



House of Commons
Procedure Committee

Election of the Speaker and of the Deputy Speakers

First Report of Session 2009–10

*Report, together with formal minutes and
written evidence*

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Procedure Committee

The Procedure Committee is appointed by the House of Commons to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.

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The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/proccom>.

Committee staff

The current staff of the Committee are Dr Lynn Gardner and Miss Sara Howe (Clerks) and Rowena Macdonald (Committee Assistant).

Contacts

All correspondence should be addressed to the Clerk of the Procedure Committee, Journal Office, House of Commons, London SW1A 0AA . The telephone number for general enquiries is 020 7219 3318; the Committee's email address is proccom@parliament.uk

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Summary

The election for the Speakership in June 2009 was the first to be held under new rules recommended by the Procedure Committee in 2001. From our review of the procedure, we are satisfied that the system met the test of enabling the House to reach its decision in a fair and transparent way and that it will continue to enjoy the confidence of Members. In particular, the use of a secret ballot has been a success.

In the light of experience, there are a few improvements which could be made. The names of sponsors should be published and the minimum number of sponsors for each candidate should be increased to 15. Hustings should be welcomed, time permitting, but should continue to be run by outside organisations and not the House. The time allowed for each round of voting should be reduced to 20 minutes to speed up the process.

Following the approval by the House of our interim report on the principles to be followed in electing the Deputy Speakers, we have devised a detailed procedure for such elections. This is based on the existing convention that the four occupants of the Chair should be drawn equally from the Government and opposition side of the House, regardless of the exact party proportions in the House, and that there should be at least one man and at least one woman on the team. We do not see a case at present for an additional Deputy Speaker but we recommend that this be reviewed in the next Parliament along with likely changes in the role of the Deputies.

The rules for electing the Deputy Speakers should reflect those for electing the Speaker. There should be a secret ballot. Candidates should be nominated by a minimum number of sponsors and the names of those sponsors should be published. There should be no hustings or speeches on the Floor but candidates may submit a brief statement along with their nomination forms which will be made available to Members in advance of the ballot.

The ballot should take place away from the Chamber and be conducted under STV. The results should be announced in the House by the Speaker and entered into the Journal, with the newly elected Deputy Speakers taking up their duties the following day.

The Deputy Speakers should be elected at the start of a Parliament for the duration of that Parliament. Our report sets out a procedure for by-elections where a vacancy occurs due to resignation or to promotion to the office of Speaker. However, the terms of office of the Deputy Speakers should run independently of that of the Speaker and a change in the Speaker should not in itself necessitate a change in the Deputy Speakers. Any imbalance in party or gender representation on the panel would be rectified at the next General Election.

At present, the Speaker is elected by secret ballot but should the Speaker decide to stand again following a General Election, a different procedure applies. We believe that the House should be given the opportunity to decide whether this decision should be made by division as at present or by secret ballot.

We invite the House to accept our recommendations in order that arrangements may now be made to ensure that the Speaker and Deputy Speaker elections of 2010 are as successful as the election held in 2009.

1 Introduction

Our inquiry

1. On 22 June 2009 John Bercow MP was elected Speaker of the House of Commons.¹ The election was conducted by secret ballot, under a procedure which was agreed by the House on 22 March 2001, following recommendations made by the Procedure Committee in its Second Report of Session 2000–01 but first put into practice on this occasion. In view of this, we decided to review how well the process had worked and what lessons could be learned from the experience of implementing these rules for the first time. We therefore notified candidates and others of our intention to conduct such a review.

2. Soon after his election, the Speaker announced in a statement to the House that “In a modern democracy that puts Parliament first, I am convinced that the choice of [the three Deputy Speakers] should be determined not by consultation but by the process of election”.² The Speaker continued:

By convention, and as supported by the Procedure Committee in 2002, the combination of the Speaker and three Deputy Speakers should be drawn equally from the Government and Opposition benches. A change now is therefore appropriate. Accordingly, I am proposing that a ballot or ballots should be conducted in the House to choose one Deputy Speaker from the Opposition side and two from the Government side of the House. I have consulted the usual channels and I hope to bring that about shortly after the House returns in October.

We considered that this too should be the subject of an inquiry by the House, so we announced on 16 July that we would hold an inquiry into the procedure governing the election of the Speaker and would also make recommendations on the rules governing the election of the three Deputy Speakers in the light of the Speaker’s proposal.³

3. On 2 November we published an interim report on the principles to be met in the election of the Deputy Speakers.⁴ These were that the Deputy Speakers should be elected and that they should be elected by the whole House in a way that ensures that the Speaker and three Deputy Speakers are drawn equally from the Government and Opposition benches. Our report also asked the House to endorse the preparation by us of detailed proposals for the House to consider, and also the examination by us of the principle of adopting term limits for the Speaker and his Deputies. Our interim report was debated by the House and approved without division on 6 January 2009. This final report makes good our promise to publish a full report on the subject of the election of the Deputy Speakers, together with our findings on the process of electing the Speaker, in good time

¹ In keeping with convention, the Speaker was made a Privy Counsellor soon after his election and is now the Rt Hon John Bercow MP

² HC Debates, 2 July 2009, c496

³ Press notice, 16 July 2009

⁴ Fourth Report of Session 2008-09, *Election of the Deputy Speakers: Principles*, HC 1080

for our recommendations, if approved by the House, to be implemented at the start of the new Parliament later this year.

4. Shortly after we announced our inquiry, the Committee on the Reform of the House of Commons, under the chairmanship of Dr Tony Wright MP, was given the task of inquiring into the appointment of the Chairman and Deputy Chairmen of Ways and Means. In view of our own inquiry, the Wright Committee decided not to investigate this area in detail and relied instead upon our findings. The Committee's report, *Rebuilding the House*, concluded that:

It must in our view be right that a transparent means be found for the House as a whole to elect the House's three principal office-holders below the Speaker. As we have discovered in our examination of the appointment of members and Chairs of select committees it is not easy to find an acceptable and fair procedure.⁵

We concur with this assessment but hope that our recommendations will find favour with the House.

Conduct of inquiry

5. In this inquiry, we benefitted from informal meetings with the then Clerk Assistant, Douglas Millar, and the Clerk of Divisions, Chris Stanton; with Rt Hon Sir George Young MP, Official Opposition Shadow Leader of the House, and David Heath MP, Liberal Democrat Shadow Leader of the House; with Rt Hon Harriet Harman QC MP, Leader of the House; with Rt Hon Sir Alan Haselhurst MP, Chairman of Ways and Means; and with Rt Hon John Bercow MP, Speaker of the House of Commons. We also held informal meetings with Professor Iain McLean and Dr Scott Moser of the University of Oxford and with experts from Electoral Reform Services to discuss options for electoral systems for the election of the Deputy Speakers.

2 Election of the Speaker

The new rules

6. The rules for the election of the Speaker as implemented in June 2009 are radically different from those by which the previous Speaker, Rt Hon Michael Martin (now Lord Martin of Springburn), was elected in 2000.⁶ As set out in Standing Order No. 1B, the rules provide for would-be candidates to be nominated by not fewer than twelve nor more than 15 Members, of whom at least three must have been elected to the House as members of a party other than that of the candidate (or as members of no party). No

⁵ First Report from the Select Committee on Reform of the House of Commons, Session 2008-09, *Rebuilding the House*, HC 1117, para 40

⁶ The old procedure saw successive candidates nominated, without notice, the first by means of a motion "That [Member X] do take the Chair of the House as Speaker" and subsequent candidates by means of amendments proposed to that motion. Each such amendment was voted on in turn, and then, when all amendments had fallen, the main Question was put. See HC (2000-01) 40 for a detailed explanation and analysis of the process.

Member may sign more than one statement of nomination—and if any Member does so, their signature is invalidated for all nominations. Nomination papers may be handed in to the Table Office between 9.30am and 10.30am on the day of the election. As soon as practicable thereafter the list of candidates is placed in Members’ Lobby and published.

7. That afternoon the House meets at 2.30pm. Standing Order 1B provides that if only one Member is nominated, the Presiding Member should invite that candidate to submit himself to the House and then the Question is immediately put that “that [that Member] do take the Chair of the House as Speaker”. If two or more Members are nominated, candidates address the House in an order determined by lot. Once all speeches are concluded, the House moves to a secret ballot.

8. The results of the ballot are announced in the Chamber by the Presiding Member. If a candidate receives more than half the votes cast, the Question is put that “that [that Member] do take the Chair of the House as Speaker”. Otherwise, the House proceeds to a second ballot. At this stage no new nominations may be received. A new ballot paper is prepared without the names of (a) the candidate who received the fewest votes, (b) any candidate who received fewer than 5% of the votes cast in the previous ballot, and (c) any candidate who within ten minutes of the announcement of the previous ballot has notified the Presiding Member of an intention to withdraw. Successive ballots are held until either one candidate receives more than half the votes cast or the elimination of other candidates leaves only one candidate on the ballot paper. The Question is then put “that [that Member] do take the Chair of the House as Speaker”. If the Question is agreed to, the Member then takes the Chair as Speaker-elect.

The election of June 2009

9. The election of 22 June 2009 followed the resignation of Speaker Martin, which was announced a month earlier on 19 May 2009. This period of notice enabled the House authorities a little time to put the finishing touches to their preparations for a Speakership election. In doing so they relied on the procedure as set out in Standing Order No. 1B and described in the 2001 Procedure Committee report. The current Clerk Assistant, Robert Rogers, explained that, in translating Standing Order No. 1B into action, “Any gaps in the procedure that we identified were filled by extrapolation from existing procedures.”⁷ The month’s notice also gave would-be candidates an opportunity to gather the necessary signatures of support and ten Members submitted valid nomination forms to the Table Office at the prescribed time.

10. According to the Procedure Committee in 2001, one of the drivers for change to a secret ballot was that “Where there are more than two candidates, the [existing] system is fundamentally flawed”, with result that “the House may end up with a Speaker who has less support than some of his challengers whose names could not be put before the House”.⁸ The number of candidates for the post of Speaker in 2009, similar to the twelve who stood in the last election under the old system in 2000, therefore could have been designed to test the robustness of the new procedures. In the event, three rounds of

⁷ Ev 3

⁸ Second Report from the Procedure Committee, Session 2000-01, *Election of a Speaker*, HC 40, para 44 (iv)

balloting were required before the winning candidate emerged. Of the ten names in the first ballot, one was removed as the last placed and three others as receiving fewer than five per cent of the votes cast, leaving six to go forward to the second round. The second ballot produced two clear leaders, and after the last placed was again removed and three further candidates exercised their right to withdraw, these top two names went into a third and final ballot, which was won by Mr Bercow with a clear majority of 51 votes over his rival. The Question “that Mr Bercow do take the Chair as Speaker” was put and agreed to without division. After speeches of congratulation and a brief suspension, the House attended the Lords Commissioners in the House of Lords to receive Her Majesty’s Approbation of the Speaker Elect. The result of the last ballot, and thus the House’s choice of Speaker, was announced at 8.30pm, some six hours after the start of proceedings, compared to seven hours for the result of the 2000 Speakership election to become known.

11. The Clerk Assistant reported that “No questions were raised by Members about the integrity of the procedure (vetted in advance by Electoral Reform Services) or its fairness.”⁹ We are happy to endorse this assessment of the overall procedure and turn now to look in detail at how the reforms for “a fairer and simpler mechanism for enabling the will of the House to be expressed” in making its choice of Speaker, as proposed by our predecessors eight years earlier, worked in practice.¹⁰

Nominations

12. The rules on nomination derive from the 2001 Procedure Committee report which recommended a minimum threshold of eligibility of twelve other Members, of whom at least three should not be members of the candidate’s own party. Further, the Committee recommended that “in order to discourage ‘trophy-hunting’ of names, and the competitive compilation of long lists of names [...] no more than 12 supporters’ names be submitted with the nomination, and that the names of candidates’ supporters should not be publicly revealed”.¹¹ This was translated into the Standing Order as “not fewer than twelve nor more than fifteen”.

13. It is evident that the rules were clear and not too stringent, given that ten forms were received well before the deadline and all nominations were in order. We looked closely at whether the number of sponsors required is appropriate. On the one hand, we heard anecdotally that some candidates may have found it difficult to reach the minimum number of sponsors and “borrowed” supporters from others. This would suggest that the threshold might be lowered. On the other hand, one of the candidates, Sir Patrick Cormack, suggested that the maximum number of sponsors be increased from 15 to 20 and that at least half should come from the candidate’s own party.¹² At the moment, there

⁹ Ev 3

¹⁰ HC (2000-01) 40, para 87

¹¹ HC (2000-01) 40, para 48

¹² Ev 2

is a requirement for candidates to demonstrate opposition party support but not support from their own side.¹³

14. A further suggestion for change to the nomination process was that the names of sponsors should be published.¹⁴ Standing Order No. 1B is silent on whether the names of supporters should be published but the agreement by the House to the Procedure Committee report was rightly taken to prevent the publication of these names during the 2009 election. There was some pressure in the last contest for more transparency: candidates were asked to reveal their sponsors and most readily agreed. Since then the House has also received Freedom of Information requests for this information in relation to the June 2009 election.

