

Indicative votes on Brexit



What are indicative votes?

Indicative votes are votes by MPs on a series of non-binding resolutions. They are a means of testing the will of the House of Commons on different options relating to one issue.

Why would an indicative vote happen?

The House of Commons rejected the Government's draft deal with the EU in January 2019, by a margin of 230 votes, and again on 12 March, by a smaller margin of 149. On 29 March the Government was defeated on the Withdrawal Agreement by 58 votes. This meant that Parliament was at an impasse: MPs did not support the Government's proposed deal, but had also previously voted in favour of a motion which ruled out a no deal Brexit.

In the two years since the Government triggered Article 50, MPs had tabled numerous amendments to government motions and bills. While some of these had set out their preferred Brexit approach, many of the more recent amendments focused on the process of leaving the EU rather than the outcome itself. There was therefore no clarity over whether there was a sustainable majority in favour of any particular Brexit outcome.

The House of Commons Exiting the EU Select Committee suggested a series of indicative votes to test the sentiment of MPs and narrow down the range of options.

On 25 March MPs voted to take control of parliamentary business in order to make time to hold indicative votes on different Brexit options. Votes were held on 27 March, and while no option commanded the support of a majority of MPs, they did give an indication of where parliamentary opinion lay. A second round of votes were held on 1 April, in an attempt to narrow down the options further, but these also failed to produce a majority for any of the options. On 3 April, MPs voted against holding a third round of indicative votes.

Why might further indicative votes on #Brexit happen?

Since the Government has not asked MPs to vote again on any Brexit deal, and with cross-party talks between the Government and the Labour Party yet to make substantial progress, further indicative votes could be used in an attempt to break the Brexit deadlock.

Who can arrange indicative votes?

Indicative votes can be proposed by either the Government or MPs.

The Government can choose to offer indicative votes by tabling a motion outlining the options for MPs to consider and the order in which they will be voted on (or, alternatively, a process through which the options and order could be decided on - for instance, by a committee of MPs).

MPs can also propose their own set of indicative votes, for instance by amending a motion in the Commons. Such amendments would need to be selected by the Speaker, and could provide for indicative votes in one of two ways:

1. Directly, by outlining the options for MPs to consider and the order in which they will be voted on (or, alternatively, a process through which the options and order could be decided on).
2. Indirectly, by voting to give MPs control of the agenda in the Commons - providing an opportunity for MPs to schedule indicative votes at a future date. Such an amendment, tabled by Sir Oliver Letwin, was approved by MPs on 25 March, by 329 votes to 302, paving the way for the indicative votes held on 27 March. The business motion also gave MPs control of parliamentary business on 1 April, and MPs then voted on another business motion which outlined the process for the second round of indicative votes on 1 April.

How does the voting process work?

Different voting methods can be used for indicative votes, and which method is chosen can impact how likely the process will reveal MPs' preferences.

The table below illustrates the different voting methods and some of the issues they pose. Indicative votes have traditionally been run using Option 2, although concerns that this method would give too much discretion to the Speaker, encourage tactical voting, and fail to identify an option commanding the support of a majority in the Commons led MPs to adopt a different voting method for the indicative votes on Brexit.

As a result, the first round of Brexit indicative votes, held on 27 March, used Option 3. [As Sir Oliver Letwin told MPs](#), this first set of votes was an attempt to identify a shortlist of options to be included in the second round of indicative votes, should no option command a majority in the first round.

It had been thought that Option 4 or 5 would be used for the second round of votes, as these methods are more likely to identify a single option commanding the support of a majority of MPs. However, in the event Option 3 was used again.

Whether the outcome of indicative votes is conclusive depends on the options selected for a vote, how parties whip their MPs to vote, the degree of tactical voting by MPs, and the voting system used.

Some have argued that the indicative votes held on Brexit would have worked better had a different voting system been used – either exhaustive voting, the alternative vote, or majority judgement.

