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DESK IMMEDIATE

From: Clare Salters
International & Planning Division
5 March 1998



cc: PS/Mr Murphy (L & B)
PS/Mr Ingram (L & B)
PS/Mr Pilling
PS/Mr Semple
Mr Thomas
Mr Steele
Mr Bell
Mr Leach
Mr Stephens
Mr McCusker
Mr Howard
Mr Kelly
Mr Beeton
Mr Ferguson
Mr Hill
Mr Maccabe
Mr Woods
Mr Whysall
Ms Bharucha
Ms Marson
Mrs Rogers
Mr Barbour
Mrs Sear

M
B/B1

3
W. M. Watkins

1. Mr Brooker

[This minute reflects a discussion between IPL, CPL and REL this morning.]

2. PS/Secretary of State (L & B)

TIMING OF REFERENDUM

1. The Secretary of State wants to know whether it would still be possible to have an election in June given that the Irish are indicating they would the Referendum to be hold on 22 May or possibly 15 May.

2. There is an issue of how late into June we could reasonably run, bearing in mind the marching season. The situation is inevitably unpredictable at this stage, when it is difficult to assess with any degree of certainty what the climate will be like in June. However, there are two key dates: Friday 19 June for the "Tour of the North" (in Belfast) and Sunday 5 July for Drumcree.

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3. The safer option would be to hold the elections within the first half of June. However, we judge that the absolute latest would be Thursday 25 June, which gives a clear week before Drumcree. The Northern Ireland school holidays are likely to start on Friday 26 June and the election must be before then anyway.

4. Taking 25 June as the operative date and working back, there are two phases: the legislation phase and the election campaign.

Legislation

5. The view amongst officials is that, if the Referendum is held on Friday 22 May and assuming that the result is announced, North and South, that day or over the weekend at the latest, this would allow us to introduce the legislation on Monday (25th - Whitsun Bank Holiday) or Tuesday (26th) - but see paragraph 8 below. This would take the form of a short Assembly Bill and, in order to reduce the number of Parliamentary stages, could incorporate the necessary electoral provisions as well. This has not been discussed with the Business Managers but we assume that, if all stops are pulled out, the Bill could be taken through both Houses and receive Royal Assent within a week to 10 days. This would mean Royal Assent on 3 June, thus leaving a clear 3-week period for the electoral arrangements to be put in place by 25 June.

6. There may need to be some secondary legislation to fix the date and arrangements for expenses etc but we believe these could be done by Secretary of State Order, without attendant Parliamentary procedure. The main Bill could be dealt with at a later date, before the summer recess.

7. If we were to meet this timetable, we would need to have the Bill ready before the Referendum for immediate introduction thereafter. The 3-week Referendum period could be used for this purpose. We would also use that period to produce a draft of the new British-Irish Agreement. This is all still

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subject to discussions with Draftsmen but we believe that it should be achievable.

8. The biggest potential obstacle in this timetable is the Whitsun recess. Dates will not be known for some time but it is possible that Parliament will go into recess for the week beginning with the late May bank holiday, w/c 25 May. If this is the case, this would mean:

- (a) recalling the House to get our Bill through;
- (b) condensing our Parliamentary procedure into 3 days, from Monday 1 to Wednesday 3 June; or
- (c) trying to take the Bill through before the Referendum.

None of these is ideal but option (b) may just be feasible. One attraction of it is that it would minimise the length of time that the Northern Ireland Members were needed at Westminster.

Election Campaign

9. Assuming Royal Assent on 3 June, the election might then be called the following day, Thursday 4 June, three clear weeks before the due date. The firm advice of REL is that a five-week period is needed to ensure basic checking arrangements to reduce electoral fraud in the area of postal votes. However, we are assuming that, because of the need for urgency, the Secretary of State would prefer to settle for a three-week campaign as happens in the case of general elections.

10. A period as short as this would not allow for proper checks against fraud; unless the parties also support this shortened period, Ministers would be criticised for this and also for restricting the amount of time that voters would be given to apply for postal and proxy votes. To reduce the impact of the shortened campaign, we could trail in advance (possibly in conjunction with literature on the Referendum) the need for people to make

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applications for postal or proxy votes immediately following the Referendum. However, this may not be sufficient to satisfy the parties.

Conclusions

11. A Referendum on 7 May would give greater time to prepare for the elections, in particular by providing a longer period for checking absent vote applications to reduce fraud, and might allow us to hold elections earlier in June, away from Drumcree and before the Tour of the North.

12. It might still be possible to deliver an election in June following a Referendum on 22 May but this would give us absolutely no slack in the system. It assumes a week - possibly less - for the legislation and would leave only a minimal period for the election campaign, with little scope for preventing electoral fraud. Although we would not discount the possibility that this scenario would be achievable (the attached diagram sets out what would be required), it would clearly be better to allow ourselves some margin if possible. A 15 May Referendum would be preferable to one on 22 May, especially because it would allow the extra week for checking. It might also allow us to enact the necessary legislation in the week of 18 May, if the following week were to be lost to the Whitsun recess.

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**MINIMALIST TIMETABLE
Assuming 22 May Referendum**

April/ May

use post agreement/pre-referendum period
to draft Constitutional legislation and new Agreement

↓

Friday 22 May

REFERENDUM

↓

Monday 25 May

Introduce short Bill

covering Assembly & electoral provisions

NB: depending on Recess, may slip till 1 June

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Debated in both Houses

↓

Wednesday 3 June

Royal Assent

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Thursday 4 June

Election called

↓

4-11 June

absent voters may apply for postal/proxy votes

↓

12-18 June

scrutiny of absent vote applications

↓

postal ballot papers issued

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Thursday 25 June

ELECTION

↓

late June/early July

Main Bill taken through Parliament

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