

# EUROPEAN ELECTIONS BRIEFING 3

August 1977

The European Assembly Elections Bill, under which the United Kingdom would elect 81 Members to the European Parliament, was published by the British Government on Friday June 24. It was given a Second Reading (a favourable vote on the principle) by the House of Commons on July 7, with 394 votes in favour, 147 against.

In a number of respects the Bill follows closely the White Paper published on April 1 (see *European Elections Briefing 2*).

## Distribution of seats

The Bill confirms that the 81 seats should be allocated between the different parts of the UK (average 1977 electorates in brackets) as follows (*Part 1,2*):

England	66	(514,000)
Scotland	8	(473,000)
Wales	4	(514,000)
N.Ireland	3	(344,000)

## Nomination and Deposit

The nomination paper for a European Parliament candidate would be signed by 50 electors (*Schedule 4,6*); and each candidate would put down a deposit of £500 (*Schedule 4,8*).

## Franchise

Those able to vote at European Parliament elections would be (*Part II, 4.5; and Schedule 1, 2.1*):

- those entitled to vote at House of Commons elections in the appropriate area;
- peers entitled to vote at local government elections in the appropriate area.

## Candidates

Certain persons disqualified from standing for the House of Commons *would* be able to stand for the European Parliament: notably peers, and ministers of religion (*Part II, 9.3; and Schedule 1, 5.3*).

## System of election

The Bill's provisions for the system of voting are complex. The key section (*Part I, 3*) provides for:

- elections to be conducted under a "regional list system such that each elector has a single vote" for a named candidate, and "the seats to be filled for the region are allocated according to a system of proportional representation". This system is outlined in *Part II of the Bill*.
- "If after the passing of this Act the House of Commons by resolution so directs", the elections would be held instead under "the simple majority system" (first-past-the-post) for Great Britain, and "the single transferable vote system" for Northern Ireland. This is outlined in *Schedule 1 of the Bill*.

Thus the House of Commons could vote in favour of the Regional List System; but would retain the right to substitute first-past-the-post at the end of the day.

You have only ONE vote.

Place an X in the box UNDER the name of the candidate for whom you wish to vote.

### CONSERVATIVE PARTY

JONES (William David Jones, of High Elms, Barlington, Grayshire.)	KNOTT (Henry Richard Knott, of The Lodge, High Road, Eastchester, Loamshire.)	PARKER-PATTISON (Samuel Brian Parker-Pattison, of 3, Bagshot Row, Exborough.)	PHILLIPS (Anne Elizabeth Phillips, of 67, Morningside Crescent, Christminster.)	SWIFT (Kaharine Emma Swift, of 53, Stokes Road, Barchester.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### INDEPENDENT

LAWTON, (George Langley, Viscount Lawton, of Castle Scarlet, Blankshire.)
<input type="checkbox"/>

### LABOUR PARTY

BLACK (DAVID RICHARD Black, of 90, Bath Road, Westchester.)	BLACK (PHILIP THOMAS Black, of 36, Hillside Road, Wellbridge, Blankshire.)	JACKSON (Mary Sarah Jackson, of Flat 3, Duke's Mansions, Casterbridge, Grayshire.)	ROBINSON (James Leonard Robinson, of 91, Old Terrace, Anglebury, Greenshire.)	SIMPSON (Beryl Harriet Simpson, of 36, Fir Drive, Cranford, Loamshire.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### LIBERAL PARTY

BENSON-HARRISON (Barbara Dorothy Benson-Harrison, of 2, Low Road, Stourcastle, Barchester.)	CLARK (Frederick John Clark, of 77, Roman Road, Northchester, Greenshire.)	GREEN (Timothy Frederick Green, of 110, Poole Road, Sandbourne, Blankshire.)	MASTERS (Matthew Michael Masters, of 13, Learnington Avenue, Havenpool, Grayshire.)	WILLIAMS (Rosemary Williams, of 32, Parkside Avenue, Overcombe, Loamshire.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A possible ballot paper with regional lists

## The next step

It is virtually impossible for the Bill to pass all its stages at Westminster before the end of the current parliamentary session on October 26. This means that the same, or a similar Bill will have to be reintroduced in November (which will mean, of course, another Second Reading).

