

Guidance on Voting by Proxy as provided for in Standing Order 112

1. This guidance is intended to support the Northern Ireland Assembly's Standing Orders and the conventions outlined in Speaker's Rulings. The guidance is for Members and their staff and it explains the arrangements in place to allow Members to vote by proxy in the Assembly, under Standing Order 112.
2. The guidance has been issued by the Business Office, which has responsibility, under the Speaker's authority, for providing support to plenary meetings of the Assembly and for the operation of effective tabling processes.
3. During the period of Covid-19 response, the Business Office, located in Room 32 of Parliament Buildings, is open from 9.00 am to 5.00 pm or until the Assembly rises, whichever is later. On non-plenary days, the Business Office is open electronically on business.office@niassembly.gov.uk, and Members are welcome to seek advice on proxy voting from the Business Office team.
4. The Clerks of Business can be contacted as follows:
 - Roisin Kelly Tel: (028 905) 21398
 - Alex McGarel Tel: (028 905) 21534

The Senior Assistant Clerk responsible for the Business Office Table Section can also provide advice:

- Gavin Ervine Tel (028 905) 21257

A. Who may Vote by Proxy

5. Proxy voting is available to all Members while Standing Order 112 (the Temporary Provisions) remains in force.
6. It is not compulsory to avail of proxy voting. A Member may vote in person or by proxy
7. The entitlement to a proxy vote, and to its use, is personal to the Member. A Member or a party whip may not cast the votes of the members of their party in the absence of notification to the Speaker from individual Members.

B. Who may act as Proxy

8. Members may authorise one of the following to exercise their vote by proxy:
 - a. the whip or deputy whip of the party of which the Member exercising their proxy vote is a member; or
 - b. another Member.

9. Where the person authorised to exercise a proxy vote is unable to act for the Member, then the proxy may authorise another person in writing to the Speaker to vote on behalf of the Member. This may only happen where the Member, nominating the proxy to the Speaker, has confirmed to the Speaker that their proxy may identify another Member to act on their behalf if they are unable to act.
10. Only a Member may act as proxy. Persons who are not Member of the Legislative Assembly may not act as proxy. A Member may not authorise the Speaker to cast their vote by proxy. Members are discouraged from authorising Deputy Speakers to cast their vote by proxy as Deputy Speakers may not vote on matters where they have been in the Chair for all or part of the debate.

C. Notice to the Speaker

11. A Member giving notice to the Speaker that they wish to vote by proxy does so by emailing proxy.vote@niassembly.gov.uk. The email **must** contain -
 - a. the name of the member who wishes to exercise the proxy vote;
 - b. the identity of the member who will vote on the Member's behalf
 - c. confirmation that their named proxy is willing to vote on their behalf; and
 - d. details of the period for which the proxy will vote on their behalf.
12. In notifying the Speaker that they wish a named member to exercise their vote by proxy, the Member **may** also confirm to the Speaker that their proxy is authorised, if they are unable to act, to nominate another member to carry out the proxy functions.
13. In providing details of the period (in point d. above) for which the proxy will vote on their behalf, a Member may specify a -
 - One or more items of business - e.g. for the vote on the Supply Resolutions on the Main Estimates and the vote on the Budget Bill on the Order Paper for [Day and date specified];
 - One or more sitting days - e.g. on Monday 20 June and Tuesday 21 June 2020; or
 - Until further notice.
14. A proxy voting proforma is attached to this guidance. The proforma does not have to be used, and notification may be made in an email containing the information at a-d above.

D. Deadline for notifying the Speaker

15. The deadline for receipt of notice to the Speaker from a Member that they wish to vote by proxy is not later than 9:30am on the sitting day (or as the case may be the first sitting day) on which the Member intends their proxy to vote on their behalf.

16. The deadline for receipt of notice to the Speaker from a proxy that they are unable to act for a Member, and that another Member shall act as a proxy on the Member's behalf, is not later than 9:30am on the sitting day on which the proxy is to vote on a Member's behalf.

