

National Assembly for Wales

Referendum on the voting system for UK Parliamentary elections 2011

March 2011

A referendum on changing the voting system for parliamentary elections to the House of Commons will take place on 5 May 2011, the same day as elections to the National Assembly for Wales. The referendum will give voters an opportunity to decide on whether the “Alternative Vote” electoral system should be adopted for all future UK General Elections or if the current “First Past the Post” system should remain in place.

This paper provides an introduction to and an overview of the referendum. It also includes information about the rules and procedures that will be in place in the run up to and during polling day itself.

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National Assembly for Wales

Referendum on the voting system for UK Parliamentary elections 2011

March 2011

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Referendum on the voting system for UK Parliamentary elections

1. Introduction

A referendum on changing the voting system for parliamentary elections to the UK Parliament (“the referendum”) will take place on 5 May 2011, the same day as elections to the National Assembly for Wales.¹ The referendum will give voters an opportunity to decide on whether the “Alternative Vote” electoral system should be adopted for all future UK General Elections or if the current “First Past the Post” system should remain in place. This will be the second referendum held in Wales during 2011, following the referendum on further powers to the National Assembly which took place on 3 March 2011.²

The referendum is a crucial element in the Conservative-Liberal Democrat coalition agreement, which was agreed by both parties following the UK General Election on 6 May 2010.

This paper provides an introduction to and an overview of the referendum. It explains the legal context as provided by the *Parliamentary Voting System and Constituencies Act 2011*³ (“the PVSCA 2011”) and the *Political Parties, Elections and Referendums Act 2000*⁴ (“the PPERA 2000”) and includes information about the rules and procedures that will be in place in the run up to and during polling day.

This paper does not aim to summarise the issues which are at stake in the referendum itself and does not provide information relating to the referendum campaign groups.

¹ Further information relating to the National Assembly for Wales Election 2011 is available in a research paper prepared by the Members’ Research Service.

² Further information relating to [the referendum on further powers to the National Assembly](#) is available in a research paper prepared by the Members’ Research Service.

³ [Parliamentary Voting System and Constituencies Act 2011 \(c.1\)](#)

⁴ [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#)

2. Background

The referendum is a product of the coalition agreement between the Conservatives and the Liberal Democrats which was published following the UK General Election on 6 May 2010. That document included a commitment to:

... bring forward a Referendum Bill on electoral reform, which includes provision for the introduction of the Alternative Vote in the event of a positive result in the referendum.⁵

This commitment represented a major compromise for both parties and is a pivotal aspect of the coalition's programme for government. The historical position of the main UK parties on the issue of electoral reform is best summarised by Professor Robert Hazell:

The Conservatives are staunch supporters of First past the Post (FPTP) and see no need for change. The Liberal Democrats have long supported the Single Transferable Vote (STV), and will see AV as a very poor substitute, since it is not a proportional system. Hence the provision that after being whipped to support a referendum on AV in Parliament, the parties will be free to fight on opposing sides during the referendum campaign. Ironically the one party which does formally support a referendum on AV is the Labour party, although in practice the Labour party are divided on the issue.⁶

2.1. *The Parliamentary Voting System and Constituencies Act 2011*

The UK Government's proposals for a Bill providing for a referendum on changing the voting system for UK parliamentary elections was included in the Queen's Speech on 25 May 2010. The *Parliamentary Voting System and Constituencies Bill* was subsequently introduced by the Deputy Prime Minister, Nick Clegg MP, to the House of Commons on 5 July 2010.⁷ It included two main provisions:

- That a referendum would be held on 5 May 2011 on whether the Alternative Vote should replace First Past the Post as the electoral system for all future UK General Elections; and
- That the number of Parliamentary constituencies should be reduced from 650 to 600, and fixed to that number, by the time of the next UK General Election.

Despite a lengthy scrutiny process in both Houses of the UK Parliament, in which significant opposition to the reduction of constituencies was aired, the Bill's main provisions came through largely unscathed and the subsequent Act received Royal Assent on 16 February 2011.

⁵ UK Government, *The Coalition: our programme for government*, May 2010, page 26

⁶ Hazell, Robert (2010) *The Conservative-Liberal Democrat Agenda for Constitutional and Political Reform*, The Constitution Unit : University College London, June 2010 [Accessed 2 March 2011]

⁷ Further information relating to the [Parliamentary Voting System and Constituencies Bill \[as introduced\]](#) is available in a research paper prepared by the Members' Research Service.

