'Democracy Day' Planning for ref erendums on PR and Lords reform

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Introduction

With the devolution programme underway, two of the most important potential changes to the UK's constitution are electoral reform and reform of the House of Lords. Both measures would, if introduced, radically alter the nature of our political and constitutional systems. The government has initiated what may turn out to be the start of the process, by committing itself to a referendum on electoral reform for the House of Commons, and by establishing a Royal Commission to explore stage two of Lords reform, following the removal of the hereditary peers.

Changing the electoral system and reforming the Lords both raise a host of substantive issues, which are beyond the scope of this Briefing (although many of the questions relating to Lords reform are being addressed by the Constitution Unit in separate research projects1).

coherence and political expediency. The last is likely to be the determining factor, but is also the most difficult to assess. This Briefing attempts to set out the issues irrespective of whether the government decides to adopt a positive, negative or neutral attitude to electoral reform at the referendum. Where the government's attitude is vital for the timing of the referendum, this will be explored.

The "sound practical" factors are the easiest to set out clearly. These relate principally to:

the measures and timing involved in introducing a new national electoral system;
other scheduled electoral contests;
the legal framework covering the conduct of a referendum.

Introducing a new electoral system

The timescale for introducing a new electoral system for the Commons was put by the Jenkins Commission at eight years.3 In its 1997 report on 'Changing the electoral system', the Constitution Unit offered a range of alternative timescales; the most leisurely estimated a time lapse of six years between the introduction of a Bill to authorise a referendum and a general election under a new system, with the tightest timescale estimated at four years.4 The issues that need to be dealt with during this timescale are (in chronological order):

legislation for the referendum;
public education on the issues, lasting at least 2-3 months;
legislation to introduce the new electoral system (assuming this is supported at the referendum);
redrawing of constituency boundaries;
new selection methods for party candidates.

There is little doubt that the eight year period identified by the Jenkins Commission could be reduced substantially, largely by a more rapid boundary redrawing exercise. The key issues determining the length of the exercise are: the geography of the new boundaries (which depends partly on the electoral system being used), the degree of public consultation deemed necessary and the resources committed to the exercise. If the government wanted a speedy review of parliamentary boundaries, it could commit far greater resources that normal to the exercise. This could shorten the process to around 2 years (the last two reviews having taken 7 years and 4 years), although it would be unwise to assume that the process could be constricted much further. The effect of this truncation would be to allow a new electoral system to

would need to run close to its full five year length, and would thus tie the hands of the government in relation to the timing of the election after next.

There is an additional, and more substantial, objection to planning a referendum on electoral reform for early in the life of the next parliament. This is that it runs up against the most likely date for the promised referendum on UK entry into Economic and Monetary Union. Should Labour form a government after the next election, the EMU referendum will be the most important public consultation exercise of its second term, and its timing would take precedence over that on electoral reform.

The effect of this would be to push back the referendum on electoral reform until later on during a Labour second term; if the election was held in spring 2001 (spring 2002 at the latest) and the EMU referendum in autumn 2001 (autumn 2002), an electoral reform referendum might not be held until summer or autumn 2002 (summerlautumn 2003). But this would force a very tight timescale for introducing PR for the 2006107 election, and may cause a delay in implementation until the following election (see chart on page 1 l). This would represent a high risk strategy should the government decide in favour of electoral change. For it would depend upon no change of government following the 2006107 election, since the Conservative party could not, assuming the continuation of its current policies, be relied upon to implement a change to the voting system should it form an administration.

An alternative scenario is for a double referendum to be held early on in any second term, combining electoral reform and EMU. If, by 200112002, public attitudes to EMU had become clearly positive, then such a double PRIEMU referendum might be attractive to the government. At present, however, public views are far more equivocal, and a government inclined to support UK entry into EMU would surely not wish to complicate what is likely to be a difficult task by holding a referendum on another contentious issue at the same time.

These logistical considerations might incline the government towards holding a referendum within the current parliament. In this case, the next decision would be whether to hold the referendum apart from, or simultaneously with, the general election itself. The main advantages of a simultaneous event relate to:

finance: a national referendum costs around &50m5, of which around E30m consists of staff costs. Although holding a referendum alongside a general election would not halve the costs involved in holding the two events separately, there would be some savings (of, say, around E20m); and
turnout: when New Zealand held the second of its two referendums on voting reform coterminously with the 1993 general election, the turnout was 82.6% as against 55.2% in the first, stand alone, referendum held a year earlier.

Changing the electoral system, Constitution Unit, March 1997

3

However, there are good political reasons why the government might shy away from holding the referendum at the same time as a general election. Electoral reform is a fiercely contested issue within the Labour Party, among elected representative^,^ party members7 and party supporters.' Even if the government adopted a neutral stance towards

a possible general election, the

"We have not declared that a referendum must precede all changes

voting system used to elect members of the second chamber will have important

referendum!)." More pertinently, Ireland has held frequent multi-question referendums, mostly involving two questions (in 1968, 1972, 1979 and 1998) and, on one occasion, three questions (in 1992).

Only limited lessons can be drawn from the raw statistics produced by these contests. The twinning of issues in a single referendum does not appear to increase turnout levels: across the 18 referendums in Ireland between 1937 and 1995, average turnout was 55.0%, while for those contests involving two or three questions, turnout was slightly lower, at 52.5%.16 While twinning has not increased overall turnout, it might have helped'raise turnout for one of the issues which, placed as a stand alone question, might have struggled to attract much public interest. This was probably the case in the most recent double referendum, in May 1998, when the question on ratification of the Amsterdam Treaty arguably benefited from being included alongside the more contentious issue of amending Articles 2 & 3 of the Irish constitution.'' The counter argument is that, while more people expressed an opinion on the Amsterdam Treaty, levels of understanding were lower, since the focus of the campaigns - and thus voters' attention - were on the issue of Articles 2 & 3."

The limited experience of multiple issue referendums from Ireland suggests, therefore, that while overall turnout is unlikely to be boosted significantly, question twinning has some potential for raising the response rate on the less publicly contentious issue (in this case, probably Lords reform, since PR for the Commons is likely to be the more fiercely argued contest). But there would be a risk, under such a double referendum, of voters focusing on electoral reform to the detriment of the equally important and complex issue of Lords reform.

Conclusion

This discussion has attempted to analyse the mixture of political expediency and more rational planning that will ultimately determine the timing of the referendum on electoral reform and any link that this might have with the second stage of Lords reform. The arguments sketched out cannot be categorical; they merely suggest some of the main issues that policy makers will need to take account of in planning the next stage of the government's parliamentary reform programme. Where do the suggestions lead to?

A key external factor is the EMU referendum. If, as is likely,

the election's timing would leave little opportunity for an effective voter education campaign to be mounted.

On this scenario, the electoral reform referendum might best be planned for the current parliament. A

Annex 1 - Timescale for referendums on electoral change and Lords reform

1999

2000

2001

2002

2003

2004

2005

2006

2007

Elections, referendums
and other key events

Sconish/Welsh elections

End of Labour internal
consultation on PR

Greater London
Authority elections

---- General election:
first date

EMU referendum . . . .

-- General Election:
last date

General election

General election

Neill Committee
legislation

Dmft legislation

1
Formal legislation
presente

1
Legislation