E. Acknowledging the arrangement

17. On receipt of the specified information the Business Office, on behalf of the Speaker, shall issue acknowledgement to the Member and their proxy.

F. Varying the arrangement

18. A Member who has a proxy voting arrangement in force and wishes to change that arrangement, shall give written notice to the Speaker as early as possible, and not later than 9:30am on the sitting day (or as the case may be the first sitting day) on which the Member intends the change to take effect.

G. Exercising the proxy vote

19. A Member must agree with the Member nominated as their proxy when the proxy vote will be cast and how it will be exercised. It is the responsibility of the Member to ensure that this agreement has been secured.
20. The proxy will cast the Member's vote by communicating the Member's name to the lobby clerks and tellers in the relevant lobby and the Member's vote shall be included in the numbers counted as cast in that lobby.
21. A Member authorised as a proxy will be expected to act in strict accordance with the instruction given by the Member.
22. A Member authorised as a proxy may cast their own vote in one lobby and the proxy vote in the other, and may cast a proxy vote without casting their own vote at all.
23. A proxy may cast a vote on behalf of a Member wishing to abstain by casting their vote in both lobbies.
24. A Member registered as voting by proxy who wishes to vote in person shall be entitled to do so, provided that the Speaker has been notified by the deadline of 9.30am on the day the vote is scheduled to take place.
25. Following the 9.30am deadline, any Member who has proxy voting arrangements in place, which apply either to that sitting or to any item of business at that sitting, may not vote in person at that sitting or on that items of business as the case may be.

H. Recording a proxy vote in a division

26. A Member casting a proxy vote in a division shall inform the Lobby Clerk at the appropriate desk, and the tellers for the lobby in which the proxy vote is being cast.
27. At the same time the Member casting the proxy vote shall make it clear whether that Member is casting his or her own vote in the same lobby.
28. When listing the result of divisions, the Minute of Proceedings shall note votes cast by proxy, including the Member who cast the proxy vote.

Standing Order 112 Voting by Proxy

112. Voting by Proxy

- (1) This Standing Order contains temporary provisions for proxy voting.
- (2) A member may vote in person or by proxy.
- (3) A member who wishes to vote by proxy must give notice in writing to the Speaker.
- (4) A notice under paragraph (3) must contain—
 - e. the name of the member who wishes to exercise the proxy vote (M);
 - f. the identity of the member who will vote on M's behalf (P) – see paragraph (6);
 - g. confirmation that P is willing to vote on behalf of M; and
 - h. details of the period for which P will vote on behalf of M - see paragraph (7).
- (5) A notice under paragraph (3) may include confirmation from M that P is authorised to nominate another member to carry out P's functions.
- (6) P shall be—
 - a. the whip or deputy whip of the party of which M is a member;
 - b. another member; or
 - c. where—
 - (i) M has identified a person under sub-paragraph (a) or (b);
 - (ii) that person is for any reason unable to act for M; and
 - (iii) M has provided confirmation under paragraph 5such other member as that person may in writing to the Speaker identify as voting on behalf of M.
- (7) M may authorise P to exercise M's vote in the Assembly
 - a. in respect of one or more items of business;
 - b. in respect of one or more sitting days; or
 - c. until further notice.
- (8) Notice under paragraph (3) must be given to the Speaker's Office not later than 9:30am on the sitting day (or as the case may be the first sitting day) on which M intends P to vote on M's behalf.
- (9) P shall exercise M's vote in the Assembly by communicating M's name to the lobby clerks and tellers and M's vote shall be included in the numbers counted.

Voting by Proxy Proforma

Notice of Voting by Proxy		
Dear Mr Speaker		Date: XX/ XXX / 2020
In accordance with Standing Order 112, I, [Member's name] wish to exercise my proxy vote as follows:		
I nominate [Name of Member] to vote on my behalf: (choose one of the following)		
in respect of one or more items of business	Tick	Details of items of business:
in respect of one or more sitting days	Tick	Detail sitting days:
until further notice	Tick	
Optional: (delete as appropriate)		
I confirm that I authorise this Member, if they are unable to act, to nominate another Member to vote on my behalf		
[Member's Name]		