The PVSCA 2011 therefore, along with the *Fixed-term Parliaments Bill*⁸ which is currently at Committee Stage in the House of Lords, is a key component of the UK Government's package for parliamentary and constitutional reform.

⁸ [Fixed Term Parliaments Bill](#)

3. The conduct and administration of the referendum

The rules governing the conduct and administration of the referendum are set out in numerous sections and schedules of the PVSCA 2011 in addition to the PPERA 2000.

General provisions relating to the conduct of referendums in the UK are included in Part 7 of the PPERA 2000. These provisions place a duty on the Electoral Commission to:

- Comment on the wording of the referendum question;
- Register campaigners;
- Regulate campaign spending and donations;
- Designate lead campaign groups;
- Set and administer the grants to lead campaign groups;
- Report on the administration and conduct of the referendum; and
- Ensure the overall accuracy of the result.

3.1. *Combination of polls*

The referendum will take place on 5 May 2011, the same day as elections to the National Assembly for Wales, the Scottish Parliament, the Northern Ireland Assembly, local authorities in Northern Ireland and various English local authorities.

Section 4(2) together with Schedule 6 to the PVSCA 2011 allows both polls to be taken together and states the processes required to be taken before and during the poll itself. These include rules that apply during the counting of votes and the declaration of results for both polls.

Similar provisions for the combination of polls in England, Scotland and Northern Ireland are included in Schedules 5, 7 and 8 to the PVSCA 2011.

To ensure a consistent approach to the delivery of all the polls held on 5 May 2011, the *Electoral Commission's Elections and Referendums Steering Group* has been meeting on a monthly basis since September 2010. In a statement issued following the passing of the PVSCA 2011 in February 2011, the Chair of the Electoral Commission and the Chief Counting Officer for the referendum, Jenny Watson, said that:

Our offices in Scotland, Wales, Northern Ireland and across England have been working with Regional Counting Officers to ensure that our instructions and guidance are understood and are being applied by Counting Officers and electoral administrators, as well as providing another opportunity for electoral administrators to feed back any concerns or comments they might have about the planning process.

We will continue to work with the hundreds of local Counting Officers across the UK, making sure that they have the plans in place to ensure voters have the best possible experience at the elections and referendum on 5 May.⁹

3.2. *Referendum constituencies*

Section 7(2) of the PVSCA 2011 specifies voting areas in the UK for the referendum as:

- (a) a district in England for which there is a district council;
- (b) a county in England in which there are no districts with councils;
- (c) a London borough;
- (d) the City of London (including the Inner and Middle Temples);
- (e) the Isles of Scilly;
- (f) a constituency for the National Assembly for Wales;
- (g) a constituency for the Scottish Parliament;
- (h) Northern Ireland.¹⁰

These individual voting areas in England, Scotland and Wales will then form the basis for the twelve regional areas, as outlined in Paragraph 3(2) of Schedule 1 to the PVSCA 2011:

East Midlands;
Eastern;
London;
North East;
North West;
South East;
South West;
West Midlands;
Yorkshire and the Humber;
Scotland; and
Wales.¹¹

The regions for England included above compromise the areas specified in Schedule 1 to the *European Parliamentary Elections Act 2002*.¹² Different arrangements for the administration of the referendum will apply in Northern Ireland.

3.3. *Referendum period*

Paragraph 1 of Schedule 1 to the PVSCA 2011 states that the referendum period begins on the day that the Act received Royal Assent and will end on polling day. **The PVSCA 2011 received Royal Assent on 16 February 2011 and the**

⁹ [Electoral Commission, Statement by the Chair of the Electoral Commission and the Chief Counting Officer on the PVSC Act, February 2011 \[Accessed 25 February 2011\]](#)

¹⁰ [Parliamentary Voting System and Constituencies Act 2011 \(c.1\), Section 7](#)

¹¹ *Ibid*, Schedule 1

¹² [European Parliamentary Elections Act 2002 \(c.24\)](#)

referendum will take place on 5 May 2011. During this period, rules on campaigning, spending and donations apply.

3.4. Date and time of the referendum poll

Section 1(3) of the PVSCA 2011 along with Paragraph 1 of Schedule 2 to that Act states that **the referendum will be held on 5 May 2011 and that the hours of polling will be between 7am and 10pm.**

3.5. Referendum question

Section 1(7) of the PVSCA 2011 states that the question that will appear on the referendum ballot paper will be:

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?