Whether the legislation is then passed in time for the first elections to be held on the target date of May/June 1978 depends on a number of factors:

1. **The system of election chosen.** Were a regional list system finally adopted, the constituency boundaries would be determined by Schedule 3 of the Bill. Were first-past-the-post chosen, however, a further 18 or more weeks would be required for the Boundary Commissions to delineate single-member constituencies under the procedure described in Schedule 2 — unless, that is, agreed boundaries could be attached in a new schedule.

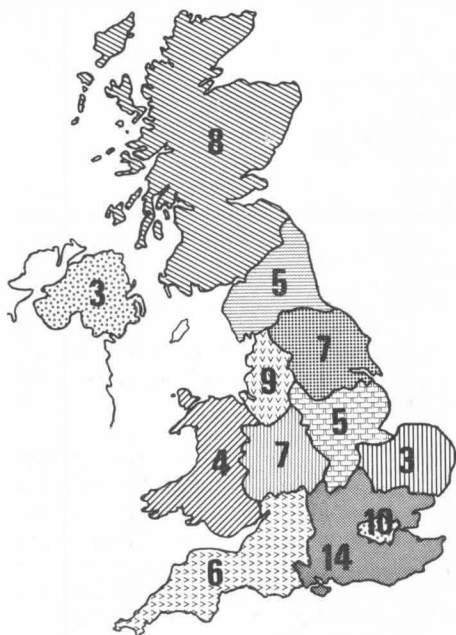
2. **The "guillotine".** As with the Devolution Bill in the 1976/7 session, the passage of the Elections Bill will depend on the House of Commons laying down a time limit for debate (a "guillotine"). This should be the crucial vote.

3. **The general political situation.** The passage of the Elections Bill is one of the key points in the Lib/Lab pact which maintains the current British government. Failure to carry proportional representation, or some other cause, however, might lead to the end of the pact and a General Election. In these circumstances, the incoming government would have to reintroduce the Bill yet again.

# The Regional List System

Details of the regional list system of proportional representation are given in Part II, and in Schedules 3,4 and 5 of the Bill. First, the United Kingdom would be divided into 12 multi-member constituencies (Schedule 3). (By contrast with the White Paper, East Anglia and East Midlands are separate constituencies).

Name of Constituency	Constituent counties	Electorate (m)	No. of seats
Scotland	All regions	3.7	8
Wales	All	2.0	4
N.Ireland	All	1.0	3
N.England	Cleveland, Cumbria, Durham, Northumberland, Tyne & Wear	2.3	5
Yorkshire & Humberside	Humberside, N.Yorkshire, S.Yorkshire, W.Yorkshire	3.6	7
N.W.England	Cheshire, Lancashire, Greater Manchester, Merseyside	4.8	9
W.Midlands	Hereford & Worcester, Salop, Staffordshire, Warwickshire, W.Midlands	3.7	7
E.Midlands	Derbyshire, Leicestershire, Lincolnshire, Northamptonshire, Nottinghamshire	2.8	5
E.Anglia	Cambridgeshire, Norfolk, Suffolk	1.3	3
S.W.England	Avon, Cornwall, Devon, Dorset, Gloucestershire, Isles of Scilly, Somerset, Wiltshire	3.2	6
S.E.England	Bedfordshire, Berkshire, Buckinghamshire, Essex, Hampshire, Hertfordshire, Isle of Wight, Kent, Oxfordshire, Surrey, E.Sussex, W.Sussex	7.2	14
Greater London	—	5.2	10



## Nomination of candidates

Candidates could be nominated either singly; or in a group nomination for a whole party list (Schedule 4,5). A list, however, cannot have more candidates on it than there are seats to be filled in that constituency. The same 50 electors' signatures nominate the whole list.

## Voting

The ballot papers would take the form described in the Appendix to Schedule 4 (see front page). The parties would be

listed vertically in alphabetical order; and the candidates for each party listed horizontally, likewise in alphabetical order.

Each elector would only have one vote (despite the fact that several seats were being filled). A cross against a candidate's name would mean two things:

- a vote, first, for that candidate's party; and
- a vote for that particular candidate as opposed to others of the same party.

