



# Parliamentary Voting System and Constituencies Act 2011

## 2011 CHAPTER 1

### PART 1

#### VOTING SYSTEM FOR PARLIAMENTARY ELECTIONS

##### *Result of the referendum*

#### **8 Commencement or repeal of amending provisions**

- (1) The Minister must make an order bringing into force section 9, Schedule 10 and Part 1 of Schedule 12 (“the alternative vote provisions”) if—
  - (a) more votes are cast in the referendum in favour of the answer “Yes” than in favour of the answer “No”, and
  - (b) the draft of an Order in Council laid before Parliament under subsection (5A) of section 3 of the Parliamentary Constituencies Act 1986 (substituted by section 10(6) below) has been submitted to Her Majesty in Council under section 4 of that Act.
- (2) If more votes are not cast in the referendum in favour of the answer “Yes” than in favour of the answer “No”, the Minister must make an order repealing the alternative vote provisions.
- (3) An order under subsection (1)—
  - (a) must bring the alternative vote provisions into force on the same day as the coming into force of the Order in Council in terms of the draft referred to in paragraph (b) of that subsection, but
  - (b) does not affect any election held before the first parliamentary general election following that day.

## 9 The alternative vote system: amendments

- (1) In Schedule 1 to the 1983 Act (parliamentary elections rules), after rule 37 there is inserted—

*“How votes are to be given*

- 37A (1) A voter votes by marking the ballot paper with—
- (a) the number 1 opposite the name of the candidate who is the voter’s first preference (or, as the case may be, the only candidate for whom the voter wishes to vote),
  - (b) if the voter wishes, the number 2 opposite the name of the candidate who is the voter’s second preference,
- and so on.
- (2) The voter may mark as many preferences (up to the number of candidates) as the voter wishes.”

- (2) After rule 45 in that Schedule there is inserted—

*“How votes are to be counted*

- 45A (1) This rule sets out how votes are to be counted, in one or more stages of counting, in order to give effect to the preferences marked by voters on their ballot papers and so to determine which candidate is elected.
- (2) Votes shall be allocated to candidates in accordance with voters’ first preferences and, if one candidate has more votes than the other candidates put together, that candidate is elected.
- (3) If not, the candidate with the fewest votes is eliminated and that candidate’s votes shall be dealt with as follows—
- (a) each vote cast by a voter who also ranked one or more of the remaining candidates shall be reallocated to that remaining candidate or (as the case may be) to the one that the voter ranked highest;
  - (b) any votes not reallocated shall play no further part in the counting.
- (4) If after that stage of counting one candidate has more votes than the other remaining candidates put together, that candidate is elected.
- (5) If not, the process mentioned in paragraph (3) above shall be repeated as many times as necessary until one candidate has more votes than the other remaining candidates put together, and so is elected.

*Information to be given by returning officer after each stage of counting*

- 45B (1) If no candidate is elected (as mentioned in rule 45A(2)) at the first stage of counting, the returning officer shall, immediately after that stage, record and make publicly available the following information—
- (a) the number of first-preference votes obtained by each candidate;
  - (b) which candidate was eliminated;
  - (c) the number of rejected ballot papers.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Immediately after each subsequent stage of counting, except the final stage (on completion of which the requirements in rule 50 apply), the returning officer shall record and make publicly available the following information—
  - (a) the number of votes obtained by each candidate at that stage (including any reallocated in accordance with rule 45A);
  - (b) which candidate was eliminated at that stage;
  - (c) the number of votes of the candidate eliminated at the previous stage that were not reallocated.”
- (3) Schedule 10 makes further amendments to the parliamentary elections rules, and other legislation, in connection with the alternative vote system.
- (4) The Minister may by order make any amendments to primary or secondary legislation (whenever passed or made) that are consequential on amendments made by this section or Schedule 10.
- (5) In subsection (4) “primary or secondary legislation” means any provision of, or made under, any Act.
- (6) An order under subsection (4) may include transitional or saving provision.
- (7) An order under subsection (4) may not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (8) Before making an order under subsection (4) the Minister must consult the Electoral Commission.