

The Association of Electoral Administrators



Response to the call for evidence on the Fixed-term Parliaments Act 2011

Organisation:

Association of Electoral Administrators (AEA).

Summary of Organisation:

The Association of Electoral Administrators (AEA) was founded in 1987 and is the professional body representing the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has just under 2,000 members, the majority of whom are employed by local authorities to provide electoral registration and election services. There are eleven regional branches of the Association covering the United Kingdom.

Contact Details:

Association of Electoral Administrators (AEA):

Peter Stanyon, Chief Executive

Email: peter.stanyon@aea-elections.co.uk

Tel: 01422 390674 Mobile: 07855 589825

Call for Evidence Questions:

Question 1: To what extent has the Fixed-term Parliaments Act 2011 led to a meaningful transfer of power from the Prime Minister to the House of Commons, removing "the right of Prime Minister to seek the Dissolution of Parliament for pure political gain"?

The Association of Electoral Administrators does not hold a view on this.

Question 2: Is five years the appropriate length for fixed-terms between general elections?

Whilst the Association of Electoral Administrators does not hold a view on this, the five-year term of office is consistent with other national poll terms of office, for example, Welsh Assembly, Scottish Parliament and European Parliamentary elections. Local government terms of office, including District, Borough, City and Parish Council as well as Mayoral and Police and Crime Commissioner elections being a four-year term of office. This does cause some complexity in terms of administering polls as the combination of polls changes due to terms of office not being consistent across all election types.

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Question 3: Does the certainty of knowing when the next election will be – notwithstanding the section 2 provisions for triggering an early general election – have an impact on good governance?

When the Fixed Term Parliaments Act 2011 was first introduced the AEA welcomed the fact that the next election date was known. As a result, suitable planning arrangements can be made by electoral administrators to deliver the poll on the date as scheduled rather than, as was the case prior to the Act, having to contingency plan working on the basis of various predicted dates.

However, as demonstrated in 2017, a UK Parliamentary general election can still be called at any time with the mechanisms within the Act to trigger an early general election. At present there is significant political uncertainty within the UK, with two House of Commons votes to call an early general election under the Fixed Term Parliaments Act 2011 being lost at the beginning of September. There is still the possibility of an early general election taking place this autumn and as a result, electoral administrators and other stakeholders within the electoral industry are once again contingency planning. The certainty the legislation was meant to deliver is therefore questioned from an electoral administrators' perspective.

Question 4: Are the mechanisms in the Act to trigger an early general election appropriate?

The Association of Electoral Administrators does not hold a view on this.

Question 5: What impact has the Act had on the notion of the House of Commons having "confidence" in a Government? Is it still possible for the Government to make a vote in the House of Commons on a matter of policy a "confidence" issue?

The Association of Electoral Administrators does not hold a view on this.

Question 6: What challenges arise for the political parties, the House of Commons and the civil service in the 14-day period following the passing of a motion of no confidence in the Government? Is there a risk of the monarch being drawn into the political debate during this period and, if so, how should this be mitigated?

The Association of Electoral Administrators does not hold a view on this specific point, but would make comment on the impact this has on the administration of a UK Parliamentary general election.

However, if a new Government with the support of a majority of MPs cannot be formed within the 14-calendar day period Parliament being resolved and an early general election triggered would raise significant challenges for electoral administrators to deliver the election with little time to plan and prepare. Not to mention the ability to serve and assist the electorate in the democratic process which is at the very heart of everything electoral administrators do. With the extremely short timetable electoral administrators are often left explaining to the electorate as to why they were unable to vote, for example overseas postal votes not being returned in time, or limited time to register to vote as a result of an unexpected election with the minimum statutory timetable and no lead in time.

As demonstrated only this year the late notification of the European Parliamentary elections introduced significant pressures to already stretched electoral administrators.

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It must be recognised that the delivery was only achieved because of the dedication, personal commitment and enormous sacrifices made by those individuals.

There remains an unrealistic expectation that elections will always be delivered regardless of the landscape, timing, funding or capacity of the professionals administering them. These issues also need to be considered as part of the review.

Question 7: If the Act was repealed, what provisions for the lengths of Parliaments and the timing of general elections would need to be made in its place? Would the prerogative power for the Prime Minister to dissolve Parliament and call a general election be revived in the event of repeal?

The Association of Electoral Administrators does not hold a view on this. The Association considers that this is a matter for the Government to determine and our members will endeavour to administer the process according to the legislation in force. However, consideration needs to be given to the capacity of the professionals administering elections and the electorate as highlighted earlier in our response to question 6.

Peter Stanyon
Chief Executive of the AEA

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