Section 1(8) of the PVSCA 2011 provides a Welsh version of the question that will appear alongside the English question on ballot papers in Wales:

Ar hyn o bryd, mae'r DU yn defnyddio'r system "y cyntaf i'r felin" i ethol ASau i Dŷ'r Cyffredin. A ddylid defnyddio'r system "pleidlais amgen" yn lle hynny?"

3.6. Counting Officers

Counting Officers are responsible for administering the voting process in each local area and have a similar role to a Returning Officer at an election.

Paragraph 5 of Schedule 1 to the PSVC Act requires that a Counting Officer for each individual voting area is responsible for:

- the conduct of the poll,
- the printing of the ballot papers,
- the issue and receipt of postal ballot papers for persons entitled to vote on their own behalf in the referendum and for their proxies,
- the verification of the statements made under rule 38(6) of the referendum rules (ballot paper accounts), and
- the counting of the votes cast.

Paragraph 14 of Schedule 2 to the PVSCA 2011 also allows Counting Officers to appoint and pay a Presiding Officer to attend each polling station and to appoint however many clerks as necessary for the purposes of the referendum.

Paragraph 2(4) of Schedule 1 to the PVSCA 2011 states that a Counting Officer for a voting area in Wales in the referendum will be the same person as the Returning Officer for elections to the National Assembly, which will be held on the same day.

3.7. *Regional Counting Officers*

Paragraph 3 of Schedule 2 to the PVSCA 2011 states that the Chief Counting Officer for the referendum may appoint 12 Regional Counting Officers for areas within England, Scotland and Wales.

Regional Counting Officers are responsible for overseeing the counting process in the voting areas within their regions. Paragraph 6(3) of Schedule 1 to the PVSCA 2011 also allows a Regional Officer to appoint however many Clerks which he or she thinks necessary to assist in carrying out the officer's functions.

3.8. *Chief Counting Officers*

The Chief Counting Officer for the referendum is responsible for announcing the national result when the count has been completed in each region.

Additional responsibilities include ensuring that:

- The poll is conducted properly; and
- That the final result is accurate.

The Chief Counting Officer may also appoint Regional Counting Officers (see paragraph 3.7 above) and deputies to carry out any or all of the officer's functions.

The Chief Counting Officer for the referendum will be **Jenny Watson, Chair of the Electoral Commission**. **Max Caller, an Electoral Commissioner**, has been appointed as Deputy Chief Counting Officer.

3.9. *Registered campaigners*

Under provisions outlined in the PPERA 2000, those who will spend more than £10,000 on campaigning during the referendum period must register with the Electoral Commission to become a registered campaigner (or a "permitted participant"). According to the Electoral Commission, the benefits of this include:

- A spending limit above £10,000;
- Access to the electoral register to help each campaign; and
- The right for representatives to attend postal vote opening sessions, polling stations and the counting of votes.¹³

The Electoral Commission opens its registers for prospective campaigners at the beginning of each referendum period. Only the following types of individuals or organisations can register as campaigners:

- An individual who is resident in the UK or registered on a UK electoral register;

¹³ [Electoral Commission, Topic Overview: Overview of referendum campaigns, page 6 \[Accessed 2 March 2011\]](#)

- A UK-registered political party;
- A UK-registered company which is incorporated in the EU and carries on business in the UK;
- A UK-registered trade union;
- A UK-registered building society;
- A UK-registered limited liability partnership which carries on business in the UK;
- A UK-registered friendly, industrial, provident or building society; and
- A UK-based unincorporated association that carries on the majority of its business or other activities in the UK.¹⁴

3.10. Lead campaign groups

PPERA 2000 also states that registered campaign groups can apply to the Electoral Commission to become one of the lead campaign groups (“designated organisation”). According to the Electoral Commission’s guidance on the designation process:

One lead campaign group (also called a designated organisation) represents each side of the referendum debate. They act as the lead campaign group on behalf of those campaigning for that outcome.

