

Elections Bill

[AS INTRODUCED]

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B I L L

TO

introduce a system of proportional representation for local authority elections in England and for Parliamentary general elections; to alter the methods used for electing the Mayor of London, for electing other directly-elected mayors in England and for electing police and crime commissioners in England and Wales; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Proportional representation system for parliamentary general elections

- (1) The simple majority system must not be used for any Parliamentary general election after the end of the period of six months beginning on the day on which this Act is passed.
- (2) The Secretary of State must take all reasonable steps to establish a new proportional representation system of election for Members of the House of Commons that would be expected to result in seats being held by each party roughly reflecting the proportion of votes cast for candidates of that party at the preceding general election. 5
- (3) A system is suitable for the purposes of subsection (2) if it would over the past five Parliamentary general elections have had a mean average Gallagher proportionality index of less than 10. 10
- (4) The Secretary of State may by regulations make provision (which may include provision amending any enactment) contingent on the prohibition in subsection (1). 15

2 Proportional representation for elections to local authorities in England

- (1) The simple majority system must not be used for any local elections in England after the end of the period of six months beginning on the day on which this Act is passed.
- (2) The Secretary of State must take all reasonable steps to establish a new proportional representation system of election for councillors to English local 20

authorities that would be expected to result in seats being held by each party roughly reflecting the proportion of votes cast for candidates of that party.

- (3) The Secretary of State may by regulations make provision (which may include provision amending any enactment) contingent on the prohibition in subsection (2).

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3 Elections for Mayor of London

- (1) The Greater London Authority Act 1999 is amended as follows.

- (2) In section 4 (voting at ordinary elections) –

- (a) in paragraph (1)(a), after “vote” insert “(referred to in this Part as a mayoral vote)”;
 (b) in subsection (2), at end insert “, unless there are three or more candidates”;
 (c) after subsection (2), insert –

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“(3) If there are three or more candidates to be the Mayor –

- (a) the Mayor shall be returned under the supplementary vote system in accordance with Part I of Schedule 2 to this Act; and
 (b) a voter’s mayoral vote shall accordingly be a supplementary vote, that is to say, a vote capable of being given to indicate the voter’s first and second preferences from among the candidates.”

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- (3) In section 16 (filling a vacancy) –

- (a) for “one vote which may be given for a candidate to be the Mayor”, substitute “a mayoral vote”;
 (b) for subsection (4) substitute –

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“(4) Subsections (2) and (3) of section 4 above and Part I of Schedule 2 to this Act shall apply in relation to the election as they apply in relation to the election of the Mayor at an ordinary election.”

- (4) In section 29 (interpretation of Part 1), after the definition of “London vote” insert –

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““mayoral vote” has the meaning given by subsection (1)(a) of section 4 above (as read with subsection (3) of that section);”

- (5) In Schedule 2 (voting at elections), at the beginning insert –

“PART A1

ELECTION OF THE MAYOR

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Application

- 1 This Part of this Schedule applies where there are three or more candidates to be the Mayor.

First preference vote and second preference vote

- 2 In this Schedule—
- “first preference vote” means a mayoral vote to the extent that it is given so as to indicate a voter’s first preference from among the candidates to be the Mayor; 5
- “second preference vote” means a mayoral vote to the extent that it is given so as to indicate a voter’s second preference from among the candidates to be the Mayor.

Candidate with overall majority of first preference votes

- 3 If one of the candidates to be the Mayor receives more than half of all the first preference votes given in the Assembly constituencies that candidate shall be returned as the Mayor. 10