15. We have considered a change to the rules on nomination and to the publication of sponsors as related questions. We believe that the Standing Order should be changed to allow the publication of the names of sponsors. This would help inform the decisions of Members as to which candidate to support in the contest. It would also reveal the level of support a candidate has within their own party, thus making unnecessary the introduction of a requirement for candidates to have a minimum number of sponsors from that party as well as from opposition parties. **We recommend that the Standing Order be changed to allow the names of sponsors in future contests to be published.**

16. **In making the above recommendation, we stress that we do not believe that the names of any sponsors in the June 2009 election which candidates have not consented to release should be published retrospectively since to do so would go against the decision of the House in 2001 and be contrary to natural justice in regard of the basis on which sponsors lent their support.**

17. On the detailed rules of nomination, we conclude that it is clear that all who wished to stand were able to do so and we would be concerned that lowering the threshold might result in an unmanageable number of purely speculative candidates being encouraged to stand. We are more persuaded by the argument for increasing the minimum number of sponsors. This is a serious contest for the most important position in the House. Whilst we accept the advice of our predecessors on the desirability of discouraging trophy-hunting, **we recommend that the minimum number of sponsors required be increased from 12 to 15 and that this number should be the maximum permitted.**

Hustings

18. The Standing Order for the election of a new Speaker makes no reference to the holding of hustings at which the candidates might set out their manifestos and answer questions from their electorate. This was discussed in the 2001 Procedure Committee report but dismissed on the ground that the Committee did “not consider that a long, formal campaign would be of benefit to the House, or likely to enhance its reputation with the public”.¹⁵ The Committee also emphasised that it would “deprecate unduly

¹³ See also evidence from the Opposition Studies Forum, Ev 2

¹⁴ Ev 1 [Sir George Young]

¹⁵ HC (2000-01) 40, para 52

strident campaigning, and [emphasised] that campaigning involving the expenditure of money would be wholly inappropriate”.¹⁶ It concluded that there should be no formal prohibition of manifestos and hustings but that the right place for information to be conveyed about candidates was in the House in the form of an address at the start of the formal proceedings.¹⁷

19. In 2009 several outside organisations, such as the Hansard Society, and political groupings such as the PLP, arranged informal hustings to which all declared candidates were invited. The Hansard Society event was covered by the BBC Parliament channel. A natural limit on the proliferation of such events was provided both by time restraints and by informal agreements between candidates as to which invitations to accept. In the light of this, Sir George Young asked us to re-consider the “cautious” approach to hustings taken by the previous report, commenting that “As all the candidates attended at least two, I believe these are now here to stay and should be accepted as part of the process”.¹⁸ Although we agree with Sir George, we feel that these need not be part of the formal procedure. It is clear that the informal arrangements put in place for the last Speaker’s election worked well and should be the norm for the future. **We welcome the part played by outside organisations such as the Hansard Society in organising hustings for the election of the Speaker and believe that this is a role best filled by these bodies, rather than by the House itself.**

20. **One exception to that rule is the position when electing a Speaker at short notice or indeed immediately after a General Election. In such circumstances, the need to elect a Speaker before the House can proceed to other business makes the time available for hustings and campaigning, or indeed gathering nominations, very tight. We consider that at such times Members and others should accept that the formal address to the House is the only appropriate time and place for each candidate to make his or her pitch for support.**

Timing of candidates’ speeches

21. The provision for each candidate to address the House in turn in support of their own cause was an innovation proposed by the 2001 Procedure Committee. Under the previous system, candidates were proposed and seconded by other Members before briefly submitting themselves to the House. The current procedure removes the provision for speeches by proposers and seconders and places the onus on the candidate him or herself to set out their qualities, experience and ambitions. The 2001 report suggested that the order in which candidates speak should be determined by a draw conducted by the Clerk of the House. In the event, in 2009, the lots were drawn by the Presiding Member on the morning of the election. The results were notified to the candidates and then the list was published at mid-day, giving all Members good notice of the names of those standing and the order in which they would speak. We believe that this worked well and was a great improvement on the pre-2001 system whereby the House had no advance

¹⁶ Ibid, para 53

¹⁷ Ibid, paras 52 and 54

¹⁸ Ev 1

warning of who was to be nominated, or in what order, until an informal indication was given by the Father of the House at the start of business.

22. The Standing Orders do not provide for a time limit on candidate's speeches and the 2001 report is silent on this point. Taking a pragmatic approach, the Presiding Member gave candidates an informal guide that in the previous election for a Speaker, Members had spoken for between four and ten minutes, with an average of 6 minutes.¹⁹ Most followed the advice offered that around six minutes would be appropriate. One candidate, Sir George Young, suggested that this informal guidance "might usefully be published".²⁰ An alternative would be to incorporate a rule on the length of candidates' speeches in the Standing Order.

23. On balance, we believe that the approach followed in 2009 is the right one. Notifying candidates of an appropriate guideline on the length of speeches seems to us eminently reasonable. We also endorse the suggestion that six to seven minutes is "about right" for speeches on this occasion, but we would wish to retain some flexibility for candidates and so do not see a case for a limit to be incorporated into Standing Orders. **We recommend that the notification process followed, and the guidelines adopted, in June 2009 with regard to order and length of speeches be used as the pattern in future. We see no reason why this information should be secret, and we recommend the publication by the House of the guidance to candidates.**

Voting procedure

24. The chief difference between the 2009 election and the previous election in 2001 was that, on this occasion, the Speaker was elected by secret ballot. The 2001 Report described the choice between a secret or open vote as "the most difficult decision in relation to a ballot".²¹ The strength of views on both sides of the argument was such that the Committee recommended that this be the subject of a specific and separate decision of the House, although itself supporting the secret ballot option.²² This was achieved by means of an amendment moved to leave out the word "secret" from the draft Standing Order put before the House for approval on 22 March 2001. The amendment was rejected by 82 votes to 84.²³ Against this background, it is perhaps surprising that the secrecy of the ballot was not a matter of controversy during the 2009 election process. **We conclude that the use of a secret ballot has been a success and that the House's decision in 2001 should be maintained in all future elections.**

25. There is a view, however, that the names of those participating in each round of the election should be published in Hansard, without recording how Members voted. Indeed, the House has received a Freedom of Information request for this information in relation to June 2009. We have given serious consideration to the suggestion for change in future contests. We recognise that it has the attraction of transparency in making it clear which

¹⁹ Ev 3

²⁰Ev 1

²¹ HC (2000-01) 40, para 55

²² Ibid, paras 55 to 61

²³ CJ 257 (2000-01), 254

Members were present in the lobby. That apart, it is not easy to see what would be gained from publishing such a list. It would reveal who did not participate but any Member doing so out of principle is likely to make an open statement to this effect and others may well have genuine reasons for not doing so, such as other parliamentary responsibilities, illness or the constraints of ministerial convention, which might give a false impression of their commitment to their duties in the House. We also understand that a participation list might be difficult to compile, certainly retrospectively, since the ballot papers are anonymous and any marked register would only show those who had entered the lobby, rather than those who actually cast a vote. Publication also cuts against the secrecy of the ballot and it could breach the confidentiality of the vote, for example where a Member ceased to participate in rounds after their preferred candidate was removed from the ballot paper. **We conclude that neither the names of those participating in each round of voting nor those voting for each candidate should be published either in future contests or for 2009.**

26. As with the FoI request for the 2009 list of sponsors, we consider that it would be wholly unacceptable to release the names of those who participated in 2009 since those voting did so in the belief that their names would not be revealed.

27. The electoral system set out in Standing Order No. 1B is the exhaustive ballot, with a provision that candidates polling fewer than 5% of the total votes cast be eliminated. Sir Patrick Cormack suggested that this should be changed to allow Members to list their top three (or six) preferences.²⁴ The Procedure Committee considered the comparative advantages of the Alternative Vote and the exhaustive ballot in 2001 and concluded that “the benefits brought by the Exhaustive Ballots are sufficiently great as to outweigh the inconvenience in terms of time brought by the need to have multiple ballots”.²⁵ These benefits included the ability of Members to amend their preferences in each round after the results of the previous round are known and the opportunity offered to candidates to withdraw at any stage, thus speeding up the process. Advice from the Electoral Reform Society to that inquiry also indicated that with the exhaustive ballot the winning candidate was far more likely to have more than 50% support of all Members than under AV.²⁶ We believe that these arguments still hold. In particular, we have been told that candidates and Members valued the provision for candidates to withdraw when it is clear that they have insufficient support to have a realistic chance of winning. It is also undoubtedly the case that the winning candidate commanded the majority support of the Commons. When coupled with a desire to change the system only where necessary in order to ensure continuity, these benefits persuade us that **the current electoral system remains the best option for this purpose.**

28. We have also looked at the length of time allowed under the rules for each ballot, where the widespread perception is that half an hour was too long and the time for voting could be reduced.²⁷ This became apparent even during the proceedings of 22 June 2009, with the result that the Presiding Member used his discretion to reduce the time to 20

²⁴ Ev 2

²⁵ HC (2000-01) 44, para 69

²⁶ Ibid, para 66

²⁷ See for example Ev 1

minutes after the second round. The Clerk Assistant gave evidence that a formal reduction of this scale would “still give plenty of time for Members to vote”, whilst reducing the time taken in each round and speeding up the results.²⁸ The time could perhaps not be reduced any further (to the length of a normal division, say) without compromising the ability of all Members to participate, including those making use of the arrangements made for “nodding through”. On a related point, we have heard no criticism of the ten minutes set down for candidates to withdraw. Indeed, two candidates involved in the 2009 election have specifically told us that they found such provision “helpful”. We therefore consider this to be about right. **We recommend that the Standing Order be amended to allow 20 minutes, rather than 30 minutes, for voting in each round.**

Practicalities

29. There remain a few issues which were raised with us about the practicalities associated with the process for electing the Speaker. For example, the Clerk Assistant reported that the counting process could be speeded up by moving to a larger room. This would also allow the count to be observed by Members without infringing the principle of a secret ballot.²⁹ The Clerk Assistant estimated that, taken with the reduction in time allowed for each round under the Standing Order as advocated above, this would reduce the minimum time per round to 1 hour and 25 minutes, compared to 1 hour 57 minutes from the opening of the first ballot to the opening of the second ballot and 1 hour 42 minutes between the opening of the second and the third in 2009.³⁰ In the interests of the sense of occasion, we believe that these time-savings are worthwhile and we would support a move to a larger room for the counting.

30. Secondly, the Clerk Assistant referred to certain papers indicating support for a particular candidate which were placed in the voting lobby by some Members and removed on the authority of the Presiding Member after the first ballot closed. This provides a precedent for a ban on such unofficial papers in the lobbies on future occasions.³¹ We are content that this approach is correct, although we hope that a lifting of the restriction on publishing the names of sponsors would remove the incentive to Members to produce such papers in the first place.

31. Finally, Sir George Young questioned why “An informal rule appeared from nowhere, allowing prayer cards for the candidates but no one else”.³² Prayer cards for supporters were removed. This policy seems to have developed ad hoc as a result of the convention that prayers are not read on the day of the Speaker’s election. **We can see no reason why prayers should not be read in the usual way. This would enable the sitting to open with a due sense of decorum and would also enable prayer cards to be used to allow Members to reserve places. We recommend that this be done in future.**

²⁸Ev 3

²⁹ Ev 4

³⁰ Ev 3, 4

³¹ Ev 4

³² Ev 1

Conclusion

32. As can readily be seen, our suggestions are for minor improvements, tweaking the detail of the process, rather than wholesale reform of the procedure by which the House elects its Speaker. **We are satisfied that the system devised by our predecessors has withstood its first test in enabling the House to reach a decision in a fair and transparent way and that the procedure will continue to enjoy the confidence of Members. We are sure that the House will welcome this conclusion. Whilst it is right to reflect on experience, we believe that procedures adopted by the House, especially for such a serious purpose, should not be altered lightly and there is great benefit in continuity and consistency.**

33. In addition, we are happy to endorse the Clerk Assistant's conclusion that, in practical and administrative terms, "it was an excellent co-operative operation".³³ **It is clear from the smooth running of events on the day that a great deal of work had been put into preparing for these elections behind the scenes, and we congratulate all those involved on their success in foreseeing and forestalling difficulties.**

³³Ev 4

3 Election of the Deputy Speakers

Principles

34. In our Fourth Report of Session 2008-09, *Election of the Deputy Speakers: Principles*, we set out the over-riding principles which we believed should determine how the Deputy Speakers were selected and appointed in future. We return to these principles here, and in addition establish the other conditions on which we have based our detailed proposals.

Whole House elections

35. In determining the system by which the Deputy Speakers are to be elected we have had regard to the principle endorsed by the House that they should be elected by the whole House. We have previously set out our reasons for preferring whole House elections to electoral colleges of opposition and Government Members, respectively.³⁴ While we recognise that there are advantages and disadvantages to either approach, we note that in the debate on our report no Member spoke against the whole House principle. We have therefore based our further proposals on that starting point.