How to run indicative votes on Brexit

	Option 1: Series of amendments to a motion	Option 2: Series of separate motions	Option 3: A shortlisting phase	Option 4: Ballot using the Alternative Vote method	Option 5: Exhaustive votes
How would it work?	MPs table amendments on the different Brexit options against a single motion.	MPs vote on separate motions on the different Brexit options. This approach was taken in 2003 when MPs considered House of Lords reform.	MPs shortlist a range of options to be put to a vote, either by choosing from a wider lists drawn up by the Speaker, or proposing their own list of options. To allow simultaneous voting, this could take place on 'pink slips' in the Lobby.	MPs rank the options in order of preference. If no option has a majority, the least favoured option is eliminated, and MPs' second preference votes reallocated until one option commands majority support.	Through multi-round voting, MPs will vote on each option and the one with the least support in each round will be eliminated. MPs then vote on the remaining options. This continues until there is only one option left standing.
Has the Commons used the process before?	✓	✓	✗	✓	✗
Why might it be proposed?	Normal procedure	Precedent – House of Lords indicative votes	Proposed by Oliver Letwin	Proposed by Ken Clarke and Helen Goodman in February based on way select committee chairs are chosen	Proposed by the National Institute of Economic and Social Research
Is there a significant role for the Speaker?	✓	?	?	✗	✗
Would it force MPs to narrow down options?	✗	✗	✓	✓	✓
Does it allow MPs to show second preferences?	✗	✗	✓	✓	✓
Does it guarantee a single remaining option?	✗	✗	✗	✓	✓
Might the outcome be affected by the order MPs vote on options?	✓	✓	✗	✗	✗
Does it guarantee any preferred option is negotiable?	✗	✗	✗	✗	✗
Remaining questions	<p>Would the Prime Minister's deal be considered as just another option, excluded or used in a 'run off' with the option preferred by MPs through the indicative votes process?</p> <p>Would a further referendum be considered an option to be voted on through this process or considered separately at the end?</p> <p>None of these options necessarily guarantee that a majority of MPs will back the option that emerges as most popular from an indicative votes process nor oblige the Government to adopt that as a way forward.</p>				

How to run indicative votes on Brexit (Updated: 06 Jun 2019) [2]

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What needs to be considered when deciding which options to include in the Brexit indicative votes? [5]

For indicative votes to be effective in breaking the Brexit impasse, a balance must be struck between ensuring MPs are satisfied with the range of options they can choose between and making sure the options offered have a realistic chance of being negotiated with the EU. MPs must also be willing to compromise. [6]

There were also concerns with the indicative votes that they confused matters of process (such as whether to hold a second referendum) with matters of substance on both the Withdrawal Agreement (such as whether to attempt to amend the backstop) and the Political Declaration (such as whether to seek a more specific commitment to a customs union or single market 2.0). There was a feeling that these different options meant MPs were arguing at cross-purposes about a number of discreet issues.

Does the Government have to accept the outcome of indicative votes? [7]

The Government is not usually bound by indicative votes, unless it has agreed to beforehand.

Even if indicative votes demonstrated a parliamentary majority in favour of a particular Brexit stance, there is no guarantee that the Government would adopt it in negotiations with the EU, although the political pressure to do so would be very high.

The Prime Minister said to MPs that she was "sceptical" about the indicative votes process, and that while the Government would engage constructively with MPs, it would not commit to delivering the outcome of any indicative votes.

However, should further indicative votes take place, MPs could take the unprecedented move of trying to pass legislation directing the Government to implement, or attempt to implement, the outcome of the indicative votes, even if the Government opposed the direction proposed by MPs.

Have indicative votes been used as a tactic before Brexit? [8]

In 2003 MPs were presented with seven different options for reforming the House of Lords, and were able to vote on each individual option. [No option](#) ^[9] garnered a majority among MPs.

However, the [2003 votes](#) ^[10] were only advisory and did not relate to a motion giving something statutory effect (as any indicative vote prior to the meaningful vote would do). This means that there is [no direct](#) ^[11] precedent for indicative votes being used in this way.

Are indicative votes whipped? ^[12]

Indicative votes could be [free votes](#) ^[13] for MPs of some or all parties – meaning that MPs would not be whipped and required to follow a party line. It is likely that the votes would have to be free, as was the case in 2003, if the purpose of them was to understand the views of MPs.

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- [6] <https://www.instituteforgovernment.org.uk/blog/indicative-votes-are-procedural-fix-political-problem>
- [7] <http://twitter.com/intent/tweet?text=Does%20the%20Government%20have%20to%20accept%20the%20outcome%20of%20indicative%20votes%3F>
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- [9] <https://www.theguardian.com/politics/2003/feb/05/uk.houseofcommons1>
- [10] <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/procedure-committee/motions-under-section-131-of-the-european-union-withdrawal-act-2018/written/92343.html>
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