

3. Representation of the People (Amendment) Bill 2015 – First Reading approved

Mr Corkish to move:

That the Representation of the People (Amendment) Bill 2015 be read a first time.

The President: Item 3, Representation of the People (Amendment) Bill 2015 for First Reading.
I call on the Hon. Member, Mr Corkish.

Mr Corkish: Thank you, Madam President.

Today's First Reading of the Representation of the People (Amendment) Bill is an important step towards improving transparency and governance of the Island's election framework, ensuring that key reforms are in place before the 2016 General Election.

The Bill comprises 37 clauses and two schedules focusing on four new provisions, as well as clarifying and modernising current legislation. These provisions introduce a party registration system, limit candidates' campaign expenses, add requirements relating to donations and place new restrictions on proxy voting.

As Hon. Members will recall, in 2010 a review into the rules and processes applying to candidates standing for election was undertaken by an independent panel, following the events during that year's Douglas East by-election. The panel's recommendations were published with the response from the Council of Ministers as part of a public consultation. The results of the review and the consultation were incorporated into the Representation of the People (Amendment) Bill 2011, which did not complete its passage through the House of Keys.

The Bill before us today includes reforms attempted in 2011, plus provisions reflecting recommendations from the panel on the registration and conduct of political parties, as well as other changes arising from the post-2011 election review. It also includes amendments made further to last year's public consultation and the recent presentation to Tynwald Members.

Hon. Members may wish to note that the Bill was amended during its passage through the Keys: one amendment was made to clause 12 in respect of complaints concerning candidates exceeding the expenses limit, and a series of technical amendments were made to schedule 2 of the Bill.

The independent panel recognised early on that designing a completely watertight system of election funding is impossible. If people are determined to bend the rules, this cannot be prevented. It also recognised that any reporting system needs to evolve over time and be fine-tuned on a regular basis, as has happened in all mature democracies. Therefore, a straightforward system has been included in the Bill which, should it be approved, can be amended in light of practical experience.

There has been growing participation by candidates representing political parties, and party regulation is being addressed by seeking to increase the amount of information that is publicly available. There is a new requirement for parties supporting candidates for election to the House of Keys to be included on a public register. A deliberate light-touch approach has been taken in this process. To register, a party must supply some basic information plus their constitution and most recent accounts. There are circumstances under which a party can be removed from the register but this is subject to appeal, as is refusal of an application to register.

A key recommendation of the panel was to increase transparency of election funding during the 12 months before polling day for scheduled general elections. In order to legislate for this recommendation, the Bill refers to prospective candidates, namely those who declare their intention to stand before their nomination paper is accepted.

There are new provisions to limit the amount a candidate can spend on his or her election campaign during the relevant period. A formula based on a recommendation of the independent panel and agreed by the Council of Ministers is set as £2,000 plus 50p for each registered elector in

the candidate's constituency. This amount can be amended by regulations. It is important to note that a candidate is only required to submit a statement of expenses if the electoral registration officer receives a complaint that they have exceeded the maximum amount. The amendment in Keys to which I referred earlier allows some parameters to be set around the manner and form of any such complaint.

Schedule 2 of the Bill provides details of what constitutes an expense and the meaning of 'a donation'. The Bill requires all Keys candidates to declare donations that are, or are worth, equal to or greater than the minimum amount, set at £50, which may be amended by Regulations. The declaration has to include a statement that all anonymous donations have been disposed of, as they cannot be retained by a candidate, prospective candidate or a political party. In accordance with the independent panel's intention to improve transparency, certain documents required by the Bill, including declarations and party constitutions, will be publicly available at the General Registry, subject to a fee that Treasury may set.

Madam President, on the issue of proxy votes, there are voters, such as those serving abroad in our Armed Forces, who have no other means of casting their vote. These people should not be disenfranchised. However, it is well known that this type of voting is open to abuse. Therefore, the Bill restricts the availability of proxy voting to those unable to vote in person or as an advance voter. The Bill adds the term 'advance voter' to replace 'absent voter' to clarify that electors can choose to vote in absence of an election for whatever reason. It is hoped that these changes may increase voter turnout and reduce the number of proxy votes.

Finally, I want to briefly touch upon other changes to clarify and modernise the law. These changes include refining the requirements for qualification and disqualification for membership of the Keys, and modernising several provisions to take account of new methods of communication, for example, affording candidates the opportunity to have their manifesto displayed on the Government website.

The 2016 General Election is fast approaching. We have the opportunity to ensure that a fairer and more robust legislative base is in place in advance of that election. Subsequent reforms will be made by the election regulations replacing the current mix of regulations and rules, many of which are obsolete. Thereafter new forms, guidance and codes of practice need to be in place. It is important that the whole package is available from early next year so that candidates and officials are aware of the provisions which apply to the 2016 General Election.

Madam President, I hope that Hon. Members will be able to give the Bill their support, and I beg to move that the Representation of the People (Amendment) Bill 2015 be read a first time.

The President: The Hon. Member, Mr Turner.

Mr Turner: I beg to second and reserve my remarks.

The President: If no Hon. Member wishes to speak, the motion before Council is that the Representation of the People (Amendment) Bill 2015 be read a first time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes consideration of our Order Paper today.