## Counting

The count would take place in two stages. First, local returning officers would open the ballot boxes, add the postal votes, etc. in the usual way, and the votes for each individual candidate would be determined.

Second, regional returning officers for each constituency would allocate the seats:

- The local results would be added together to give the total vote for each candidate.

### d'Hondt rule (example)

Assume a 6-seat constituency, where a thousand votes have been cast:

Party A: 420  
Party B: 380  
Party C: 200

The table would be as follows, with the numbers in brackets showing the order in which the seats were allocated:

	Party A	Party B	Party C
÷ by 1	420 (1)	380 (2)	200 (3)
÷ by 2	210 (4)	190 (5)	100
÷ by 3	140 (6)	126	66

## How the parties voted

	For	Against
Labour	132	124
Conservative	239	15
Liberal	12	—
S.N.P.	9	—
Plaid Cymru	—	1
Ulster	—	—
Unionists	1	6
SLP	—	1
SDLP	1	—
	394	147

ii) The votes for each candidate on the same list would then be added together to give the total vote for each party.

iii) The seats would then be allocated between the parties according to the "highest average" system, usually called the "d'Hondt rule" (Schedule 4,50). The principle is to allocate each seat to the party which, at that stage, has the highest average vote per seat; and the method is, successively, to divide the total vote for each party by the number of seats it already has, plus one.

Briefly, the system is best understood if each party total is divided by 1, then by 2, then by 3, and so on and the resulting figures set out in a table. The first seat goes to the party with the largest number on the table; the next seat to the second largest; and so on until all the seats are allocated (see example).

iv) The seat(s) won by each party would then be filled by the candidate(s) of that party with the most individual votes.

## Loss of deposit

The rules for calculating whether candidates or parties have forfeited their deposits are somewhat complex (Schedule 4,55).

i) Work out "electoral quota".

$$\text{This is } \frac{v}{s+1}$$

where  $v$  is the number of valid votes cast,  $s$  is the number of seats to be filled.

ii) For candidates standing as individuals. Deposit lost if vote less than one quarter of the quota.

iii) For candidates standing on a list. Deposit lost if:

- none are elected from the list, and
- the whole group vote is less than one quarter of quota.

## Mid-term vacancies

The Bill provides for two methods of filling vacancies between elections.

1. The regional returning officer first offers the seat to the candidate on the same party list at the last election, with the highest losing vote; if no acceptance, to the list candidate with the next highest vote; and so on (Schedule 5). This means that a party list candidate who fails to get into the European Parliament at a Community-wide election could find himself declared elected during the Parliament's five-year term.

2. If no eligible candidate is found by this method, a bye-election is held by the first-past-the-post system (Part II, 7).

## 1. The date of the election

The European Elections Act approved by the Community's Council of Ministers on the 20 September 1976 does not specify a date for the first direct elections to the European Parliament. A target date of "May/June 1978" has been approved by successive European Councils (i.e. "summit" meetings of Community Heads of Government and Heads of State). But the Act (*Article 9*) only provides for the elections to be held within a period "starting on a Thursday morning and ending on the following Sunday". The Council of Ministers, "acting unanimously after consulting the Assembly", has still to decide on the actual week (*Article 10*).

Accordingly, the British Government's Bill (*Part II, 7*) provides that "each general election of representatives to the Assembly shall be held on a day appointed by order of the Secretary of State".

## 2. Election expenses

The Bill does not lay down any precise rules for candidates' or parties' election expenditure. Instead this is also left for decision by the Government at a later stage (*Part II, 6(3)a and Schedule 1, 2(3)a*).

A decision about Community financing of the actual electoral campaign has yet to be made. The six political groups in the present European Parliament (Communist; Socialist; Christian Democrat; European Progressive Democrat; European Conservative; and Liberal and Democrat) each have access to funds voted from the 1977 European Community Budget for information about European elections. In some cases provision has been made for the reallocation of these funds between the national parties making up these groups.

## 3. Double voting

Article 8 of the Community Act states that "no one may vote more than once in any election of representatives to the Assembly". This would already be provided for in each Member State's domestic legislation, were it not for the possibility that certain people might qualify for a vote in more than one country.