Party balance

36. There was also general agreement in the debate with our view that the party balance should be maintained. We take from this an implicit endorsement that **the existing convention of drawing the four occupants of the Chair equally from the Government and opposition sides of the House should be maintained**. Similarly, we have decided to base our proposals upon the established convention that **where the Government side holds the Speakership, then the Deputy Speakerships are divided: opposition/Government/opposition. Likewise, where the Speaker is drawn from the opposition, the pattern is Government/opposition/Government**.

37. We raised in our previous report the need to consider how this would be affected by a hung parliament. It would be possible to devise a system, similar to that used to determine the allocation of committee places, which could calculate the exact proportion of membership in the House and apply a formula to each of the three available Deputy Speakerships. However, the number of posts in question is too small to make these calculations meaningful and we believe that the House needs a system which is simple to understand and robust enough to withstand either a hung parliament or a landslide majority. **We therefore consider that the party balance should be defined for the purpose of electing the Deputy Speakers as two Members from the Government side of the House and two from the opposition across the panel of Speaker and Deputies, regardless of the exact party proportions in the House. Opposition should be defined as not belonging to the governing party, thus including independents and all other**

³⁴ HC (2008-09) 1080, paras 20-23

parties. This would have the additional advantage of giving stability and legitimacy to the Chair in a situation where a handful of seats changing hands could alter the majority/minority balance and otherwise lead to calls for a change in the Deputy Speakerships.

The minority parties and the case for a fourth Deputy Speaker

38. The position of the minority parties within the party balance is a matter which was brought to our attention, not least in evidence to us by one of our own Members. John Hemming MP pointed out that:

The Liberal Democrats and the minority parties have not had a Deputy Speaker since the 1960s, and this means that a substantial element within the House plays no part in the management of debates and the choice of speakers. Present and proposed arrangements seem likely to maintain this unjustified exclusion.³⁵

He suggested that the House should remedy this position by allocating a place to the Liberal Democrats. Alternatively, the House could choose to appoint a Fourth Deputy Speaker.

39. We have given serious consideration to both suggestions. As a starting principle, we believe that any electoral process for the Deputy Speakership should be capable of delivering a minority party member as one of the successful candidates and that the rules should not expressly or unintentionally prevent this from happening. Equally, we would deprecate a system which allowed the majority governing party to impose only minority party candidates upon the House at the expense of the Official Opposition or one which acted to deprive other smaller parties of their opportunity to stand. We have instead tried to devise a system of open whole House elections in which a suitably qualified candidate from the minority parties will have a far greater chance of being successful than under the current system of nomination.

40. We have also explored whether there is justification for a fourth Deputy Speaker. From our discussions, it is clear that at the moment, the workload is such that it would be difficult to justify the expense of an additional Speaker. The last time a post was added to the roster for chairing the House was in 1971. Compared to then, it is undoubtedly the case that there are far fewer late night sittings and fewer hours overall for the occupants of the Chair to cover. Other tasks are undertaken by the Chairman of Ways and Means, particularly in relation to Westminster Hall and bills, and by all three of the Deputy Speakers in relation to private business, but there is no evidence that the current occupants of the Chair cannot easily accommodate the existing workload. This could change in the future if, for example, proposals to establish a Business Committee under the chairmanship of the Chairman of Ways and Means come to pass. Mr Hemming also directed us to the Speaker's increasing role in external representation of the House which might lead to more delegation of other duties to his deputies.³⁶ Nevertheless, there is at present no convincing argument for increasing the number of Deputy Speakers.

³⁵ Ev 1

³⁶ Ev 1

41. We are also mindful of the principle that party balance, as defined above, would be breached by a panel of five. The de facto pairing of two opposition and two government members which operates under the current system would not be possible with an odd number on the panel, leaving the Deputy Speakers vulnerable to accusations that they were not supporting their party in key divisions. A hung parliament or one where the Government has only a small majority would make this situation more difficult.

42. We have also considered whether a possible solution might lie in a higher profile for the more senior members of the Chairmen's Panel, particularly in relation to Westminster Hall. There is provision for four additional Deputy Speakers to be appointed for the purpose of chairing Westminster Hall from amongst the Chairmen's Panel, although no Member has been so appointed since 2003. It would be feasible to elect an additional Deputy Speaker with specific responsibility for chairing debates in Westminster Hall. However, whilst this would grant some recognition to a senior Member, it would not answer the central issue of including the minority parties in the management of debates and other business in the House itself.

43. We conclude that there is no case at present for the creation of a fourth Deputy Speakership. We believe that this decision should be revisited in the next Parliament if any change occurs to the role of the Chairman of Ways and Means or of the Speaker which may affect workload. **We recommend that our successor Committee in the next Parliament address the question of the role of the Deputy Speakers and how it has changed in the light of what emerges from the proposals for reform and whether an additional post is then required as a result.**

Gender weighting

44. One of the conventions observed in nominating Deputy Speakers in the past has been that the team should represent both genders. We believe that this convention is a valuable one and we have considered how it might be translated into an electoral system based primarily on party balance. We have identified two possibilities: first, that Members voting in the Deputy Speaker elections could be required to include at least one man and at least one woman in their choices, and second that the rules could stipulate instead that the winning candidates include at least one man and at least one woman. The former approach is likely to lead to a higher percentage of spoilt ballot papers and would not guarantee the desired result. The latter approach would have the advantage of ensuring that the team could not fail to represent both sexes but it has the disadvantage that it could mean a popular candidate of the "wrong" sex – or several such candidates – being passed over in favour of a candidate who polled far fewer votes. On the whole, we believe that this is a price worth paying and one which could be addressed through the judicious choice of an electoral system. **We recommend that the rules for the election of the Deputy Speakers stipulate that at least one man and at least one woman be elected to the team formed by the Speaker and Deputy Speakers.**

The "Speaker's team"

45. Our predecessors in examining the appointment of the Deputy Speakers in 2002 laid great stress on the ability of the occupants of the Chair to act as a team, led by the Speaker whose confidence they should enjoy. It was this which previously convinced the

Committee that the existing practice of nomination should be maintained, thus allowing the Speaker “some informal say in the composition of the team of deputies”.³⁷ It is extremely difficult to see how the element of patronage or veto needed to give the Speaker the team he wants can be incorporated in any electoral system. This raises the possibility of a team – or a single Deputy Speaker in a by-election – being elected by a majority of the House as a corrective to the choice of Speaker or as a result of protest vote. We recognise that it is a very important principle that the Deputy Speakers are elected to support the Speaker and not to provide an alternative power-base to the main occupant of the Chair. This underpins our later recommendations on Deputy Speaker hustings and procedure on the Floor, in particular. We also ask Members to recognise the need to elect a team in deciding how to cast their votes.

Consistency and precedent

46. Our final principle underpinning the election of the Deputy Speakers is that the procedure as a whole should follow, as far as possible, that already accepted and tested for the election of the Speaker. This consistency will lend legitimacy and balance to the process, as well as ensuring that Members are familiar with and have confidence in the election procedure.

Nomination procedures

47. In keeping with the principles set out above, we believe that the nomination process for the Deputy Speakers should mirror that for the Speaker, with appropriate adaptations to meet the need to elect three Members, rather than one. **We therefore recommend that there be a minimum number of sponsors required and that only that number be published, regardless of the level of support beyond that threshold. We consider that an appropriate rule would be that a candidate’s nomination should be supported by a minimum of six and a maximum of ten Members of the House. Members should be able to sign no more than three nomination papers, reflecting the number of posts to be filled, and the names of the sponsors should be published.** We have considered carefully whether the rules should stipulate that a candidate should receive cross-party support, defining a minimum level either from the candidate’s own party or from other parties. On balance, we do not believe that there is a need for such a rule since the publication of the sponsors will reveal from where a candidate draws his support and, unlike the Speaker, the Deputy Speakers will each be elected partly because of their party allegiance.

48. We have referred earlier to the informal arrangements which were made for hustings during the recent Speakership election and we have expressed our approval of such events in the future. This endorsement does not extend to hustings or manifestos for the Deputy Speaker posts. There is room for debate how far the Speaker is able to enforce his will on the House or Government but there is no question but that the Deputy Speakers should act only in accordance with the decisions and wishes of the Speaker. **Although candidates for the post of Deputy Speaker may wish to circulate or publish their CVs, there is no place for candidates for these posts to issue manifestos or to be questioned**

³⁷ Second Report from the Procedure Committee, Session 2001-02, *Appointment of Deputy Speakers*, HC 770, para 24

upon what they would do if elected. We would strongly deprecate any attempt by outside organisations to encourage candidates to participate in hustings or to set out their stalls in this way.

49. Dispensing with hustings and simplifying the nomination process would have the added benefit of enabling the pre-election process for the Deputy Speakerships to be speeded up. Given that, in most circumstances, the fact that there are vacancies for these posts will be known in advance, we do not see any need for a protracted period for nominations before the election itself, other than to allow candidates time to gather sponsors. **A minimum of two days should be sufficient between the notification that there will be an election and the ballot itself.**

Electoral systems

50. We have taken it as given that the ballot for the Deputy Speakers should be secret, based on that for the Speakership itself. In considering further which electoral system would be appropriate, we acknowledge that there are other ways in which the two ballots might differ. The electoral system for the Speaker seeks to deliver a single candidate from any part of the House commanding majority support. The system used for the Deputy Speakers must deliver three candidates who together will ensure that the team of four is balanced between government and opposition members and should, in our view, also ensure that the team represents both genders, as well as demonstrating that individually they have the support of the House.

51. It has also been put to us privately that we should consider whether it is right to treat all three deputy posts as equal in terms of the elections. This issue arises because of the additional duties carried out by the Chairman of Ways and Means and the possibility that the role may be significantly extended. It would be possible to run a separate election for this post in which only candidates from the side of the House to which the Speaker did not belong could stand but this would create a difference in treatment which we do not believe is currently justified. It would also cause a delay in the ballot for First and Second Deputy Chairmen. On balance, we have decided against a separate ballot, considering that it is sufficient that the post of Chairman of Ways and Means be awarded to the candidate from the opposite side of the House to the Speaker who can gain most votes in the election.

52. We have also considered whether there should be separate ballot papers for the posts to be filled from the two sides of the House. This would allow the votes to be counted and the winners to emerge more clearly, with two chosen from one ballot and one from the other. However, it would make it impossible to enforce rules aimed at achieving gender variety across the panel. An electoral expert, Professor MacLean from Oxford University, also argued against holding the two elections on a single paper since “A drawback of this is that the opportunity, in a House with a single-party majority, for Members on the Government side to elect their favourite Opposition member rather than the Opposition member they consider best able to do the job, becomes more transparent”.³⁸ Instead, he

³⁸ Ev 7

suggested that a better system would be to hold a single, ranked ballot with each Member listing the candidates in rank order.³⁹

53. We discussed with Professor McLean and his colleague four possible electoral systems that would deliver the results required. They also provided us with two helpful memoranda with further detail on how votes would be cast and counted under those variations.⁴⁰ The systems under discussion were:

- a) The Borda system: each voter ranks the candidates in order of preference and the Borda rule selects the three candidates who on average rank highest in those preferences. This is used in parliamentary elections for minorities in Slovenia, for internal elections by the Irish Green Party and in the Eurovision Song Contest.
- b) Single transferable vote: the instructions to voters are the same as for the Borda rule but under STV each voter has a single vote which may be transferred to a lower-ranked candidate if the voter's favourite is either elected with more votes than necessary or eliminated. A three-candidate election would mean setting a quota of 25% of the votes cast for election. It is used for elections to positions on the Synod of the Church of England, for example, and for by-elections for hereditary peers in the House of Lords.
- c) Approval voting: Under this system the voter indicates which candidates he approves of by marking them on the ballot paper, but not ranking them. The winners are the three candidates of whom the largest number of voters approve. A variant of this would be to restrict the number of votes allowed to three. We have chosen to call this variant multi-X voting.
- d) Exhaustive ballot: The voter has three equally-weighted votes to distribute amongst the candidates. The votes are counted with the candidate with the fewest votes eliminated and a further ballot taking place until no more than four remain. In the final ballot the top three are elected, provided that they meet the rules regarding party balance.

54. In keeping with the principle that the electoral system should be swift and efficient, we narrowed this down to two options, both of which involve Members marking their ballot papers only once, allowing the counting system to take care of the result. These were: multi-X voting and STV. Following further discussion with the Electoral Reform Services on how these systems would work in practice, we conclude that both would serve our purposes but that STV has unique advantages in that it would ensure that no votes are wasted; that all successful candidates have a significant level of support; and that it is less likely to result in a lower placed candidates taking a post with far fewer votes than several candidates with a higher shares of the vote. We are also advised that STV would make it far more difficult for the system to be manipulated by majority parties in order to thwart the opposition in its choice of candidates. **We recommend that the House adopt STV for the purposes of electing the Deputy Speakers, with constraints that of those elected two candidates must come from the opposite side of the House to that from which the Speaker was drawn and one from the same side, and that at least one man and at least**

³⁹Ev 7

⁴⁰Ev 5 to 7

one woman must be elected across the four posts of Speaker and Deputy Speaker combined.