Lead campaign groups have certain benefits over other registered campaigners. For example, they have a higher spending limit than other registered campaigners, and receive a grant from us.¹⁵

The benefits for a lead campaign group include:

- A higher spending limit than other registered campaigners;
- Free distribution of information to electors;
- Referendum campaign broadcasts;
- Free use of certain public rooms; and
- A publicly funded grant set by the Electoral Commission.¹⁶

According to guidance issued by the Electoral Commission, particular consideration will be given to the information provided by applicants for lead campaign status in relation to:

- **Support for the application:** The extent to which a group represents a range of campaigners for the outcome supported;

¹⁴ Ibid

¹⁵ [Electoral Commission, Situations and Procedures: The designation process, page 3 \[Accessed 2 March 2011\]](#)

¹⁶ Ibid, page 8

- **Representing other campaigners:** The extent to which a group will try to engage other groups who are campaigning for the outcome supported;
- **Campaigning capacity:** A group's ability to reach as many voters as possible across the referendum area in order to adequately represent those campaigning for the same outcome; and
- **Organisational capacity:** Whether a group has the ability to adequately represent others campaigning for the outcome supported.¹⁷

Once applications are received, the Electoral Commission must then designate the applicants "for each outcome that can adequately represent those campaigning for that outcome".¹⁸ **If the Electoral Commission consider that none of the applicants adequately represent those supporting an outcome, then they "cannot designate a lead campaign group on either side".**¹⁹

The application process for lead campaign groups closed on **15 March 2011**. The Electoral Commission must make a decision on designating lead campaigners by **29 March 2011**.

3.11. Referendum, Polling and Counting Agents

Paragraph 11 of Schedule 2 to the PVSCA 2011 allows **registered campaigners to appoint a Referendum Agent for each local area. A Referendum Agent is responsible for appointing Polling Agents and Counting Agents in their area for the following roles:**

- To observe the counting process and make sure that it is orderly and accurate;
- To draw to the attention of count staff any doubtful ballot papers;
- If they disagree with a decision by the Counting Officer to reject a ballot paper, the counting agent can ask the Counting Officer to mark on; and
- If a count is suspended for any reason, counting agents can add their seals when the Counting Officer seals the ballot boxes and envelopes.²⁰

Notification of appointed Referendum Agents by a registered campaigner must be made to the Counting Officer for their voting area by midday on 7 April 2011. Requests by the Referendum Agents to appoint Counting and Polling Agents must be made in writing to the Counting Officer for their voting area by no later than 26 April 2011.²¹

¹⁷ [Electoral Commission, *Referendum on the Parliamentary Voting System 2011: Application for lead group status*, pages 5-6 \[Accessed 2 March 2011\]](#)

¹⁸ [Electoral Commission, *The Designation Process*, page 3 \[Accessed 2 March 2011\]](#)

¹⁹ *Ibid*

²⁰ [Electoral Commission, *Referendum on the Parliamentary Voting System in the UK*, page 8 \[Accessed 25 February 2011\]](#)

²¹ [Electoral Commission, *Situations and Procedures: The Count*, February 2011, page 5 \[Accessed 1 March 2011\]](#)

3.12. *Limits to campaign finance*

The PVSCA 2011 states that the spending limit for a designated lead campaign group is £5 million.²² In addition, a grant of up to £380,000 is available to be used for infrastructure (e.g. offices, staff etc.), but not campaigning costs.²³

The PVSCA 2011 also stipulates the limits applicable to registered political parties based on their share of the vote at the last UK General Election in May 2010.

These figures are included below:

- The Conservative Party can spend up to £5 million;
- The Labour Party can spend up to £4 million;
- The Liberal Democrats can spend up to £4 million;
- Any other party can spend up to £500,000.²⁴

Campaigners who are not registered with the Electoral Commission may spend up to £10,000, however they must register if they intend to, or actually do, spend more than £10,000 during the referendum period. Those who are registered campaigners, and who are not one of the main political parties listed above, are subject to a limit of £500,000.²⁵

Further information relating to the rules that apply to campaign spending during the referendum and campaign donations are available on the [Referendum on the Parliamentary Voting System in the UK's Guidance Chart](#) page on the Electoral Commission's website.

²² [Electoral Commission, *Referendum on the Parliamentary Voting System in the UK*, page 7 \[Accessed 25 February 2011\]](#)

²³ *Ibid*

²⁴ *Ibid*

²⁵ *Ibid*

4. Who votes?

Section 2(1)(a) of the PVSCA 2011 states that those entitled to vote in the referendum are persons who, on the date of the referendum, would be entitled to vote in UK Parliamentary elections.