The proposed European Elections legislation of different countries, for example, provides varying answers to the problem of nationals of one Community country resident in another. The former Irish Government's Bill would give the national of any Community country who was resident in Ireland a vote for one of Ireland's 15 European Parliament Members. By contrast, the French legislation gives French nationals resident in other Community countries a vote for one of France's 81 Members. Thus a French national resident in Ireland could vote either in the country of his nationality or the country of his residence.

The British Government's Bill gives the vote *neither* to nationals of other Community countries resident in the U.K.; *nor* to U.K. nationals resident abroad. A provision is nevertheless included in the Bill (*Part III, 12*) to make it an offence to vote more than once "whether in the United Kingdom or elsewhere".

## 4. Cost of the elections

The Bill makes provision for the Exchequer to pay the administrative costs of the European Elections in the U.K. (*Part III, 14*). The Explanatory and Financial Memorandum estimates these "to be at least £10 million every 5 years", which will mainly be attributable to "payments for election staff and to postal charges for the

# "First-past-the-post" & boundaries

If the Bill is passed with the regional list system, and Clause 3(2) of Part I remains, it will still be possible for the House of Commons to vote for the elections to be held under first-past-the-post. In this case those parts of the Bill relating to Regional Lists will not have effect, and Schedules 1 and 2 will be activated.

## Constituencies

The Bill provides for 79 single-member constituencies: 66 in England, eight in Scotland and four in Wales. (Northern Ireland would still be one three-member constituency, with the Single Transferable Vote system).

## Voting

In England, Scotland and Wales, the method of election would be the same as for the House of Commons: that is, each party would put up a single candidate per constituency; electors would put a cross against the candidate of their choice; and the one with the most votes would be elected.

In the three-member seat of Northern Ireland, however, parties would probably field teams of three candidates (but standing as individuals rather than as a list). Electors would number the candidates in order of preference: 1,2,3,4 etc.; and the seats would be allocated according to the "Droop quota" method (see *European Elections Bulletin 2*).

## Constituency boundaries

"As soon as may be after the passing of this Act", states Schedule 2, Part I(1) of the Bill, "each Boundary Commission shall submit to the Secretary of State a report showing the Assembly constituencies into which they recommend that the part of Great Britain with which they are concerned should be divided . . ." They would apply two principles (*Schedule 2, Part II*):

- The Euro-constituencies would consist of two or more House of Commons constituencies, with no overlapping of boundaries.*
- The electorates of the Euro-constituencies would be "as near the electoral quota as is reasonably practicable having regard, where appropriate, to special geographical considerations". The quota would be the electorate divided by the number of seats for that part of Great Britain (see p. 1).*

## Boundary Commissions

The procedure to be followed by the Boundary Commissions in recommending the Euro-constituency boundaries is outlined in Schedule 2, Part I. As the Explanatory and Financial Memorandum to the Bill explains, for the *initial* division of

free delivery of candidates' election addresses".

## 5. Returning officers

If the elections are held under the Regional List system, there will be two kinds of returning officer (*Part II, 8*).

- Regional** (i.e. constituency) returning officers, who will be "such persons as the Secretary of State may appoint".
- Local** returning officers, who will be:
  - in the case of English and Welsh constituencies, the district returning officers for local government elections;
  - in the case of Scotland the regional and island returning officers;

constituencies each Commission publishes a notice of its recommendations "but does not hold a local inquiry or publish revised recommendations".

The steps would therefore be:

- Boundary Commissions make a preliminary division of England, Scotland and Wales into constituencies.*
- These recommendations are published, and are "open to inspection at one or more specified places within each parliamentary constituency included in the Assembly constituency" (Schedule 2, Part I, 5).*
- Within one month of this publication, representations can be made by interested parties (local authorities, etc.).*
- The Commissions must "take into consideration" these representations, but in due course submit their final reports direct to the Home Secretary.*

This procedure, it is estimated, would take from 18 weeks upwards.