55. We anticipate that our successors in the next Parliament will review the outcome of those elections and make further recommendations based on their observations on how well the system worked. We would welcome such a review.

Procedure in the House

56. We consider it desirable that the election of the Deputy Speakers be conducted with due regard to its significance but as swiftly as possible. We see no need for a long period between the announcement of the election and the election itself for the reasons we have outlined earlier, and we also consider that the electoral process should take up little time on the Floor of the Chamber. There is no reason why business cannot continue whilst the ballot and counting is in progress, in the same way as deferred divisions are conducted in the No lobby whilst the House is sitting. **There may be questions about the propriety of the ballot taking Members away from the Chamber during certain business. To resolve this, and in the interests of devising a system which will withstand different scenarios, we recommend that the Speaker be given power to name the date of the election of the Deputy Speakers and the time of the ballot.**

57. We have considered the procedure to be followed in some detail. The election of the Speaker begins with an opportunity for candidates to address the House. This would not be appropriate for elections for the Deputy Speakers who, as we have said above, should not have a manifesto to set out to the House. The choice of Deputy Speaker should turn upon personal qualities and experience and not their ambitions for what they could do in post. We do not therefore recommend that candidates for the posts of Deputy Speaker should be invited to address the House. Given, however, that the House is being invited to choose between candidates of whom some Members especially at the beginning of a Parliament may know little, **we recommend that each candidate be permitted to submit along with their nomination form a brief statement of no more than 500 words which could be incorporated into a single booklet, accompanied by their photographs, and made available to Members from the Vote Office.**

58. **Our recommended timetable is that each candidate hand their nomination paper to the Clerk of the House in the Table Office between 10.00 am and 5.00pm on the day before that nominated by the Speaker for the election.** This is a departure from the process established for the election of the Speaker but we believe that it is justified by the desirability of allowing Members more time to consider how they wish to balance their votes between the various candidates. **A list should be made available in the Vote Office, on the internet and emailed to all Members as soon as possible after the deadline of all those candidates with valid nominations.** If our recommendation above regarding the submission of brief CVs is accepted, the booklet should also be made available in the same way, although we recognise that it will take longer to produce. For the purposes of both the list and the document, candidates should be divided into opposition and Government side of the House and accompanied by a reminder of how many posts are to be filled from each side.

59. On the day of the election itself, **we recommend that the ballot be opened at 11am and closed at 12pm, subject to the power of the Speaker to alter these timings in accordance with the business on the Floor. Voting should take place in a room appointed by the Speaker, supervised by clerks. The ballots will then be counted and the result announced by the Speaker on the Floor.** Similar arrangements to those made for proxy voting in the election for the Speakership should be allowed to enable voting by Members who are present in the House but not physically able to access the voting room.

60. The candidate who wins the ballot for the election of the Speaker is afterwards subject to a confirmation motion on the Floor. We have considered whether such a motion is appropriate in this case. The advantage is that it would mirror the procedure accepted for the Speakership and would also give the House an opportunity to affirm the panel of Deputy Speakers as a whole. The disadvantage is that, as the motion would presumably be unamendable, it would be a clumsy mechanism by which to object to a single candidate. In addition, we consider that the difference in status between the Speaker and the Deputy Speakers is such that once the House has chosen the latter, there is no need for it to vote again on that choice. Similarly, we see no need for the winning candidates to address the House following their victory, although we feel certain that the Speaker will want to say a few words to welcome them to their new posts. **We therefore recommend that the Standing Orders governing the election of the Deputy Speakers provide for the Speaker to declare the result of the ballot and direct that an entry be made in the Journal that the successful candidates have been duly elected. The Chairman and Deputies should then take up office the following day.**

61. We have attempted to devise a procedure which is robust enough to be used in a clean-sweep election for all three posts or in a by-election where there is only one vacancy. In the latter case, the House would first need to identify from which side of the House the new Deputy Speaker should be drawn and then move to a ballot for that single post, following the rules set out above. Unlike in the case of the Speaker, the House can function without one of the Deputies and so there should be time for an orderly election to proceed. **Where a vacancy exists for Chairman of Ways and Means and one of the Deputies is eligible for the post, we believe that the rules should enable the Deputies to stand in the by-election without losing their current position. If that Deputy were successful, the next best placed candidate in the ballot who fulfilled the necessary criteria would fill the vacancy thus created by the Deputy.**

4 Timing of elections

When should the elections be held?

62. In the past, the Speaker has been reaffirmed (see further below) or elected at the beginning of a Parliament and the three Deputy Speakers have been appointed on a motion moved without notice at any time after the State Opening. In both cases, the post-holders have remained in office without further confirmation until the end of the Parliament (the date of dissolution for the Deputy Speakers). There have been no term-limits on the offices so there has been no bar to any Speaker or Deputy Speaker taking up

a second or even third term of office. Where it has been necessary to fill a vacancy mid-term, in the case of the Speaker this has been done by an election, most recently under Standing Order No. 1B; in the case of the Deputy Speakers, a motion has been moved without notice to appoint a new Member to the relevant post.

63. We propose no change to the timing of the election of the Speaker. It is constitutionally proper for the Speaker to be chosen at the beginning of a Parliament, however this may be done. There is a convention that a retiring Speaker times his departure, where possible, to take place mid-term in order that his successor has chance to bed in before the start of the new Parliament. We support this convention, although we see no need to enshrine it in Standing Orders, and have borne it in mind in formulating our thoughts on the likelihood of by-elections amongst the Deputy Speakers.

64. We have considered whether a change is necessary to the timing of the election of the Deputy Speakers. The position in 2010 is that, with the first round of elections to all three posts coinciding with a new Parliament, the existing pattern of making the appointments immediately after a General Election for the duration of a Parliament is a convenient solution. Looking beyond these specific circumstances, an argument has been made to us that the Deputy Speakers should instead be elected mid-term or indeed that the elections should be staggered, presumably through the application of term-limits. This would give the advantage to the House of having a team of varying levels of experience at any one time rather than the possibility of a completely new set of people in the Chair at the beginning of a Parliament. In 1997, for example, all three Deputies were new appointments, with only the Speaker accustomed to chairing the House. On the other hand, the Deputies would still need to be confirmed in office at the start of a Parliament and we are wary of imposing further disruption on the House in the form of a complicated arrangement for elections to be held at intervals over the usual length of a Parliament. We are concerned that it would also work against the building of a solid team amongst the Speaker and his Deputies if they could not anticipate a significant period of working together. **We therefore recommend that the Deputy Speakers be elected at the beginning of a Parliament to serve for the duration of that Parliament. This will also serve as an important opportunity to redress the party balance on the panel which may have been affected by a change in Speaker during the last Parliament.**

Process for re-electing the Speaker after a General Election

65. Standing Order No. 1A provides that where the former Speaker is returned to the House after a General Election and wishes to stand again, the Question “that he do take the Chair of this House as Speaker” is moved and put forthwith (once he or she has submitted themselves to the House). If objected to, the Question is decided by a division. This is mirrored in the provision under Standing Order No. 1B(13) for the Question to be put forthwith on a single remaining candidate following the election of a new Speaker by secret ballot.

66. It is rare for a Speaker returned to the House in a General Election to be rejected by the House if he or she wishes to stand again for the post. The last time it happened was in 1835 when Speaker Manners-Sutton was narrowly defeated in a contested election by the Whig candidate. The circumstances of the defeat led to recognition by the House that “a Speaker, once elected, should cease to have any connection with a political party; and that

he should be entitled to look forward to a continuity of office guaranteed by all parties”.⁴¹ Although the rules for elections have changed, these principles have been maintained by the House, even when a landslide such as in 1906 and 1945 has led to a returning Speaker from a now minority party being re-elected to the Chair. They underpin the convention that the Speaker stands in the General Election as “The Speaker seeking re-election” and is unopposed by candidates from the main parties.

67. These considerations also strongly influenced the recommendations from our predecessor Committee in 2001 with regard to “Special Circumstances at the Start of a Parliament”. The Committee was of the opinion that it would be “highly undesirable in these circumstances for a multi-candidate ballot to take place automatically”. It argued that:

If it were to become accepted that a change in the composition of the House following a General Election were as a matter of course to lead to a change in the occupancy of the Chair, we believe there are grave dangers that the office itself would be destabilised and in danger of becoming politicised. Equally, however, we believe it is important that the House should not be denied the right to change the Speaker, however unlikely it may be that that right will be exercised.⁴²

68. It is understandable that at that time, with a new Speaker elected under the former method only months earlier, it was considered inadvisable to recommend the re-election of the same Speaker under a secret ballot at the start of the next Parliament, should he wish to stand again.

69. It could be argued that by analogy with the earlier stages of that procedure, the decision on the re-election of a Speaker should from now on be decided by secret ballot. We have therefore considered whether any change is necessary to bring the procedure for the re-election of a Speaker in line with that for elections to both that post and the posts of Deputy Speaker. In doing so, we have borne in mind the fact that at most only eleven months will have passed between the election of the current Speaker and the opening of the next Parliament. Nevertheless, we are concerned that the current specific circumstances should not dictate the procedure which it is right for the House to operate in general.

70. We have considered three options. These are: the current procedure as set out in Standing Order No. 1A; a similar procedure but with the decision on the Question made by secret ballot rather than an open division; or, an open election under provisions similar to those in Standing Order No. 1B.

1. Current procedure

71. The current procedure of a motion moved that the former Speaker do take the Chair, decided if necessary by a division, has the advantages of familiarity and speed. Importantly, it also offers the incumbent some protection against political machinations since the question is framed as a vote of confidence in the former Speaker. The

⁴¹ Philip Laundy, *The Office of Speaker* (1964), 301

⁴² HC (2000-01) 40, para 75

presumption in favour of the re-election of the Speaker to his post also lies behind the conventions regarding his or her return to the House after a General Election unopposed by the main parties, although this could also be seen as a recognition of the distance placed between Speaker and party in the preceding Parliament and the impact of that on his or her electoral chances. Finally, the procedure allows for dissent without encouraging it, providing a trigger ballot for a challenge by a candidate who would enjoy greater support.

72. The disadvantages of the current procedure are naturally enough inherent in the advantages. The same procedure which protects the Speaker against the mis-use of power by a newly elected majority party also means that the new House has first to reject one candidate before it can choose its own Speaker in an open election. The House is not offered the opportunity to weigh the former Speaker against other candidates but only against him or herself. The open division for deciding the question can be seen as a deterrent to the House expressing its views honestly, which discourages not only challenges but also a strong declaration of support for the incumbent and acts against any feeling by new members of the House that they have chosen their own Speaker.

2. Confirmation with secret ballot

73. The current procedure but with the question decided by a secret ballot has the same advantages as above, but moving to a secret ballot from an open recorded division as a means of deciding the question may remove some of the impregnability of the incumbent in making easier for Members to register a protest vote without fear of the impact that would have on their chance to be called to speak in the future. It also has the significant advantage of consistency with the procedure for electing a Speaker at other times.

74. To set against this is the disadvantage that enabling some degree of protest without a full election may well leave the Speaker wounded but still in post, which would not assist him or her in his attempts to bolster the House against the Executive. A secret ballot on a straight yes or no question may also seem unnecessarily unwieldy.

3. Full election

75. A full election, allowing Members to choose between all would-be candidates, offers the new Parliament a fresh start with the House choosing its own Speaker. The incumbent may well have an advantage but this would not be procedurally entrenched and by moving from a vote of confidence to an open election, any former Speaker winning the ballot would gain a fresh mandate and endorsement from the House, regardless of the actual numbers voting for and against him.

76. On the other hand, such a procedure would of course lack the advantages of the current one. In particular, it would risk a more frequent turnover of Speakers with the result that the House would lose the benefit of continuity in the Chair. It may also weaken the position of the Speaker who would feel more vulnerable to change and perhaps less able to stand up to the Government.

Conclusion

77. We recognise that the circumstances at the start of the forthcoming Parliament, with the current Speaker having been elected less than a year earlier, make it inadvisable to suggest radical change at this time. We also believe that the role of Speaker has changed and will change even more in the future, as acknowledged by the development of manifestos from candidates in the last election. These factors together lead us to recommend that a review be carried out in the next Parliament of all these issues with a view to establishing whether radical change is needed for implementation at the opening of the Parliament after that.

78. For now, we recommend that this House be given an opportunity to decide between the options of retaining the current procedure for re-electing a former Speaker at the start of a new Parliament or of adopting a secret ballot for deciding this question, rather than a division.