According to the Electoral Commission, **to vote in a UK General Election a person must be registered to vote and also:**

- Be 18 years of age or over on polling day;
- Be resident in the UK;
- Be a British citizen, a qualifying Commonwealth citizen or a citizen of the Republic of Ireland; and
- Not be subject to any legal incapacity to vote.²⁶

The following **cannot vote** in a UK general election, and are therefore ineligible to vote in the referendum:

- Members of the House of Lords (although they can vote at elections to local authorities, devolved legislatures and the European Parliament);
- EU citizens resident in the UK (although they can vote at elections to local authorities, devolved legislatures and the European Parliament);
- Anyone other than British, Irish and qualifying Commonwealth citizens;
- Convicted persons detained in pursuance of their sentences (though remand prisoners, unconvicted prisoners and civil prisoners can vote if they are on the electoral register). Further information about the European Court of Human Rights' ("the ECHR") recent judgement on prisoners' voting rights is included in section 4.1 below; and
- Anyone found guilty within the previous five years of corrupt or illegal practices in connection with an election.

In practice this means that **an EU citizen resident in the UK will be eligible to vote in the elections to the National Assembly on 5 May 2011, but won't be eligible to vote in the referendum that will be held on the same day.**

4.1. *Voting rights for prisoners*

In October 2005, the ECHR ruled in the case of John Hirst that the existing ban on prisoners being able to vote was contrary to Article 3, Protocol 1 of the *European Convention on Human Rights* – the right to free and fair elections. As this decision had not been implemented by the UK Government since 2005, the ECHR handed

²⁶ [Electoral Commission Website, Who is eligible to vote at a UK General Election? \[Accessed 1 March 2011\]](#)

down a further judgement in November 2010 which set a deadline for implementation by August 2011.

In a written statement issued in response to the ECHR's judgement on 20 December 2010, the Parliamentary Secretary for the Cabinet Office, the Rt. Hon Mark Harper MP, said that:

... this is not a choice: it is a legal obligation ... we will act to implement the judgment of the European Court of Human Rights ...

The Government will therefore bring forward legislation providing that the blanket ban in the existing law will be replaced. Offenders sentenced to a custodial sentence of four years or more will lose the right to vote in all circumstances, which reflects the Government's clear view that more serious offenders should not retain the right to vote. Offenders sentenced to a custodial sentence of less than four years will retain the right to vote, but legislation will provide that the sentencing judge will be able to remove that right if they consider that appropriate. Four years has in the past been regarded as the distinction between short and long-term prisoners, and the Government consider that permitting prisoners sentenced to less than four years' imprisonment to vote is sufficient to comply with the judgment.

The right to vote will be restricted to UK Westminster Parliamentary and European Parliament elections only, and not in other elections or referendums [MRS emphasis].

That is the minimum currently required by the law (a case considering whether article 3, protocol 1 applies to elections to the Northern Ireland Assembly is currently before the European Court of Human Rights: the Government's position is that they do not).²⁷

In contrast to this view however, Aidan O'Neill QC, a barrister expert in prisoners' rights, told the House of Commons' Political and Constitutional Reform Committee that elections to the Scottish Parliament and the National Assembly, in addition to UK Parliamentary and European Parliament elections, would also be subject to the ECHR's ruling:

There are elections coming up on 5 May 2011 in Scotland and Wales. Those elections on the current franchise are going to be Convention-incompatible again; so there is an urgency about that. There is an added urgency to that because elections to the Scottish and Welsh parliaments are covered by not just European human rights law but European Union law.²⁸

A press release issued by the Cabinet Office in December 2010 confirmed that legislation on prisoners' voting rights would be brought forward by the UK Government sometime in 2011 for the UK Parliament to debate.²⁹ The UK Government has not brought forward such legislation to date, however a motion opposing the ECHR's judgment was overwhelmingly supported by MPs in the House of Commons on 10 February 2011.³⁰

²⁷ [HC Deb 20 December 2010 c150-1WS \[Accessed 2 March 2011\]](#)

²⁸ [HC Political and Constitutional Reform Committee Deb 1 February 2011 \[Accessed 2 March 2011\]](#)

²⁹ [Cabinet Office Press Release, *Government approach to prisoner voting rights*, 17 December 2010 \[Accessed 2 March 2011\]](#)

³⁰ [HC Deb 10 February 2011 c493 \[Accessed 2 March 2011\]](#)

As it currently stands therefore, convicted persons will remain ineligible to vote in the referendum on 5 May 2011.

4.2. Registration

Electoral registration is the compiling and keeping of the electoral register. Section 8 of the *Representation of the People Act 1983*³¹ (“the RPA 1983”) requires Electoral Registration Officers (“EROs”) to be appointed in order to register electors. EROs are required to prepare and publish a register of electors for their area each year and maintain it throughout the year. It is their statutory duty to include the names of everyone who appears to them to be eligible, taking reasonable steps to obtain the required information.