No candidate with overall majority of first preference votes

- 4 (1) If none of the candidates to be the Mayor receives more than half of all the first preference votes given in the Assembly constituencies, the following provisions of this paragraph shall have effect. 15
- (2) The two candidates who received the greatest number of first preference votes given in the Assembly constituencies remain in the contest.
- (3) If, by reason of an equality of first preference votes, three or more candidates are qualified to remain in the contest by virtue of sub-paragraph (2) above, all of them remain in the contest. 20
- (4) The other candidates are eliminated from the contest.
- (5) The number of second preference votes given in the Assembly constituencies for each of the candidates remaining in the contest by voters who did not give their first preference vote to any of those candidates shall be ascertained. 25
- (6) That number shall be added to the number of first preference votes given for that candidate, to give his total number of preference votes. 30
- (7) The person who is to be returned as the Mayor is that one of the candidates remaining in the contest who has the greatest total number of preference votes.
- (8) If, by reason of an equality of total number of preference votes, two or more candidates remaining in the contest each have the greatest total number of preference votes, the Greater London returning officer shall decide by lots which of them is to be returned as the Mayor.” 35

- (6) In section 165 of the Representation of the People Act 1983 (avoidance of election for employing corrupt agent), after subsection (3), insert—

“(4) In the case of an election of the Mayor of London, a vote deemed in accordance with subsection (3) above to be thrown away shall be so deemed only to the extent that it is a vote given so as to indicate that the person who was under the incapacity is the voter’s first or second preference from among the candidates.”

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4 Elections for elected mayors of local authorities in England

- (1) The Local Government Act 2000 is amended as follows.

- (2) In section 9HC (voting at elections of elected mayors)—

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- (a) for subsection (1) substitute—

“(1) Each person entitled to vote as an elector at an election for the return of an elected mayor is to have the following vote or votes—

(a) one vote (referred to in this Part as a first preference vote) which may be given for the voter's first preference from among the candidates to be the elected mayor, and

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(b) if there are three or more candidates to be the elected mayor, one vote (referred to in this Part as a second preference vote) which may be given for the voter's second preference from among those candidates.”;

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- (b) in subsection (2), at end insert “, unless there are three or more candidates”;

- (c) after subsection (2), insert—

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“(3) If there are three or more candidates to be the elected mayor, the elected mayor is to be returned under the supplementary vote system in accordance with Schedule 2.”

- (3) In section 9HD (entitlement to vote), in subsection (2), for “vote” substitute “first preference vote, or more than one second preference vote,”.

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- (4) In section 9R (interpretation of Part 1A), in subsection (1), in the appropriate place in the list insert—

““first preference vote” has the meaning given by section 9HC,
“second preference vote” has the meaning given by section 9HC,”

- (5) In Schedule 2 (election of elected mayor), in paragraph 1, omit “in Wales”.

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5 Elections for mayors of combined authority areas

- (1) Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 (mayors for combined authority areas: further provision about elections) is amended as follows.

- (2) In paragraph 4 (voting at elections of mayors)—

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(a) for sub-paragraph (1) substitute—

“(1) Each person entitled to vote as an elector at an election for the return of a mayor is to have the following vote or votes—

(a) one vote (a “first preference vote”) which may be given for the voter's first preference from among the candidates to be the mayor, and

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(b) if there are three or more candidates to be the mayor, one vote (a “second preference vote”) which may be given for the voter's second preference from among those candidates.”;

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(b) in sub-paragraph (2), at end insert “, unless there are three or more candidates”;

(c) after sub-paragraph (2), insert—

“(3) If there are three or more candidates to be the mayor, the mayor is to be returned under the supplementary vote system in accordance with paragraph 5.”;

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(3) After paragraph 4, insert—

“5 (1) This paragraph applies if there are three or more candidates to be a mayor.

(2) If one of the candidates to be the mayor receives more than half of all the first preference votes given in the election, that candidate is to be returned as the mayor.

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(3) If none of the candidates to be the mayor receives more than half of all the first preference votes given in the election, the following provisions are to have effect.

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(4) The two candidates who received the greatest number of first preference votes given in the election remain in the contest.

(5) If, by reason of an equality of first preference votes, three or more candidates are qualified to remain in the contest by virtue of sub-paragraph (4), all of them remain in the contest.

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(6) The other candidates are eliminated from the contest.

(7) The number of second preference votes given in the election for each of the candidates remaining in the contest by voters who did not give their first preference vote to any of those candidates is to be ascertained.