Process for re-electing the Deputy Speakers

79. We have considered whether the same considerations as set out above should apply to the Deputy Speakers, that is, whether incumbents wishing to stand again should be subject to a different form of re-election. We have concluded that there are political differences in the need to recognise the party balance in the House and in the fact that the Deputy Speakers stand in the General Election as party candidates, that make their position qualitatively different, and **we therefore recommend that the elections for Deputy Speaker should be held afresh at the start of each Parliament, regardless of whether candidates have previously held the posts.** This may often result in the previous incumbent being re-elected, particularly in a time of rapid change where experience and demonstrable impartiality would be greatly valued.

Impact of change of Speaker upon the Deputy Speakers

80. It has traditionally been the case that the Deputy Speakers have remained in office regardless of the change in a Speaker. We believe that the move to election makes this tradition even more important by giving the Deputy Speakers their own mandate. It could be argued that where a Speaker of a different party to the previous holder of the office is elected, as in June 2009, then the Deputy Speakers should also change in order to restore the party balance. This is the other side of the coin to the question of whether the Deputy Speakers should change if the composition of the House changed and in line with our earlier recommendation, we believe that this would be both unfair on the incumbents and unwise for the House in terms of ensuring stability, experience and impartiality. We therefore agree with our predecessors in 2002 who argued against such a change. **The term of office of the Deputy Speakers should run independently of that of the Speaker and a change in the Speaker should not in itself necessitate a change in the Deputy Speakers.**

81. There are of course circumstances in which the outcome of an election for the speakership may affect the Deputy Speakers. It has often been the case that the Speaker has been elected from among the Deputy Speakers. If this were to happen under the new rules, a by-election would have to be held for the vacancy. A question may then arise

whether this should lead to a rebalancing of the team. For example, if the Chairman of Ways and Means (an opposition Member) takes the place of a Speaker previously drawn from the Government benches, how should the vacancy be filled? There would evidently need to be a by-election for a Government party member but should the winner take up the post of Chairman of Ways and Means or should the existing First Deputy Chairman as the senior Government member take up that post, with the Second Deputy Chairman (opposition) becoming First Deputy and the newly elected Member taking up the Second Deputy Chairman slot? Different permutations would also apply if the Second Deputy Chairman won the Speakership and the Chairman of Ways and Means could find him or herself facing a demotion to the First Deputy post in order to accommodate either the move of the previous First Deputy to the Chairman's position or the appointment of a brand new Chairman. The election of the First Deputy Chairman as Speaker would cause no such problems and would result in a simple by-election.

82. We do not believe that it is right to demote an elected postholder in such circumstances. Although the possibility of additional responsibilities in the future might make the Chairman of Ways and Means a more coveted post and one of more significance to the Government, we would argue that the same factors make continuity and independence all the more important to that post. The House has historically managed in periods where the classic pattern of parties holding alternate posts has failed as a result of the election of a new Speaker, most recently between June 2009 and now. We see no reason for a change now which would make the Deputy Speakers posts more explicitly political and we have received support for this view from at least some of those with whom we have had discussions. **We recommend that where the balance on the panel is altered by the election of a Speaker from the opposite side of the House to his predecessor and a by-election amongst the Deputy Speakers is necessary, the election be held amongst candidates of the relevant party to restore the party balance but that there be no redistribution of posts amongst the Deputy Speakers. As we have stated earlier, where the party balance is altered but there is no vacancy, as was the case in 2009, no by-election is called for.**

83. We have considered also the circumstances where a change in the gender of the Speakership affects the balance on the panel, for example where a retiring female Speaker is replaced by a man with an all-male team of Deputies. In keeping with our recommendation above, we do not believe that this should lead to an automatic by-election where there is no vacancy. Where there is a vacancy, we believe that party balance must be the priority and that it may be unduly restrictive to determine that the post must be filled by a candidate who matched both criteria (for example, only opposition party women or only government-side men), although we hope that Members would bear the desirability of gender variation in mind in encouraging candidates and casting votes. The proper gender spread would be restored at the next full election at the start of the Parliament.

Term limits

84. In our interim report we raised the question of whether term limits should apply to the Speaker and Deputy Speakers. At present, there are conventions for how long a Speaker should occupy the Chair but there is no explicit time limit set out in Standing

Orders or otherwise agreed by the House. By contrast, Standing Order No. 122A provides that a Member is no longer eligible to be elected as chair of a select committee if he has already served as chair of that committee for two Parliaments or a continuous period of eight years whichever is the longer.

85. The Speaker himself has expressed support for term limits and we have had serious discussions with all parties on the issue. On balance, we have concluded that, although there are advantages to the House in terms of circulation, we do not support the imposition of term limits at this time. We consider that where candidates are elected to posts, and then subject to re-election or at least confirmation at the start of each Parliament, with a secret ballot either occurring or being available where there is dissent, it would be inconsistent to subject them also to term limits. The situation differs from select committees as presently arranged where the committee meets to elect its chairman knowing which candidate it is expected to choose. If the House moves to a series of elections for select committee chairmen as well, then there may well be an argument that the Standing Order on term limits for such posts becomes redundant. Subject to what the House decides with respect to the procedure for the re-election of the Speaker, we believe that this is something that the Committee should return to in the next Parliament.

Timetable of elections at the start of a new Parliament

86. The election of the Speaker, by re-affirmation or a full election, is the first business of the House of Commons at the start of a new Parliament. The House then sits for several days for the swearing-in of Members before the Queen's Speech and business gets underway. **Under our proposed arrangements, the day of the Queen's Speech would be the first opportunity for the Speaker to announce to the House the arrangements for the election of the Deputy Speakers. We believe that this would be in keeping with the significance of the posts and recommend that this be done.** Although it is possible that some Members may not have taken the oath at this early stage of a Parliament, the numbers involved are likely to be few and mainly those who for whatever reason will not be present to participate in the ballot anyway.

87. The Speaker cannot be expected to sit alone in the Chair throughout the period of the election of the Deputy Speakers. One advantage of the current system is that candidates can be appointed swiftly after the election of the Speaker at the start of a new Parliament to ensure that there is a full rota of occupants of the Chair from the first day of parliamentary business. It is unlikely that an election process could deliver a result so quickly, especially if time is allowed for unsuccessful nominees for the Speakership to organise their candidature for the Deputy posts. Provision therefore needs to be made for this period. The obvious solution is to draw upon the experience of outgoing Deputy Speakers, where present, and senior Members from the Chairmen's Panel acting as temporary Deputy Speakers. We recognise that these Members may also wish to stand for the election themselves. In that case, we believe that they should privately notify the Speaker of their intention so that they are not appointed as temporary Deputy Speakers for this purpose, although we note that no objection has ever been made to Deputy Speakers standing as candidates for the Speakership on the ground that their opportunity to prove their ability in the Chair has given them an unfair advantage over other

candidates. Standing Orders would need to make clear that the temporary Deputy Speakers have the same powers as Deputy Speakers during this short period.

88. We recommend that where they are still Members of the House after an Election, the outgoing Deputy Speakers should take the Chair for the duration of the contest to elect permanent Deputy Speakers after a General Election. Where necessary, the three longest serving members of the Chairmen's Panel in the last Parliament who have been returned to the House should be given temporary powers as Deputy Speakers to fill any gaps in the rota. Due to the short timescale involved, we do not envisage these temporary Deputy Speakers receiving any extra remuneration for their work.

89. The Wright Committee has recommended that the chairs of certain select committees be elected by the whole House. If approved, we anticipate that this would lead to a timetable for the period immediately after the start of a new Parliament as follows:

Day the House meets: Election of the Speaker
 Day of the Queen's Speech: announcement of arrangements for election of Deputy Speakers
 Day 3 of Queen's speech: election of Deputy Speakers
 One week after the Queen's speech: notification and approval by House of the division of chairs of select committees between the parties
 Two weeks later: election of chairs of select committees

We believe that this timetable would be a clear signal that the House of Commons is committed to reform and the greater control of its own business by Members by ensuring that the start of a new Parliament is marked by a series of open elections for all the most important House posts. It allows time for reflection upon the various candidates without risking drift in the House or a sense that business is waiting while the Commons is pre-occupied with its own internal matters instead of the needs of the country. We are aware that time is short before the start of the next Parliament but we believe that the House should now agree to the election of the Deputy Speakers as a sign of progress in the right direction of reform.

90. We invite the House to accept our recommendations in order that the necessary arrangements might be made by the House authorities to ensure that the Speaker and Deputy Speaker elections of 2010 are as successful as the election held in 2009.

Conclusions and recommendations

Election of the Speaker

Nominations

1. We recommend that the Standing Order be changed to allow the names of sponsors in future contests to be published. (Paragraph 15)

2. In making the above recommendation, we stress that we do not believe that the names of any sponsors in the June 2009 election which candidates have not consented to release should be published retrospectively since to do so would go against the decision of the House in 2001 and be contrary to natural justice in regard of the basis on which sponsors lent their support. (Paragraph 16)
3. We recommend that the minimum number of sponsors required be increased from 12 to 15 and that this number should be the maximum permitted. (Paragraph 17)

Hustings

4. We welcome the part played by outside organisations such as the Hansard Society in organising hustings for the election of the Speaker and believe that this is a role best filled by these bodies, rather than by the House itself. (Paragraph 19)
5. One exception to that rule is the position when electing a Speaker at short notice or indeed immediately after a General Election. In such circumstances, the need to elect a Speaker before the House can proceed to other business makes the time available for hustings and campaigning, or indeed gathering nominations, very tight. We consider that at such times Members and others should accept that the formal address to the House is the only appropriate time and place for each candidate to make his or her pitch for support. (Paragraph 20)

Timing of candidates' speeches

6. We recommend that the notification process followed, and the guidelines adopted, in June 2009 with regard to order and length of speeches be used as the pattern in future. We see no reason why this information should be secret, and we recommend the publication by the House of the guidance to candidates. (Paragraph 23)

Voting procedure

7. We conclude that the use of a secret ballot has been a success and that the House's decision in 2001 should be maintained in all future elections. (Paragraph 24)
8. We conclude that neither the names of those participating in each round of voting nor those voting for each candidate should be published either in future contests or for 2009. (Paragraph 25)
9. As with the FoI request for the 2009 list of sponsors, we consider that it would be wholly unacceptable to release the names of those who participated in 2009 since those voting did so in the belief that their names would not be revealed. (Paragraph 26)
10. The current electoral system remains the best option for the purpose of electing the Speaker. (Paragraph 27)

Practicalities

11. We recommend that Standing Order No. 1B be amended to allow 20 minutes, rather than 30 minutes, for voting in each round. (Paragraph 28)
12. We can see no reason why prayers should not be read in the usual way. This would enable the sitting to open with a due sense of decorum and would also enable prayer cards to be used to allow Members to reserve places. We recommend that this be done in future. (Paragraph 31)

Election of the Speaker: Conclusion

13. We are satisfied that the system devised by our predecessors has withstood its first test in enabling the House to reach a decision in a fair and transparent way and that the procedure will continue to enjoy the confidence of Members. We are sure that the House will welcome this conclusion. Whilst it is right to reflect on experience, we believe that procedures adopted by the House, especially for such a serious purpose, should not be altered lightly and there is great benefit in continuity and consistency. (Paragraph 32)
14. It is clear from the smooth running of events on the day that a great deal of work had been put into preparing for these elections behind the scenes, and we congratulate all those involved on their success in foreseeing and forestalling difficulties. (Paragraph 33)

Election of the Deputy Speakers

Principles

15. The existing convention of drawing the four occupants of the Chair equally from the Government and opposition sides of the House should be maintained. (Paragraph 36)
16. Where the Government side holds the Speakership, then the Deputy Speakerships are divided: opposition/Government/opposition. Likewise, where the Speaker is drawn from the opposition, the pattern is Government/opposition/Government. (Paragraph 36)
17. We consider that the party balance should be defined for the purpose of electing the Deputy Speakers as two Members from the Government side of the House and two from the opposition across the panel of Speaker and Deputies, regardless of the exact party proportions in the House. Opposition should be defined as not belonging to the governing party, thus including independents and all other parties. (Paragraph 37)

The case for a fourth Deputy Speaker

18. We recommend that our successor Committee in the next Parliament address the question of the role of the Deputy Speakers and how it has changed in the light of

what emerges from the proposals for reform and whether an additional post is then required as a result. (Paragraph 43)

Gender weighting

19. We recommend that the rules for the election of the Deputy Speakers stipulate that at least one man and at least one woman be elected to the team formed by the Speaker and Deputy Speakers. (Paragraph 44)

Nomination procedures

20. We recommend that there be a minimum number of sponsors required and that only that number be published, regardless of the level of support beyond that threshold. We consider that an appropriate rule would be that a candidate's nomination should be supported by a minimum of six and a maximum of ten Members of the House. Members should be able to sign no more than three nomination papers, reflecting the number of posts to be filled, and the names of the sponsors should be published. (Paragraph 47)
21. We recommend that each candidate be permitted to submit along with their nomination form a brief statement of no more than 500 words which could be incorporated into a single booklet, accompanied by their photographs, and made available to Members from the Vote Office. (Paragraph 57)