There are two ways to register to vote, the first one being the “Annual Canvass” during which a form is sent to every house to register between September and November every year. The second one is rolling registration where registration can be done at any time during the year as the register is updated every month between December and September.

Although registration is not in itself compulsory, an ERO has the power to require information for the purposes of maintaining the register of electors. A penalty for failing to complete and return the electoral registration form or for giving false information was first imposed in 1918 and extended to include rolling registration in 2006. The current penalty for this offence is a fine not exceeding £1,000.

It is not necessary to register specifically for the referendum; if a voter is on the electoral register then they will be able to vote. If a voter is not on the electoral register however, the deadline for applications in order to be able to vote in the referendum is midnight on 14 April 2011.³² If a voter has recently moved house or changed their name, they will need to re-register to be eligible to vote.

4.3. Proxy and postal voting

Those who do not want to go to the polling station on polling day can apply in advance either to vote by post or arrange for someone to cast their vote on their behalf (proxy votes). This can assist disabled and elderly voters to take part in the electoral process.

The right to choose to vote by post by all voters on demand was introduced by the *Representation of the People Act 2000*,³³ and the security provisions relating to postal votes were subsequently strengthened by *The Representation of the People*

³¹ [Representation of the People Act 1983 \(c.2\)](#)

³² [Electoral Commission, Referendum on the Parliamentary Voting System 2011, page 14 \[Accessed 2 March 2011\]](#)

³³ [Representation of the People Act 2000 \(c.2\)](#)

*(England and Wales) (Amendment) (No. 2) Regulations 2006*³⁴ and the *Electoral Administration Act 2006*.³⁵

In the UK General Election on 6 May 2010, 15 per cent of eligible electors were issued with a postal vote and 83 per cent returned them.³⁶ No information is currently available on the percentage of eligible electors who requested and returned a postal vote for the referendum on further powers to the National Assembly on 3 March 2011.

4.4. *Language issues*

Linguistic ability is an important factor in allowing individuals to access the electoral process, whether in terms of registration, as discussed above, or in the act of voting, such as understanding the ballot paper or being able to access advice. Currently, key statutory forms such as ballot papers and registration are available in English and Welsh in Wales.

Paragraph 12(2) of Schedule 2 to the PVSCA 2011 states in addition that:

The counting officer must also issue to those entitled to vote by post whatever information the officer thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to, or guidance for, voters sent with the ballot paper;
- (b) a translation into Braille of those directions or guidance;
- (c) graphical representations of those directions or guidance;
- (d) those directions or guidance in any other form (including any audible form).³⁷

The Electoral Commission website, [About My Vote](#), also provides information in Arabic, Bengali, Chinese (traditional), Gujarati, Hindi, Latvian, Lithuanian, Polish, Portuguese, Punjabi and Urdu and states that information in other languages may be available on request.

4.5. *Promotion*

Paragraph 9 of Schedule 1 the PVSCA 2011 requires the Electoral Commission to take whatever steps it thinks appropriate to promote public awareness about the referendum and how to vote in it. Under Paragraph 10 of Schedule 1 to the PVSCA 2011, the Chief Counting Officer can also take whatever steps she thinks appropriate to encourage participation in the referendum.

³⁴ [The Representation of the People \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2006 \(SI/2910\)](#)

³⁵ [Electoral Administration Act 2006 \(c.22\)](#)

³⁶ [Electoral Commission, Report on the administration of the 2010 UK general election, July 2010, paragraph 5.5 \[Accessed 2 March 2011\]](#)

³⁷ [Parliamentary Voting System and Constituency Act 2011 \(c.2\), Schedule 2](#)

The Electoral Commission has outlined what their public awareness activity will be with regard to referendums in their principal paper outlining their role in the running of referendums. This is summarised below:

- The Electoral Commission will give positive consideration to doing public awareness activity;
- The Electoral Commission's focus will be on providing voter information and ensuring that people are registered to vote;
- A household voter information booklet will be the core communication (subject to delivery before postal votes arrive); and
- The extent of the Electoral Commission's activity will be agreed on case-by-case basis, including the provision of information on the meaning of a 'yes' and 'no' vote in event that the Commission can't designate a lead campaign group. This will be based on a variety of factors such as the level of campaigning underway and how much voters already know about the referendum issue.³⁸

Paragraph 5 of Schedule 2 to the *Government of Wales Act 2006*³⁹ ("the 2006 Act") also allows the National Assembly Commission to promote public awareness of National Assembly elections and the current or any pending system of devolved government of Wales. Paragraph 6 to Schedule 2 to the 2006 Act also states that the National Assembly Commission may provide financial assistance to the Electoral Commission for the purpose of enabling it to carry out its functions under Section 13(1) of PPERA 2000, relating to education about electoral and democratic services.