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(8) That number is to be added to the number of first preference votes given for that candidate, to give that candidate's total number of preference votes.

(9) The person who is to be returned as the mayor is that one of the candidates remaining in the contest who has the greatest number of preference votes.

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(10) If, by reason of an equality of total number of preference votes, two or more candidates remaining in the contest each have the greatest

number of preference votes, the returning officer is to decide by lots which of them is to be returned as the mayor.

(11) In this paragraph “first preference vote” and “second preference vote” has the meaning given in paragraph 4(1).”

- (4) In paragraph 6 (entitlement to vote), in sub-paragraph (2), for “vote” substitute “first preference vote, or more than one second preference vote,”. 5

6 Elections for police and crime commissioners

(1) The Police Reform and Social Responsibility Act 2011 is amended as follows.

(2) In section 57 (voting at elections of police and crime commissioners)–

(a) in subsection (2), at end insert “, unless there are three or more candidates”; 10

(b) after subsection (2), insert–

“(3) If there are three or more candidates–

(a) the commissioner is to be returned under the supplementary vote system, and 15

(b) any vote in the election is a supplementary vote.

(4) Schedule 9 (the supplementary vote system) has effect.

(5) In subsection (3), “supplementary vote” means a vote capable of being given to indicate first and second preferences from among the candidates.” 20

(3) After Schedule 8, insert–

“SCHEDULE 9

Section 57

SUPPLEMENTARY VOTE SYSTEM

Application

- 1 This Schedule applies to an election under Chapter 6 of Part 1 of a police and crime commissioner for a police area at which there are three or more candidates. 25

First preference vote and second preference vote

2 In this Schedule–

“first preference vote” means a vote to the extent that it is given so as to indicate a first preference from among the candidates to be the police and crime commissioner; 30

“second preference vote” means a vote to the extent that it is given so as to indicate a second preference from among the candidates to be the police and crime commissioner. 35

Candidate with overall majority of first preference votes

- 3 If one of the candidates to be the police and crime commissioner receives more than half of all the first preference votes given in the police area, that candidate is to be returned as the police and crime commissioner. 5

No candidate with overall majority of first preference votes

- 4 (1) If none of the candidates to be the police and crime commissioner receives more than half of all the first preference votes given in the police area, the following provisions of this paragraph apply. 10
- (2) The two candidates who received the greatest number of first preference votes given in the police area remain in the contest.
- (3) If, by reason of an equality of first preference votes, three or more candidates are qualified to remain in the contest by virtue of sub-paragraph (2), all of them remain in the contest.
- (4) The other candidates are eliminated from the contest. 15
- (5) The number of second preference votes given in the police area for each of the candidates remaining in the contest by votes which did not give a first preference vote to any of those candidates must be ascertained.
- (6) That number must be added to the number of first preference votes given for that candidate, to give the total number of preference votes for that candidate. 20
- (7) The person who is to be returned as the police and crime commissioner for the police area is that one of the candidates remaining in the contest who has the greatest total number of preference votes. 25
- (8) If, by reason of an equality of total number of preference votes, two or more candidates remaining in the contest each have the greatest total number of preference votes, the police area returning officer must decide by lots which of them is to be returned as the police and crime commissioner.” 30

7 Extent, commencement and short title

- (1) Section 1 and this section extend to England and Wales, Scotland and Northern Ireland.
- (2) Sections 2 to 6 extend to England and Wales. 35
- (3) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (4) This Act may be cited as the Elections Act 2023.

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introduce a system of proportional representation for local authority elections in England and for Parliamentary general elections; to alter the methods used for electing the Mayor of London, for electing other directly-elected mayors in England and for electing police and crime commissioners in England and Wales; and for connected purposes.

*Presented by Cat Smith
supported by Wendy Chamberlain, Caroline Lucas,
Stephen Farry, Liz Saville Roberts, Clive Lewis,
David Linden and Helen Morgan.*

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