Hustings

22. Although candidates for the post of Deputy Speaker may wish to circulate or publish their CVs, there is no place for candidates for these posts to issue manifestos or to be questioned upon what they would do if elected. We would strongly deprecate any attempt by outside organisations to encourage candidates to participate in hustings or to set out their stalls in this way. (Paragraph 48)

Electoral system

23. We recommend that the House adopt STV for the purposes of electing the Deputy Speakers, with constraints that of those elected two candidates must come from the opposite side of the House to that from which the Speaker was drawn and one from the same side, and that at least one man and at least one woman must be elected across the four posts of Speaker and Deputy Speaker combined. (Paragraph 54)

Procedure

24. There may be questions about the propriety of the ballot taking Members away from the Chamber during certain business. To resolve this, and in the interests of devising a system which will withstand different scenarios, we recommend that the Speaker be given power to name the date of the election of the Deputy Speakers and the time of the ballot. (Paragraph 56)

25. A minimum of two days should be sufficient between the notification that there will be an election and the ballot itself. (Paragraph 49)
26. Our recommended timetable is that each candidate hand their nomination paper to the Clerk of the House in the Table Office between 10.00 am and 5.00pm on the day before that nominated by the Speaker for the election. (Paragraph 58)
27. A list should be made available in the Vote Office, on the internet and emailed to all Members as soon as possible after the deadline of all those candidates with valid nominations. (Paragraph 58)
28. We recommend that the ballot be opened at 11am and closed at 12pm, subject to the power of the Speaker to alter these timings in accordance with the business on the Floor. Voting should take place in a room appointed by the Speaker, supervised by clerks. The ballots will then be counted and the result announced by the Speaker on the Floor. Similar arrangements to those made for proxy voting in the election for the Speakership should be allowed to enable voting by Members who are present in the House but not physically able to access the voting room. (Paragraph 59)
29. We recommend that the Standing Orders governing the election of the Deputy Speakers provide for the Speaker to declare the result of the ballot and direct that an entry be made in the Journal that the successful candidates have been duly elected. The Chairman and Deputies should then take up office the following day. (Paragraph 60)

By-elections

30. Where a vacancy exists for Chairman of Ways and Means and one of the Deputies is eligible for the post, we believe that the rules should enable the Deputies to stand in the by-election without losing their current position. If that Deputy were successful, the next best placed candidate in the ballot who fulfilled the necessary criteria would fill the vacancy thus created by the Deputy. (Paragraph 61)

Timing of elections

31. We recommend that the Deputy Speakers be elected at the beginning of a Parliament to serve for the duration of that Parliament. This will also serve as an important opportunity to redress the party balance on the panel which may have been affected by a change in Speaker during the last Parliament. (Paragraph 64)

Re-election of the Speaker after a General Election

32. We recognise that the circumstances at the start of the forthcoming Parliament, with the current Speaker having been elected less than a year earlier, make it inadvisable to suggest radical change at this time. We also believe that the role of Speaker has changed and will change even more in the future, as acknowledged by the development of manifestos from candidates in the last election. These factors together lead us to recommend that a review be carried out in the next Parliament of

all these issues with a view to establishing whether radical change is needed for implementation at the opening of the Parliament after that. (Paragraph 77)

33. For now, we recommend that this House be given an opportunity to decide between the options of retaining the current procedure for re-electing a former Speaker at the start of a new Parliament or of adopting a secret ballot for deciding this question, rather than a division. (Paragraph 78)

Re-election of the Deputy Speaker after a General Election

34. We recommend that the elections for Deputy Speaker should be held afresh at the start of each Parliament, regardless of whether candidates have previously held the posts (Paragraph 79)

Impact of change of Speaker upon the Deputy Speakers

35. The term of office of the Deputy Speakers should run independently of that of the Speaker and a change in the Speaker should not in itself necessitate a change in the Deputy Speakers. (Paragraph 80)
36. We recommend that where the balance on the panel is altered by the election of a Speaker from the opposite side of the House to his predecessor and a by-election amongst the Deputy Speakers is necessary, the election be held amongst candidates of the relevant party to restore the party balance but that there be no redistribution of posts amongst the Deputy Speakers. As we have stated earlier, where the party balance is altered but there is no vacancy, as was the case in 2009, no by-election is called for. (Paragraph 82)

Timetable of elections at the start of a new Parliament

37. Under our proposed arrangements, the day of the Queen's Speech would be the first opportunity for the Speaker to announce to the House the arrangements for the election of the Deputy Speakers. We believe that this would be in keeping with the significance of the posts and recommend that this be done. (Paragraph 86)
38. We recommend that where they are still Members of the House after an Election, the outgoing Deputy Speakers should take the Chair for the duration of the contest to elect permanent Deputy Speakers after a General Election. Where necessary, the three longest serving members of the Chairmen's Panel in the last Parliament who have been returned to the House should be given temporary powers as Deputy Speakers to fill any gaps in the rota. Due to the short timescale involved, we do not envisage these temporary Deputy Speakers receiving any extra remuneration for their work. (Paragraph 88)

Conclusion

39. We invite the House to accept our recommendations in order that the necessary arrangements might be made by the House authorities to ensure that the Speaker

and Deputy Speaker elections of 2010 are as successful as the election held in 2009.
(Paragraph 90)

Formal Minutes

Wednesday 27 January 2010

Members present:

Mr Greg Knight, in the Chair

Mr Ian Cawsey	John Hemming
Mr Christopher Chope	Mrs Siân C James
Ms Katy Clark	Mrs Linda Riordan
Mr Mark Field	Sir Robert Smith
Mr Roger Gale	Sir Peter Soulsby

Draft Report (Election of the Speaker and of the Deputy Speakers), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 53 read and agreed to.

Paragraph 54 read, as follows:

"In keeping with the principle that the electoral system should be swift and efficient, we narrowed this down to two options, both of which involve Members marking their ballot papers only once, allowing the counting system to take care of the result. These were: multi-X voting and STV. Following further discussion with the Electoral Reform Services on how these systems would work in practice, we conclude that both would serve our purposes but that STV has unique advantages in that it would ensure that no votes are wasted; that all successful candidates have a significant level of support; and that it is less likely to result in a lower placed candidates taking a post with far fewer votes than several candidates with a higher shares of the vote. We are also advised that STV would make it far more difficult for the system to be manipulated by majority parties in order to thwart the opposition in its choice of candidates. **We recommend that the House adopt STV for the purposes of electing the Deputy Speakers, with constraints that of those elected two candidates must come from the opposite side of the House to that from which the Speaker was drawn and one from the same side, and that at least one man and at least one woman must be elected across the four posts of Speaker and Deputy Speaker combined.**"

Amendment proposed, in line 5, to leave out from "purposes" to end of the paragraph and insert "**We recommend that the House should be given a choice between these two options.**"—(*Mr Christopher Chope*.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3	Noes, 3
Mr Christopher Chope	John Hemming
Mr Mark Field	Sir Robert Smith
Mr Roger Gale	Sir Peter Soulsby

Whereupon, the Chairman declared himself with the Noes.

Paragraph 54 agreed to.

Paragraphs 55 to 90 agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Written evidence was ordered to be reported to the House for printing with the Report.

[Adjourned till Wednesday 3 February at 2.30 pm

List of written evidence

1	John Hemming MP	Ev 1
2	Sir George Young MP	Ev 1
3	Sir Patrick Cormack FSA MP	Ev 2
4	The Opposition Studies Forum	Ev 2
5	Robert Rogers, Clerk Assistant	Ev 3
6	Dr Iain McLean and Dr Scott Moser, Oxford University	Ev 5: Ev 7

Reports from the Procedure Committee since 2005

The following reports have been published during this Parliament:

Session 2009-10

First Special Report	Written Parliamentary Questions: Government Response to the Committee's Third Report of Session 2008–09	HC 129
First Report	Election of the Speaker and of the Deputy Speakers	HC 341

Session 2008–09

First Report	Interleaving of Bills and Explanatory Notes	HC 377
Second Report	e-Petitions: Call for Government action	HC 493
Third Report	Written Parliamentary Questions	HC 859
First Special Report	e-Petitions: Call for Government Action: Government Response to the Committee's Second Report of Session 2008–09	HC 952
Fourth Report	Election of the Deputy Speakers: Principles	HC 1080
Fifth Report	Tabling of amendments by select committees	HC 1104

Session 2007–08

First Report	e-Petitions	HC 136
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Session 2006–07

First Report	Public Petitions and Early Day Motions	HC 513
Second Report	Corrections to the Official Report	HC 541

Session 2005–06

First Report	Legislative and Regulatory Reform Bill	HC 894
Second Report	Application of the <i>sub judice</i> rule to proceedings in coroners' courts	HC 714

Written evidence

Memorandum submitted by John Hemming MP (P 77, 2008–09)

The present arrangements for electing Deputy Speakers are unsatisfactory in several respects.

- (1) The motion to appoint them appears without notice for immediate decision in the first week of a new Parliament, with no real chance of amendment.
- (2) There is no process of consultation beyond the two front benches, and no opportunity for a range of candidates to be considered.
- (3) There is a need to appoint quickly, as the Speaker cannot be expected to operate without Deputies after the first two days of a new Parliament, but an election of deputies could take place on the day after the Speaker is elected.
- (4) The Liberal Democrats and the minority parties have not had a Deputy Speaker since the 1960s, and this means that a substantial element within the House plays no part in the management of debates and the choice of speakers. Present and proposed arrangements seem likely to maintain this unjustified exclusion.

Arrangements for election by the House have been suggested by Mr Speaker. There are a number of issues to be considered before implementing such a proposal.

Should election be by the whole House (as the election of Speaker is), or by the party from whom it is proposed that the Deputy should be drawn? The first could allow the majority party to make the choice between candidates of an opposition party. The second could be said to treat the Deputy Speaker as a party rather than a House figure, and is not on the same basis as the election of Speaker. The proposed system of election also presumes that there is a fixed allocation of Deputy Speakers to particular parties, and if there is such an allocation, there should be a place for Liberal Democrats, just as there is in the allocation of Select Committee Chairs. Most other democratic Parliaments ensure that there are Deputy Speakers from each of the significantly represented parties.

As a matter of history, Robin Cook, when Leader of the House, promised that Liberal Democrats would have a Deputy Speaker, through the creation of a fourth deputy, but he failed in the attempt to do this. There is an adequate case for a Liberal Democrat Deputy Speaker with the present numbers, and it should not be made conditional on creating a fourth deputy. Creating a fourth deputy could, however, be more justifiable if the team of Deputies were given wider responsibilities, such as chairing the proposed Business Committee, becoming more involved in the resulting process of ensuring that all parts of a bill can be debated, and deputising for the Speaker in more of his duties so as to enable him to do more of the external representation of the House which the present Speaker regards as important and necessary.

August 2009

Memorandum submitted by Sir George Young MP (P 78, 2008–09)

ELECTION OF DEPUTY SPEAKER

Thank you for the invitation to give evidence.

I think the new procedures worked well, and make the following comments.

The time allowed for divisions seemed excessive, given the time it took to vote and the fact that members are used to voting within eight minutes of a vote being called.

Speaking from memory, the previous report from the Procedure Committee was cautious about “hustings.” As all the candidates attended at least two, I believe these are now here to stay and should be accepted as part of the process.

The current rules which say that the names of sponsors should not be published might be revisited. When asked to reveal the names, all candidates agreed subject to the sponsors agreeing—which the vast majority did.

There was no formal guidance on the length of the speeches; the informal guidance was to speak for about seven minutes (again speaking from memory) and this might usefully be published.

An informal rule appeared from nowhere, allowing prayer cards for the candidates but no one else. (Two were put in for supporters to sit next to me, but they were removed.) Why can't everyone put in a prayer card for the debate?

July 2009

Memorandum submitted by Sir Patrick Cormack FSA MP (P 79, 2008–09)

ELECTION OF SPEAKER AND DEPUTY SPEAKERS

I would just like to make some brief remarks for consideration by the Committee.

As far as the election of Speaker is concerned I believe that there is a case for voting in future to be by order of preference, so that Members list their first, second and third preferences when they vote. There may indeed be a case for listing their first six by order of preference, depending, of course, on the number of candidates.

I also think that there should probably be a requirement for a candidate's nomination papers being signed by a minimum of twenty colleagues, and there should be a stipulation that at least half of those should come from the candidate's own party.

As far as the election of Deputy Speakers is concerned, the current Deputy Speakers were, under present rules, elected to serve for the whole of this Parliament, and I believe that they should remain in office until the Dissolution of Parliament. If the Committee decides to recommend the Deputy Speakers be elected differently in future, then they should be elected on a party basis so that only Government Members vote for the candidate, or candidates, from the Government side, and only Opposition vote for the other candidate or candidates.

I should be grateful if these views could be taken into account.

August 2009

Memorandum submitted by The Opposition Studies Forum (P 80, 2008–09)

ABOUT US

The Opposition Studies Forum is a new research group, dedicated to political opposition in the UK and other democratic political systems. We have been founded to counter the notable imbalance between the study of government—which is a well-established area of research—and the study of opposition, which is most certainly not.