## Problems

As the Bill now stands, the holding of the elections under first-past-the-post, and *on time*, might present considerable difficulties. Assuming that the Bill received the Royal Assent by the end of the year, it would be in the New Year at the earliest that the House of Commons would be able to vote on a resolution under Part I, 3. Even if the Boundary Commissions had, in anticipation, started work immediately the Act was passed, it would be at least April before the constituency boundaries were known — only a month or two before the target polling day.

Possibilities exist for overcoming these difficulties:

- Instead of Schedule 2, the Bill might include an agreed list of single-member constituencies (on the model of Schedule 3). If the House of Commons then voted for first-past-the-post, there would be no delay while the Boundary Commissions reported.*
- A way might be found of activating the Boundary Commissions before the passing of the whole Act.*
- Part I might be reversed: i.e. the Bill might provide for first-past-the-post, unless the House subsequently substituted Regional Lists.*

— in the case of Northern Ireland, the Chief Electoral Officer.

If the elections are held under first-past-the-post in England, Scotland and Wales, the returning officers will be (*Schedule 1, 4*):

- for England and Wales the returning officer for one of the House of Commons seats covered by that constituency;
- for Scotland, if the constituency is "wholly situated in one region or island area", the local government returning officer for the area; otherwise, as for England and Wales:



# The position in other Community countries

## Belgium (24 seats)

The Bill ratifying the Community Act of September 1976 is under study by the Belgian Parliament's Foreign Affairs Committee. So far, no Bill on the electoral law (equivalent to the British European Assembly Bill) has been published.

All parties in Belgium are agreed on a system of Proportional Representation. There have been disagreements, however, on how Belgium's 24 seats are to be distributed between the linguistic communities (French-speaking and Flemish-speaking, with Brussels also asking for separate treatment). In May 1977 the "Egmont agreement" provided for 13 of the seats to be allocated to the Flemish-speaking regions, 11 to the French-speaking.

## Denmark (16 seats)

Neither a ratification Bill nor an electoral Bill have so far been tabled by the Government. Again, there is no disagreement on the use of Proportional Representation, with Denmark and Greenland as two separate constituencies.

The Danish Government has been maintaining two reservations to the Community Act: that only Members of the *Folketing* (Danish Parliament) could stand for the European Parliament; and that European Elections should take place at the same time as *Folketing* elections.

The *Folketing* itself, however, rejects both these provisos.

## Germany (81 seats)

The Community Act was ratified by the *Bundestag* (Lower House of the German Parliament) on 16 June; and by the *Bundesrat* (Upper House) on 24 June.

The electoral Bill, however, has been facing certain difficulties. A Bill was tabled by the Government on 30 March, which provided for Proportional Representation through *national* lists, with a minimum of 5% of the votes needed for election. On 6 May, however, this was rejected by the *Bundesrat* in favour of *Land* (regional) lists.

Broadly the Government parties — Social Democrats and Free Democrats (Liberals) — have been in favour of national lists; the Opposition parties — Christian Democrats — in favour of regional lists. But the Bavarian Social Democrats, for example, have declared for regional lists. The debate will continue in the Autumn.

## France (81 seats)

It was thought at one time that France would have even more difficulties than Britain in passing the necessary European Elections legislation. In the event, France is the first country to complete both ratification and the passage of an electoral Bill.

In the face of possible opposition to the elections from both the Communists (in Opposition) and the Gaullists (in Government), President Giscard d'Estaing last year referred the issue of European Elections to the French constitutional court. This ruled that no constitutional objections existed, since no increase in the European Parliament's powers were involved. In the Spring, the Communists declared support in principle for the elections.

A large body of Gaullists, however, continued to have doubts. When the ratification Bill was presented to the National Assembly (Lower House of the French Parliament) on 16 June, a device was therefore used to avoid a vote (Art. 49,3 of the French Constitution): the Act was ratified with opponents declining to table a motion of no-confidence in the Government. On 24 June the Senate (Upper House) voted by 220 to 0 with 23 abstentions in favour of ratification.

On 25 May an electoral Bill was tabled by the Government, providing for Proportional Representation with national lists (as opposed to the single-member seat system used for French National Assembly elections). This was passed with minor amendments by the Assembly on 21 June (474 votes to 2), and by the Senate on 29 June (256 votes to 0). French citizens resident in other countries will be able to vote for a French Member.

