To consider

Elections: Casual Vacancies and Review of Electoral Scheme

Issue

1. The vacancy among the elected members caused by the death of Professor Baum; and the review of the Electoral Scheme.

Recommendation

2. a. To agree the timetable for the by-election to fill the vacancy caused by the death of Professor Baum (paragraphs 6-11).

b. To establish a working group, at the Council meeting in May 2000, to review the Electoral Scheme. (paragraph 16).

Further information

3. Peter Pinto de Sa’ 0171 915 3504 (email: ppdesa@gmc-uk.org)
Mark Paulson 0171 915 3586 (email: mpaulson@gmc-uk.org)
Antony Townsend 0171 915 3517 (email: atownsend@gmc-uk.org)
Background

4. The GMC election results were published on 25 June 1999. Professor Baum was elected to Council, but died before taking office.

5. Council decided in May 1999 to review the Electoral Scheme and assess its suitability to govern future election campaigns.

Discussion

Casual vacancies

6. The regulations covering vacancies and by-elections provide that:

   a. The validity of Council proceedings shall not be affected by a vacancy.

   b. Elections to fill casual vacancies among elected members may be postponed and held together, subject to a requirement to hold a by-election at the half-way point between elections, if there is a vacancy.

   c. Council shall decide the timing of by-elections.

   d. The single transferable vote must be used in by-elections, as in general elections.

7. Following the 1994 election, Council considered filling casual vacancies among elected members through a reserve list of the candidates who were unsuccessful in the general election, rather than through by-elections. The advice we received at the time was that changes to both the Order and the Scheme would be required to implement this. We will be returning to this option when considering changes to the Order and Scheme. However, any changes to the Electoral Scheme could not be applied retrospectively to fill the vacancy caused by Professor Baum’s death.

Timing

8. Council could postpone a by-election to, but not beyond, the early part of 2002. The by-election would cover any further vacancies which arose by then.

9. Council has previously shown a willingness to live with casual vacancies. The last by-election was held in 1987, in Scotland. The main arguments for postponing a by-election, perhaps until 2002, are:

   a. Each by-election would cost at least £35,000. It therefore makes sense to wait to see if further vacancies arise.

   b. Avoiding the precedent that we hold a by-election each time a vacancy occurs.
c. Electors in England may already be suffering from ‘election fatigue’.

10. The arguments for holding a casual vacancy election as soon as possible are:

   a. The workload facing members is heavy and growing and we should not carry vacancies for long.

   b. With almost five years until the next election, steps should be taken promptly to fill the vacancy, so that the best use may be made of the vacant place.

11. The PAC concluded that it would generally be inappropriate to hold a by-election to fill a single vacancy. However, the PAC was persuaded, exceptionally, by the arguments for holding an early by-election to bring the Council up to strength at the beginning of the five year term. A proposed timetable for the by-election appears at Annex A.

   **Recommendation:** That Council agrees the timetable of the by-election to fill the vacancy caused by the death of Professor Baum.

*Review of the Electoral Scheme*

12. Council decided in May 1999 to review the Electoral Scheme. The election result, particularly in England, has highlighted several issues that could form the basis of such a review. Many of these issues were directly related to the unprecedented number of candidates in the England constituency.

13. The review of the Electoral Scheme should include consideration of the following issues, among others:

   a. The declining turnouts in the four constituencies.

   b. The size of constituencies and numbers of candidates standing in each constituency.

   c. The presentation of candidate information on the voting papers.

   d. The ordering of candidates’ names on the voting papers.

   e. The filling of casual vacancies.

   f. Other administrative issues arising from the conduct of the elections.
14. A small working group of Council members could be constituted to take the project forward. The composition of the group could reflect the balance of medical and lay members and include newly-elected members. The membership of the group could be decided at the Council meeting in May 2000. This would give newly-elected members a chance to establish themselves on Council and allow the office to undertake some preparatory work on the project.

15. Any proposed changes to the Electoral Scheme will require the approval of the Privy Council and we are obliged by the Medical Act 1983 to consult widely, including all interested parties in the profession.

16. A proposed timetable for the review of the electoral scheme appears at Annex B.

**Recommendation:** To establish a working group, at the Council meeting in May 2000, to review the Electoral Scheme.

Financial implications

17. The cost of a by-election in the England constituency would be in the region of £35,000. We have made provision in the 2000 budget.

18. There is a resource implication in any review of the Electoral Scheme. As well as servicing a small working group and consulting widely, we will be reliant upon legal advice at several stages of this process. Our preliminary estimate would be in the region of £5,000. We have made provision in the 2000 budget.
### Annex A

#### Proposed timetable for the by-election

<table>
<thead>
<tr>
<th>Date</th>
<th>Action required</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 1999</td>
<td>Publication of formal notice of election</td>
</tr>
<tr>
<td>January 2000</td>
<td>Last date for return of nomination papers to the Council</td>
</tr>
<tr>
<td>February 2000</td>
<td>Date by reference to which electoral roll is prepared</td>
</tr>
<tr>
<td>March 2000</td>
<td>Despatch of voting papers</td>
</tr>
<tr>
<td>April 2000</td>
<td>Closing date for return of voting papers.</td>
</tr>
<tr>
<td>28 April 2000</td>
<td>Announcement of result</td>
</tr>
</tbody>
</table>
**Proposed timetable for the review of the electoral scheme**

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2000</td>
<td>Membership of the working party is decided at the Council meeting</td>
</tr>
<tr>
<td>May 2000 – September 2000</td>
<td>The working party undertakes an initial review of the Electoral Scheme</td>
</tr>
<tr>
<td>September 2000</td>
<td>An interim report is presented to the PAC</td>
</tr>
<tr>
<td>November 2000</td>
<td>Council considers the interim report of the working group</td>
</tr>
<tr>
<td>January – March 2001</td>
<td>Consultation exercise</td>
</tr>
<tr>
<td>May 2001</td>
<td>Council reviews the results of the consultation exercise</td>
</tr>
<tr>
<td>Late 2001</td>
<td>Proposals are submitted to the Privy Council</td>
</tr>
<tr>
<td>Spring 2004</td>
<td>The revised Electoral Scheme is in place for the election</td>
</tr>
</tbody>
</table>