As a forum for debate and dissemination of research, we hold no corporate view of specific political issues, other than the wish to promote a greater focus on how opposition works, and to seek proposals which will strengthen it. The views and suggestions in this short submission are those of the Director of the Forum, as someone with an interest in this area of study.

ELECTION OF THE SPEAKER

One of the significant issues to arise in the recent election to the Speakership was the level of cross-party support for a successful candidate for Speaker. It is clearly vital that the Speaker should command the confidence and support of the whole House, across the parties. The giving up of party affiliation on taking office is not just a quaint tradition, but a necessary requirement for doing the job properly.

It is important because the Speaker is the defender of the rights of Parliament against the executive. He or she is therefore also an essential defender of the rights of the Opposition. In this context, "Opposition" can be interpreted either as the Official Opposition, or the various opposition parties as a whole, or the House as a whole (including Government backbenchers) when the Government is defeated in a vote. As the person who not only chairs debates, but also decides on matters such as whether to allow Urgent Questions, the Speaker has great influence on the way Parliamentary opposition functions.

So, the Speaker should command the confidence of the opposition. Under the current system, the fact that the Speaker is elected on the same basis as a Bill or motion is passed—an overall majority of votes cast by Members—is a problem. By definition, the Government of the day commands the confidence of the House, through commanding a majority in the House. It can therefore, theoretically, insist on its choice of Speaker. In the past, as Margaret Beckett pointed out during the most recent election for the Speakership, the Member chosen normally came from the Government benches, and was customarily unopposed. The implicit assumption was that it was the Government's approval that was decisive in the choice.

In looking at the current election system for the Speaker, the Committee must address this conundrum—the normal basis for deciding matters before the House is not sufficient to satisfy the test of ensuring cross-party support for the person elected Speaker. This point was certainly made during the most recent election, when several members of the opposition parties openly criticised the basis on which the successful candidate was elected.

This raises several possibilities for reform which should be considered:

- Should there be a higher number of Members' signatures required to nominate a candidate to be eligible to stand in the election for Speaker, and a correspondingly higher number of Members' signatures required from each party?

- Should there be a higher overall threshold required for a candidate to win the vote for Speaker? It is not unknown in some voting systems for a higher threshold to apply for important questions, and it is a familiar concept in parliaments considering constitutional issues, and in referenda. Could it be a workable model for electing an individual?
- Should there be a system requiring the winner to secure a majority of votes in each party grouping in the House, in some kind of electoral college?

All such systems, whilst they would perhaps ensure the election process provided a broad basis of support, also set the bar very high. There is the danger of no candidate reaching the required levels of support, leaving the House without a Speaker and the election process looking chaotic. This will understandably be a concern to the committee, but should not prevent consideration of whether a workable system could be devised to address the issue highlighted above.

ELECTION OF THE DEPUTY SPEAKERS

This paper presents no substantive suggestions on the election process for the Deputy Speakers, but many of the issues raised above in relation to the election of Speaker also apply. The proposal by Mr Speaker that these positions should be allocated in a politically balanced way is on the face of it a good one, and it is certainly easier to justify this being made an absolute requirement when there are three posts to be filled. However, there is a big difference between insisting that a candidate must have a particular level of support from each party and specifying that a candidate must actually be drawn from a specific party.

September 2009

Memorandum submitted by Robert Rogers, Clerk Assistant (P 83, 2008–09)

ELECTION OF THE SPEAKER, 22 JUNE 2009

Before the day

1. The procedure foreseen in the Standing Order and in the Procedure Committee Report of 2001 worked well. Any gaps in the procedure that we identified were filled by extrapolation from existing procedures. For example, no proxy voting was allowed but an equivalent of “nodding through” was made possible by means of Table Clerks delivering ballot papers to any incapacitated Member on the precincts. This procedure was used on the day by one Member.

2. We attempted to make the layout of the lobbies as easy to use as possible, incorporating features familiar to Members from divisions, deferred divisions and elections.

3. Members were briefed by notes from the Clerk of the House and memoranda in the Order Paper. The Whips offices were also kept in touch with the arrangements for the day as a further source of information for Members.

4. All 10 candidates nominations forms were completed and tabled well before the deadline on the morning of the ballot. No Member signed more than one form.

5. There is no rule on the length of candidates speeches. At the request of the Member presiding, advice was sent to the known candidates shortly before the day of the election. This was based on experience of previous Speakership elections, in which speeches had been between four and 10 minutes, with an average of six minutes. It was suggested that a similar length on this occasion might be appropriate. Most Members followed that advice. Six to seven minutes seemed about right especially with 10 candidates.

On the day

6. The ballot for order of speaking—drawn by the Member presiding and witnessed by the Clerk and Clerk Assistant—was conducted on the morning of the election. Candidates were told their own position by telephone before the full list was published at noon.

7. No questions were raised by Members about the integrity of the procedure (vetted in advance by Electoral Reform Services) or its fairness.

Timings

8. The Appendix lists the actual timings on the day. We had expected the time needed from the beginning of one round of the ballot to the opening of the next to be two hours. In the event the time between the opening of the first two was 1 hour 57 minutes, but the time between the opening of the second and the third ballots was 1 hour 42 minutes.

9. It would be possible to reduce the time taken in each round by amending the Standing Order to provide for the ballot to be open each time for 20 minutes instead of 30 minutes. This would still give plenty of time for Members to vote.

10. Counting could be speeded up slightly by using a larger room (such as Committee Room 16). This would enable more people to be involved in counting, give them more room to work, and allow observers to watch from behind the bar of the Committee Room.

11. Without other changes, the *minimum* time per round (between one ballot and the next opening) would be 1 hour 25 minutes. This would assume no more than 25 minutes to count the ballots, which may be difficult to achieve in an early ballot with a lot of candidates:

	<i>Minutes</i>
Ballot open	20
Boxes taken to be counted	5
Count	25
Result taken to Member presiding	5
Summon House	10
Time for candidates to notify withdrawal	10
Printing of new ballot papers	7
Ballot papers distributed to lobbies	3
Total	85

Results

12. In order to help ensure that the House was the first to know, candidates were not told the results before the Member presiding announced them.

13. Members needed the alert of the division bells to return to the House for the first set of results; the Annunciator notification was not enough, so we rang the division bells earlier for the subsequent ballots.

Observers

14. All Members were participants, it was a secret ballot and there were no “scrutineers” or agents appointed, so Members were not actively encouraged to observe the count. There was also very little space in the Public Bill Office conference room used on this occasion. One Member did choose to observe the first count. Use of Committee Room 16 would allow Members to observe without risk of compromising the speed of the count and secrecy.

Other

15. Certain Members put unofficial miscellaneous papers (giving names of some of the nominating Members) in the lobbies during the first ballot. These were removed on the authority of the Member presiding after the first ballot closed, and on this basis such unofficial papers would not be allowed in the lobbies on a future occasion.

16. Broadcasting arrangements for formalities and periods of waiting and suspension were based on existing practice. For periods where the Member presiding was in the chair but nothing was being said (waiting times), the “wide shot” of the Chamber was broadcast with atmospheric sound (as is done with divisions). For periods of suspension, the Chamber clock was shown until one minute before the House resuming, when the wide shot was shown. Because there were no Prayers, coverage of the wide shot began at 2.29 pm to show the Serjeant entering with the Mace in order to allow broadcasters to be ready for proceedings to begin straight away at 2.30 pm.

17. All information and press officers in the House were fully briefed about the procedure, and the sources of information to the press and public were co-ordinated. Unusually, a press briefing on the procedure and mechanics of the election was held the week before the election. The Clerk of Divisions (in operational charge) gave the briefing, which I chaired in my previous role as Clerk of Legislation. The briefing was well attended, and the feedback was excellent—the media clearly found it helpful.

18. The Parliamentary Estates Directorate constructed the ballot booths, and provided signs etc in both lobbies. Staff from the Department of Chamber and Committee services (Clerks, Serjeants, Doorkeepers) ran the ballot itself. Overall it was an excellent co-operative operation.

October 2009

APPENDIX

Speaker's Election—Timings, 22 June 2009

House sat	2.30
Speeches by candidates began	2.31
1st ballot open	3.39
1st ballot result	5.07
Candidates confirmed for 2nd ballot	5.19
2nd ballot open	5.36
2nd ballot result	6.55
Candidates confirmed for 3rd ballot	7.06
3rd ballot open	7.18
3rd ballot result	8.30

Notes

- Confirmation of candidates was followed by an order to the Deliverer of the Vote to print the 700 ballot forms. It took about seven minutes from receipt of copy to being ready for distribution. The ballot forms were then taken to lobbies.
- The fastest turnaround was on the final ballot: 12 minutes from announcement of candidates to the next ballot opening.
- The ballot was open for 30 minutes in 1st and 2nd ballots; open for 20 minutes in 3rd (decision of Member presiding).
- It took about five minutes from the close of a ballot to escort the boxes upstairs and to unseal them ready for counting.
- In each ballot all the papers were counted, then sorted according to vote, then counted and counted again (by a different person in each case). There was a parallel check on how many ballots had been issued derived from the lists of Members participating.
- 10 minutes is needed after a result is obtained to summon the House to hear the result.
- The final ballot result was known at about 8.10 but more time was given to the House on this occasion to assemble and a convenient “clockface” time of 8.30 pm was decided on by the Member presiding. In the final ballot the two candidates and front benches were warned of the time of the announcement of the result but not of the result itself.

**Memorandum submitted by Professor Iain McLean and Dr Scott Moser, Nuffield College, Oxford
University (P 6, 2009–10)**

INTRODUCTION

1. We have prepared this note for the Procedure Committee in the hope that it will clarify issues for our discussion with the Committee on 25 November 2009.
2. The note aims to help the Committee to advise the House on the next steps to follow the Committee's Fourth Report of Session 2008–09, HC 1080.
3. We therefore assume that the following points are already agreed on the lines set out in HC 1080:
 - (a) the three Deputies are elected by the House at the start of each Parliament for the duration of that Parliament;
 - (b) the team of four (Speaker and three Deputies) comprises two Government and two Opposition members;
 - (c) the three Deputies are chosen in a single ballot of the whole House, rather than Government and Opposition sides first choosing their own nominees.
4. HC 1080 invites the House to “endorse the preparation by the Procedure Committee of detailed proposals for the House to consider in time to enable elections to be held at the start of the new Parliament”.
5. Those detailed proposals will need to consider:
 - (a) provision for by-elections during the life of a Parliament;
 - (b) how “government” and “opposition” are to be interpreted, especially in the case of a hung Parliament;
 - (c) how or whether to secure gender balance;
 - (d) methods of election.

By-elections

6. We assume that, as outlined in HC 1080, the three Deputies are elected at the start of a Parliament and serve for the duration of that Parliament. The Speaker, however, must presumably resume office after a dissolution and General Election so as to oversee the election of Deputies at the start of the new Parliament.

7. Does the Committee wish to cover the case(s) of a Speaker either retiring at the end of a Parliament or failing to gain re-election? In those cases the election of a new Speaker must presumably precede that of the three deputies.

8. Whether continuing or new, the Speaker's former party affiliation is known when the election of Deputies starts. Therefore if the Speaker's former party is on the Government side in the new Parliament, the team of Deputies must comprise one Government and two Opposition members; if the Speaker's former party is on the Opposition side in the new Parliament, the team of Deputies must comprise two Government and one Opposition members.

9. If a "by-election" for a Deputy is needed during a Parliament, the rules should specify that the new Deputy, although chosen by the whole House, must come from the same side of the House as the person s/he is to replace.

10. If an election of a new Speaker is needed during a parliament, there is the possibility, as indeed occurred in 2009, that the new Speaker is from a different party to his predecessor. However, "there is no precedent for any Deputy to stand down to ensure the restoration of that balance following the election of a new Speaker" (HC 1080, para 11), so we assume that no forced by-election for a Deputy would be required.

Interpretation of "government" and "opposition"

11. If, when a new Parliament convenes, a party holds more than half the seats in the House, the interpretation of "government" party is unproblematic.

12. If not, the Deputies must (we assume) be chosen before the Debate on the Address, at a time when it may not be known for sure which parties will be in government and which in opposition (compare the Parliaments of 1885–86, 1923–24 and February 1974).

13. Another possibility is that the party composition of a government changes during the life of a Parliament. In the Parliament of October 1974, the governing party lost its overall majority in 1976, and thereafter governed in accordance with an understanding (but not a formal coalition) with the Liberal Party.

14. It follows that the definition of "opposition" is not straightforward either. Does "opposition" comprise all Members who are not members of the (possibly minority) governing party? Or is it confined to the Official Opposition? The second interpretation might create a class of Members who were not eligible to be nominated for any of the three Deputy posts.

15. The Committee ought perhaps to consider this set of issues now, because, as it recognises, there is a possibility that the Parliament of 2010 will be "hung".