The National Assembly launched its [Vote 2011](#) campaign on 10 January 2011. The aim of the campaign is to raise public awareness and to encourage people to vote in the elections to the National Assembly and the referendum on changing the voting system to the UK Parliament. The campaign also encouraged people to vote in the referendum on further powers to the National Assembly, which took place on 3 March 2011.

4.6. *Publicity*

Section 125 of the PPERA 2000 restricts the Welsh Government and other bodies supported by public funds (which includes the National Assembly Commission) to publish any material which:

- (a) provides general information about a referendum to which this Part applies;
- (b) deals with any of the issues raised by any question on which such a referendum is being held;

³⁸ [The Electoral Commission Key principles for Referendums, page 3 \[accessed 6 December 2010\]](#)

³⁹ [Government of Wales Act 2006 \(c.32\)](#)

- (c) puts any arguments for or against any particular answer to any such question; or
- (d) is designed to encourage voting at such a referendum.⁴⁰

The publication of such information is prohibited in the 28 days immediately prior to the poll. This does not however relate, under the Act, to material specifically sought by a member of the public or to factual information relating to the conduct of the poll or the issue of press notices. The BBC and S4C are exempt from the restriction, as is the Electoral Commission itself.⁴¹

⁴⁰ [Political Parties, Elections and Referendums Act 2000 \(c.41\), section 125](#)

⁴¹ [Electoral Commission, *Referendums Factsheet*, November 2009, page 2 \[Accessed 13 January 2011\]](#)

5. Polling day

Polling day for the referendum is Thursday 5 May 2011 and the polling hours will be between 7am and 10pm.

5.1. *Who can attend the polling station?*

Schedule 2 to the PVSCA 2011 states that only the following people can attend the polling station during the day:

- Voters;
- Persons under the age of 18 who accompany voters to the polling station;
- The Chief Counting Officer, the Regional Counting Officer (in the case of a polling station in a region for which a Regional Counting Officer is appointed) and the Counting Officer;
- The Referendum Agents;
- The Polling Agents appointed to attend at the polling station;
- The Clerks appointed to attend at the polling station;
- Persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act;
- The constables on duty; and
- The companions of voters with disabilities attending at the polling station.

5.2. *Exit polls*

Section 66A of the RPA 1983, as modified by Paragraph 1 of Schedule 4 to the PVSCA 2011, prohibits the publication before the close of poll of exit polls. This includes:

- (a) any statement relating to the way in which voters have voted at the referendum where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted, or
- (b) any forecast as to the result of the referendum which is (or might reasonably be taken to be) based on information so given.⁴²

5.3. *Time of count*

The Chief Counting Officer has announced that the **verification of the votes cast must be completed by 1pm on Friday 6 May 2011**,⁴³ and that **the votes at the referendum will begin to be counted at 4pm on Friday 6 May 2011**.⁴⁴

⁴² [Representation of the People Act 1983 \(c.2\), Section 66A \[as amended by Paragraph 1 of Schedule 4 to the PVSC Act\]](#)

⁴³ [Electoral Commission, *Situations and Procedures: The Count*, February 2011, page 5 \[Accessed 1 March 2011\]](#)

⁴⁴ [Electoral Commission, *Statement by the Chair of the Electoral Commission and the Chief Counting Officer on the PVSC Act*, February 2011 \[Accessed 25 February 2011\]](#)

This is to ensure that the votes for elections to the National Assembly for Wales, Scottish Parliament, Northern Ireland Assembly, local authorities in Northern Ireland and certain local authorities in England, are to be counted first.⁴⁵

5.4. Re-counts

Paragraph 41 of Schedule 2 to the PVSCA 2011 allows **Referendum Agents or Counting Agents who are present at the completion of a count in their voting area to request the Counting Officer to re-count the votes.** The Counting Officer may refuse such a request however if he or she thinks the requirement is unreasonable.