## Ireland (15 seats)

The then Irish Government tabled a Bill on 22 April, which provided for the election of Ireland's European Parliament Members in four multi-member constituencies, with Single Transferable Vote (see *European Elections Briefing 2*). All Community citizens resident in Ireland would have had the vote. On 16 June, however, the Fianna Fáil Government was elected, and a new Bill must now be presented. It is believed that this will provide for five multi-member constituencies, based on the Irish provinces and Dublin.

## Italy (81 seats)

Italy was the first country to ratify the Community Act. It was approved by the Chamber of Deputies (Lower House of the Italian Parliament) on 17 February by 384 votes to 16, and by the Senate (Upper House) on 24 March, unanimously. There is general agreement on Proportional Representation, but so far no electoral Bill has been published.

## Luxembourg (6 seats)

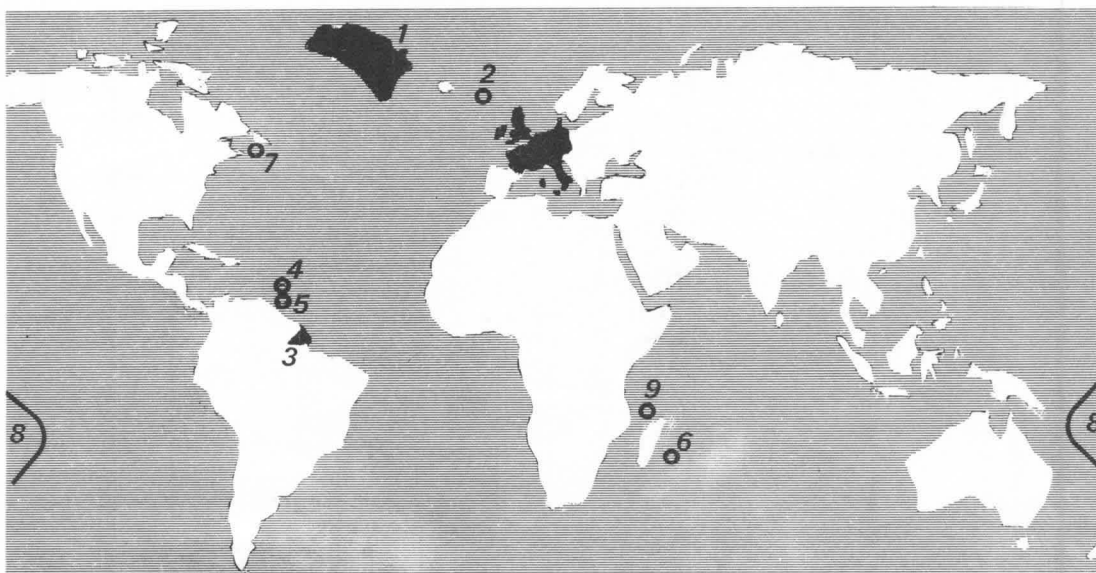
The Luxembourg Parliament ratified the Community Act on 5 July, by 54 votes to 5. A draft elections Bill is now being discussed between the parties. The system of election will be Proportional Representation, though it is not yet decided whether there will be more than one constituency.

## The Netherlands (25 seats)

The Community Act was ratified, by acclamation, in the *Tweede Kamer* (Lower House of the Dutch Parliament) on 23 June; and by the *Eerste Kamer* (Upper House) on 28 June. The Government has not yet tabled the elections Bill; but it is expected to provide for Proportional Representation in a single national constituency, and for all Community citizens resident in the Netherlands to have the vote.

## The Community's voters

Direct elections will be truly world-wide — the Community's electorate is not confined to Europe.



Voting as part of Denmark will be: (approximate electorates in brackets)

1. Greenland (30,000)
2. The Faroes (25,000)

Voting as part of France will be the five French Overseas Departments:

3. Guyane (35,000)
4. Guadeloupe (250,000)
5. Martinique (250,000)
6. Réunion (350,000)
7. St. Pierre et Micquelon (4,000)

and the French Overseas Territories:

8. Polynesia, New Caledonia, Wallis and Futuna (total 150,000)
9. Mayotte (25,000).