot paper

PARLIAMENTARY VOTING SYSTEM  
FIRST PAST THE POST SYSTEM  
(FIRST PAST THE POST SYSTEM)

Vote for ONE CANDIDATE ONLY

Candidate A (The A Party)	Electoral	X
Candidate B (The B Party)	Electoral	
Candidate C (The C Party)	Electoral	
Candidate D (The D Party / Common)	Electoral	
Candidate E (Independent)	Electoral	
Candidate F (The F Party)	Electoral	
Candidate G (The G Party)	Electoral	
Candidate H (Independent)	Electoral	
Candidate I (The I Party / Common)	Electoral	

#### Alternative Vote ballot paper

PARLIAMENTARY VOTING SYSTEM  
ALTERNATIVE VOTE SYSTEM  
(ALTERNATIVE VOTE SYSTEM)

Put the number 1 next to the name of the candidate you prefer first, but you may prefer to choose 2 if you want to vote for only one candidate.

You can change your mind from a previous choice, if that is your first choice, and so on.

You can vote for as many different candidates as you like (as you wish).

Here are the names of the candidates:

Candidate A (The A Party)	Electoral	1
Candidate B (The B Party)	Electoral	
Candidate C (The C Party)	Electoral	3
Candidate D (The D Party / Common)	Electoral	2
Candidate E (Independent)	Electoral	4
Candidate F (The F Party)	Electoral	
Candidate G (The G Party)	Electoral	
Candidate H (Independent)	Electoral	5
Candidate I (The I Party / Common)	Electoral	

**Example of a Supplementary Voting System ballot paper taken from Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007**

**Election of Mayor**

**Vote ONCE [X] in Column One for your First Choice**  
**Vote ONCE [X] in Column One for your Second Choice**

			Column One (First Choice)	Column Two (Second Choice)
1	<b>Candidate A</b> The A Party	Emblem		
2	<b>Candidate B</b> The B Party	Emblem		
3	<b>Candidate C</b> The C Party	Emblem	X	
4	<b>Candidate D</b> The D Party Candidate	Emblem		
5	<b>Candidate E</b> Independent			
6	<b>Candidate F</b> The F Party	Emblem		X
7	<b>Candidate G</b> The G Party	Emblem		
8	<b>Candidate H</b> Independent			
9	<b>Candidate I</b> The I Party Candidate	Emblem		

## APPENDIX 2

Example of the Referendum ballot paper on the Alternative Vote proposed in the Parliamentary Voting System and Constituencies Bill. Note that the instructions to the voter are compliant with the regulations as they currently stand.

### Part 2

#### Forms referred to in referendum rules

*Note* - The forms contained in this Part may be adapted so far as circumstances require.

Rule 5(1)

#### FORM 1 - FORM OF BALLOT PAPER

##### Front of ballot paper

<b>Referendum on the voting system</b> for parliamentary elections Vote (X) once only	10
Do you want the United Kingdom to adopt the “alternative vote” system instead of the current “first past the post” system for electing Members of Parliament to the House of Commons?	15
<b>YES</b>	20
<b>NO</b>	20