Regional Counting Officers can also require a Counting Officer to re-count the votes for a specified area if they have reason to doubt the accuracy of the totals.⁴⁶

5.5. Declaration of the results

Once a Counting Officer has certified the total number of ballot papers counted and the number of votes cast in favour of each answer to a question asked in the referendum in their voting area, paragraph 45 of Schedule 2 to the PVSCA 2011 requires that he or she must immediately provide those figures to the relevant Regional Counting Officer.

Once these figures for a voting area are provided, the Regional Counting Officer may then authorise the Counting Officer to announce those details at a local level. The regional count totals are then announced when all the voting area counts in that region have been completed and announced by each Counting Officer and certified by the Regional Counting Officer. **The Chief Counting Officer will then announce the overall referendum result for the whole of the UK once all the regional and Northern Ireland count totals have been certified and announced.**

In addition, following the declaration of the referendum result, **paragraph 9 of Schedule 2 to the PVSCA 2011 requires the Electoral Commission to publish the most accurate estimate that it is reasonably possible to make of the turnout in England, Wales, Scotland and Northern Ireland.**

5.6. Commencement provisions

In the event of a majority of people voting in favour of a move to the Alternative Vote system, the relevant Minister must make an order bringing into force Section 9, Schedule 10 and Part 1 of Schedule 12 to the PVSCA 2011.

⁴⁵ [Electoral Commission, *Referendum on the Parliamentary Voting System in the UK*, page 9 \[Accessed 25 February 2011\]](#)

⁴⁶ [Electoral Commission, *Situations and Procedures: The Count*, February 2011, page 3 \[Accessed 1 March 2011\]](#)

These various sections of the PSVC Act amend provisions in other pieces of legislation and set out details of how the Alternative Vote electoral system will work in practice. In particular:

- **Section 9(1) and (2) amends Schedule 1 to the RPA 1983 Act** to provide details of how votes are to be given and counted under the Alternative Vote system.
- **Schedule 10** makes further amendments to the parliamentary election rules, and other legislation, in connection with the Alternative Vote system.
- **Part 1 of Schedule 12** repeals parliamentary election rules in other pieces of legislation, namely the RPA 1983 Act, the *Representation of the People Act 1985*⁴⁷ and the *Greater London Authority Act 1999*,⁴⁸ in order to allow the implementation of the Alternative Vote system.

Section 8(1)(b) states however that **such an order cannot be made until an additional order giving effect to the boundary changes required by the PVSCA 2011 to reduce the size of the House of Commons to 600, is laid before the UK Parliament** and submitted to Her Majesty in Council.

In the event of a “no” vote, Section 8(2) of the PVSCA 2011 states that the Minister must make an order repealing the provisions included in the PVSCA 2011 relating to the Alternative Vote electoral system.

⁴⁷ [Representation of the People Act 1985 \(c.50\)](#)

⁴⁸ [Greater London Authority Act 1999 \(c.29\)](#)

A. Annex: Key Dates in the Referendum Campaign

16 February 2011	Parliamentary Voting Systems and Constituencies Act receives Royal Approval. Referendum period begins.
15 March 2011	Deadline for applications to the Electoral Commission to be a designated lead campaigner.
29 March 2011	Deadline for the Electoral Commission to make a decision on designating lead campaigners.
7 April 2011 (midday)	Deadline for the notification of appointments made by Referendum Agents.
14 April 2011 (5 pm)	Deadline for applications for an absent vote, or for changing or cancelling a postal or proxy vote.
14 April 2011 (after 5pm)	Final list of postal voters available on request.
14 April 2011 (midnight)	Deadline for applications to be on the electoral register.
21 April (5pm)	Deadline to vote by proxy, except medical emergencies applications.
26 April 2011	Deadline for Referendum Agents to appoint Polling and Counting Agents. Final updates to the electoral register published and available on request.
5 May 2011	Polling day (polls open between 7am and 10pm). Deadline for the issue of replacements for spoilt or lost postal ballot papers. Deadline for applications to vote by proxy in a medical emergency. Deadline to correct the electoral register due to clerical errors or court orders.
4 June 2011	Deadline for registered campaigners to receive invoices.

4 July 2011	Deadline for registered campaigners to pay invoices.
5 August 2011	Deadline for the Electoral Commission to receive spending and donations returns if the campaigner has spent under £250,000.
5 November 2011	Deadline for the Electoral Commission to receive spending and donation returns if the campaigner has spent over £250,000.