

Standards of Conduct Committee consultation on Individual Member Accountability – Electoral Commission response

September 2024

Introduction

We have set out some information below on the current system of recall for MPs, including some of our recommendations for how the Westminster petition process could be improved. This is information that we previously provided to the Committee in June.

The Electoral Commission does not have a remit in regulating political speech, whether in politicians' speeches or in the content of campaign material. Therefore, we do not have a view on the making of false or deceptive statements – it will be for the Senedd to determine any policy and its intent.

The Westminster recall process

Since the Recall of MPs Act 2015 was passed, six MPs have been subject to the recall petition process, although one MP resigned during the petition process and the petition was terminated early (Blackpool South). One of these recall petitions – Brecon and Radnorshire in 2019 – took place in Wales.

A recall petition takes places if an MP is:

- Convicted of an offence in the UK and receives a custodial sentence (including a suspended sentence) or is ordered to be detained, other than solely under mental health legislation.
- Suspended from the House of Commons for 10 sitting days or 14 calendar days.
- Convicted of providing false or misleading information for allowance claims under the Parliamentary Standards Act 2009.

Voters in the relevant constituency will have six weeks to sign the petition. If at least 10% of eligible registered voters in the constituency sign the petition, the MP will lose their seat and it will trigger a by-election. The recalled MP may stand as a candidate at the ensuing by-election.

Our recommendations for changes to Westminster recall petitions

We have produced several reports on the recall petitions that have taken place since the Recall of MPs Act 2015 came into force. Across our evaluation and reporting, we have consistently found certain key issues that need to be addressed by the UK Government. In our most [recent report](#), covering the 2023 Rutherglen and Hamilton West recall petition, we reiterated our key recommendations going forward. These include:

- Identifying the appropriate length for a reduced petition period of less than six weeks – we continue to find that most people wishing to sign a recall petition do so within the first two weeks of the signing period.
- Consideration of whether eligible electors should be given the chance to complete an equivalent to the signing sheet to indicate that they oppose the petition.
- Setting out more clearly what time signing places should close on the final day of the petition period, the deadline for receipt of postal signing papers, and when and how the Speaker of the House of Commons should be notified of the petition result.
- Keeping the rules for donations and spending by campaigners under review as more experience is gained at future recall petitions, to ensure there is appropriate oversight and regulation of campaigner spending.
- Reviewing the scope of who can observe the process in signing places to extend transparency and scrutiny, while ensuring that secrecy is maintained for people signing the petition.

We also made some recommendations for Petition Officers and Returning Officers:

- Returning Officers should continue to keep under review contingency plans for any potential recall petitions in their constituency, including identifying possible locations for signing places.
- Petition Officers should ensure they offer some extended opening hours for people to sign the petition, beyond the minimum hours of 9am to 5pm.

These are all matters that will need to be considered by the Standards of Conduct Committee, the wider Senedd, and the Welsh Government as work progresses on a potential system of recall for Members of the Senedd.

Outside of the recall petition process itself, there are clearly wider questions for the Senedd to consider around how any system – including filling a vacancy caused by a Member being recalled – should work. Future Senedd elections will be held under a closed list system, with 16 larger constituencies electing six Members each. This means the current mechanism for replacing vacancies for the UK Parliament – a by-election held using First Past the Post – will not be directly applicable to the Welsh context. Further consideration will need to be given as to how such a system will work.

Although the question of how to replace a Member who has been recalled is ultimately not a matter for the Electoral Commission, we will look to engage constructively with any proposals for recall that are put forward as part of this process, and would be happy to have a further conversation with the Committee if this would be useful.

Further information

In addition to the [report](#) on the Rutherglen and Hamilton West recall petition, our other reports on previous Westminster recall petitions are available below:

- [The 2019 recall petitions in Peterborough and in Brecon and Radnorshire](#)
- [The 2018 recall petition in North Antrim](#)