16. The case of a government party holding a huge majority of seats should also be addressed. After the General Election of 1931, the National Government held 554 of the 615 seats in the Commons: ie, 90.08%. If by "party balance" the Committee has in mind a conception of *proportional* representation of parties, then in a Parliament such as that of 1931, none of the four members of the team would be from the Opposition since the Opposition did not have as many as $\frac{1}{4}$ of the seats. Our intuition, however, is that in such circumstances the House would be if anything more keen than ever to ensure party balance in the team. Therefore, we assume that the "party balance" conception is not based on a notion of proportional representation of the parties.

Gender balance

17. In a Parliament such as the current one, it would be impossible to secure "gender balance" in a proportional sense in a team of four. This is because fewer than $\frac{1}{4}$ of the members of the House are female (currently 126 out of 646, or 19.50%). Therefore the new rules can only secure gender balance in such a House if they impose a quota requirement: eg, that a party's slate of nominees must include at least one candidate of each gender; and that a valid vote must include at least one candidate of each gender.

18. Where parties nominate candidates, it is easy to impose a quota requirement. When the whole House does, it is harder.

19. One possible option is a rule saying that the election of the team cannot proceed until at least one member of each gender has been nominated. This could cause delays, and it would not guarantee the *election* of at least one candidate of each gender.

20. A second rule could stipulate that a vote is invalid unless it ranks at least one candidate of each gender. This still does not guarantee that at least one Member of each gender is elected.

21. It would be possible to introduce a third rule, which would require that, in the event of all three top vote-winners in the election being of the same gender, the lowest-scoring of the three is not elected, but the highest-scoring candidate of the opposite gender who satisfies the party balance rule is elected.

22. The Committee needs to decide how, or whether, to recommend such a rule or rules.

Methods of election

23. Once the House has decided on the matters in previous paragraphs, a detailed rule for election can be specified. The following paragraphs give the outline of such a rule. It is assumed that each candidate is identified as a “government” or an “opposition” member. One member from the same side of the House as the Speaker and two members from the opposite side are to be elected.

24. The more successful of the two Members elected from the side opposite to the Speaker’s then becomes the Chairman of Ways and Means. The remaining two successful candidates become First and Second Deputy Chairmen of Ways and Means in descending order of votes cast for them.

25. One method would be to hold two separate elections, one for the “government” member(s) of the team, and the other for the “opposition” member(s), on the same ballot paper.

26. A drawback of this is that the opportunity, in a House with a single-party majority, for Members on the Government side to elect their favourite Opposition member rather than the Opposition member they consider best able to do the job, becomes more transparent.

27. It might therefore be better to hold a single ranked ballot. Each Member lists the candidates in rank order. The rules could stipulate that a ballot was not valid unless it listed at least the required minimum number of candidates on each side of the House (either one Government and two Opposition, or one Opposition and two Government, as the case might be).

28. The simplest voting rule is the “Borda count”. Each voter goes through the ballot paper, ranking his or her most supported candidate at 1, and so on down to n for the n th and last place. Apart from any rule requiring the voter to rank at least one (or two) candidate from each party group and/or at least one candidate of each gender, there would be no need for a valid ballot to rank every candidate.

29. This would select the three candidates who on average ranked most highly. If that selection failed to select the right proportion of “Government” and “Opposition” Deputy Speakers, the weakest candidate(s) on the over-represented side would be dropped, and the selection would pass to the next most successful candidate(s) on the underrepresented side. The next two sub-paragraphs suggest more complicated rules, which we can speak to.

- (a) An elimination rule which is less manipulable than the Borda rule is: If that selection failed to select the right proportion of “Government” and “Opposition” Deputy Speakers, the candidate(s) on the over-represented side with the smallest tally of first preference votes would be dropped, and their votes transferred as in instant runoff voting). This process continues, eliminating over-represented majority candidates, until the desired party balance is achieved.
- (b) Another possible rule is to give each Member *fewer* votes than there are places to fill. This may sound odd, but we can explain the reasons for it at our session with you. Voters are given two votes, and for a ballot to be valid it must consist of one vote for a Government candidate and one for an Opposition candidate. This could mitigate the majority “sweeping” the elections, but would not guarantee the right party balance, and so might have to be adjusted as suggested at the top of this paragraph.

30. If the House decided that it must have both “party rebalancing” and “gender rebalancing”, it would have to write a more complicated rule stipulating which rebalancing exercise took priority.

31. As these rules would be publicised in advance, Members would know that if they exclusively ranked candidates from one side of the House at the top of their lists, some of their votes were likely to be wasted.

November 2009

Memorandum submitted by Professor Iain McLean and Dr Scott Moser, Nuffield College, Oxford University (P 14, 2009–10)

1. We have prepared this note at the request of the Procedure Committee following our discussion with the Committee on 25 November 2009.

2. The note describes how four electoral systems for the simultaneous election of three members of the Speaker’s team would work: the *Borda system*; the *Exhaustive Ballot system*; the *Single Transferable Vote system*; and the *Approval Voting system*. For each system we discuss how a manual count would work, and whether robust software exists for computer counting.

3. The Centre for Experimental Social Sciences at Nuffield College Oxford (see <http://cess-wb.nuff.ox.ac.uk/>) would be willing to pilot any or all of the systems in its laboratory, which has 25 workstations. A mock election could be run, using either student volunteers from CESS’s panel or parliamentarians, and the results discussed immediately afterwards. CESS could pilot some refinements, which are too detailed to describe in this note.

4. For all systems, we assume that Members would vote on a paper ballot form, and that, where a computer program exists, the data from the ballot papers would be entered manually to the program.

5. For each system, we give the instructions that would be printed on the ballot paper; the principle of the counting method; procedures for manual counting; and (where relevant) procedures for computer counting.

6. In the draft instructions to voters, we include some sentences between square brackets. These would be required if the House decided to adopt those rules in order to maximize the chance that the election produces the required party balance and/or the desired gender balance without the sort of fall-back procedure discussed in our previous note to you.

THE BORDA SYSTEM

7. Instructions on the ballot paper. *Please list the candidates you wish to vote for in order of preference, marking the number 1 against your first preference, 2 against your second preference, and so on. [For your ballot to be valid, you must list at least 1 (2) of the candidates shown on the ballot paper as "Government" candidates, and at least 1 (2) of the candidates shown on the ballot paper as "Opposition" candidates]. [For your ballot paper to be valid, you must list at least one male candidate and at least one female candidate]. [Apart from those requirements] you do not need to list all the candidates. Candidates whom you do not wish to rank will be assumed to rank below all the candidates whom you rank. Tied rankings are not permitted.*

8. Principles of the counting method. The Borda rule selects the three candidates who on average rank highest in the voters' expressed preferences.

9. Procedures for a manual count. List each candidate (say there are N in total) in a column. For a given ballot, give (N-1) points to the first preference candidate, (N-2) points to the second most-preferred candidate, and so on for all candidates where a preference is expressed. Repeat this process for all ballots, keeping a running total of candidates' scores. At least the addition, and perhaps the raw data entry, should be done using Excel or similar.

10. The three candidates with the highest Borda scores are elected.

11. With (say) 600 ballot papers, data entry might require, say, one minute per ballot paper, therefore 10 hours' counting for the full election. Counters would have to work in pairs to check that data entry was correct. For a faster result, there could be more than one pair of counters, each team dealing with a number of ballot papers, and the final results from each team added together at the end.

12. *Procedures for a computer count.* We have written an Excel program to conduct a Borda count with a relatively small number of voters. It is freely available at <https://www.nuffield.ox.ac.uk/General/Members/McLean.aspx>. It could be adapted for the election discussed in this note, but would need further testing and validation with the assistance of the House authorities.

13. The expert body in this area is the de Borda Institute in Belfast, see <http://www.deborda.org/>. It offers a Borda count tool that has been used, eg by the Irish Green Party for internal elections. It also states that the Borda rule is used in parliamentary elections in Slovenia for the election of their Hungarian and Italian minorities.

EXHAUSTIVE BALLOT

14. Instructions on the ballot paper: *Please mark X against [up to] THREE candidates. [For your ballot to be valid, you must list at least 1 (2) of the candidates shown on the ballot paper as "Government" candidates, and at least 1 (2) of the candidates shown on the ballot paper as "Opposition" candidates]. [For your ballot paper to be valid, you must list at least one male candidate and at least one female candidate]*

15. Principles of the counting method. The candidate with the fewest votes is eliminated, and voters ballot again among the remaining candidates as often as required until no more than four remain in contention. In the final ballot the highest-scoring three are selected.

16. The House may wish to impose a threshold, and/or invite any candidate to withdraw after any ballot.

17. Procedures for a manual count. For each count, a list of the candidates in contention is prepared, with an area to the right of that candidate's name (a "cell") for the tallying of votes.. Each ballot is scanned in turn, and an entry made in the cell for each candidate voted for.

18. The House used exhaustive ballot to elect the Speaker in June 2009, and the House authorities will be aware how long that count took. This count would be slower because each ballot paper will have three votes rather than one. With (say) 600 ballot papers, data entry might require, say, 1/2 minute per ballot paper, therefore five hours' counting for the full election. Counters would have to work in pairs to check that data entry was correct. For a faster result, as before there could be more than one pair of counters.

19. Procedures for a computer count. No programming is required. It would be trivial to enter the data on an Excel spreadsheet. This would not save much time compared to all-manual counting, but should give a more reliable result.

SINGLE TRANSFERABLE VOTE

20. Instructions on the ballot paper. Exactly the same as for the Borda rule.
21. Principles of the counting method. Each voter has a single vote, which may be transferred to a lower-ranked candidate if the voter's favourite is *either* elected with more votes than necessary *or* eliminated. A quota is set (for a three-candidate election) at of the votes cast, rounded up to the next whole number. A candidate who achieves one quota is elected.
22. There are supplementary counting rules which need to be known only to the program, although the House authorities would no doubt request independent validation of the algorithm used.
23. Procedures for a manual count. Manual counting, though (just about) practicable, would be strongly discouraged for an STV election with 600-odd ballots cast.
24. Procedures for a computer count. The Electoral Reform Society (ERS) conducts computer counts of STV ballots in numerous public and private elections, including those to local authorities in Scotland. Their program is regarded as reliable and valid, although the House authorities may wish an independent consultant to check the programming and the detailed assumptions made to create the Society's algorithm.
25. The ERS conducts the elections to positions on the Synod of the Church of England, using STV. Like the election of Deputy Speakers, this is an election "subject to a constraint". The final outcome must satisfy a quota (minimum and/or maximum) for each of several constituencies: eg, bishops and lay members. The Church of England implementation could therefore be used for a Deputy Speaker election, again (we would recommend) subject to validation by a consultant of your choice.
26. If an implementation like that used for the Synod were applied to this election, no ballot need be invalidated for failure to nominate enough candidates. The software would automatically reject transfers to candidates from a group all of whose places had already been filled, and pass the transfer on to the next eligible candidate. However, this feature would have to be explained to Members.
27. The time consumed by a computer count would be entirely the time required for data entry. The result should be known as soon as all the data have been entered. We assume that the Electoral Reform Society could give the House an estimate of the time required for data entry for the given task.

APPROVAL VOTING

28. Instructions on the ballot paper. *Please mark X against each candidate of whom you approve to be a member of the team of Deputies to the Speaker. [For your ballot to be valid, you must list at least 1 (2) of the candidates shown on the ballot paper as "Government" candidates, and at least 1 (2) of the candidates shown on the ballot paper as "Opposition" candidates]. [For your ballot paper to be valid, you must list at least one male candidate and at least one female candidate]. [Apart from those requirements] you may list as many or as few candidates as you wish.*
29. Principles of the counting method. Each voter has divided the candidates into two sets: those of whom the voter approves, and the rest. Approval Voting simply selects the three candidates of whom the largest numbers of voters approve.
30. Procedures for a manual count. The same as for Exhaustive Ballot. A list of the candidates in contention is prepared, with an area to the right of that candidate's name (a "cell") for the tallying of votes. Each ballot is scanned in turn, and an entry made in the cell for each candidate voted for.
31. With (say) 600 ballot papers, data entry might require, say, 1/2 minute per ballot paper, therefore five hours' counting for the full election.
32. Procedures for a computer count. As with Exhaustive Ballot, no programming is required. It would be trivial to enter the data on an Excel spreadsheet.
33. This is a more general version of the procedure suggested by Mr Chope at the meeting on 25 November 2009. The technical properties of Approval Voting are well known in academe. For more details see a substantial body of work from Professor Steven J Brams, New York University, accessible from his website at <http://as.nyu.edu/object/stevenbrams.html>.

ACHIEVING PARTY AND GENDER BALANCE

34. These systems provide different degrees of certainty that the required party balance (and any required gender balance) will be achieved. On its own, Approval Voting produces the least certainty, and Single Transferable Vote produces the most. Possible modifications exist to improve the chances of each system giving the required result. We should be happy to advise further on this.
35. For all systems, except possibly STV, it is therefore desirable to impose party (and perhaps gender) balance as a requirement for a valid ballot.

December 2009