

Legislative Brief

The Constitution (129th Amendment) Bill, 2024 and The Union Territories Laws (Amendment) Bill, 2024 (Simultaneous Elections Bills)

The Constitution (129th Amendment) Bill, 2024 and The Union Territories Laws (Amendment) Bill, 2024 were introduced in Lok Sabha on December 17, 2024.

The Bills have been referred to a Joint Parliamentary Committee (Chair: Mr. P. P. Chaudhary).

Highlights of the Bills

The Constitution (129th Amendment) Bill, 2024

- ◆ The Bill amends the Constitution to conduct elections for Lok Sabha and all State Assemblies together (simultaneous elections).
- ◆ To implement simultaneous elections, the President may issue a notification on the date of the first sitting of Lok Sabha after a general election. The terms of all State Assemblies constituted after this date will expire with the end of that Lok Sabha's five-year term.
- ◆ If Lok Sabha or a State Assembly is dissolved earlier than its five-year term, an election for it will be held for a term equal to the remainder of the five-year term. This will synchronise its next election with the simultaneous elections cycle.
- ◆ If ECI is of the opinion that election to a State Assembly cannot be held as part of the simultaneous elections, it may make a recommendation to the President in this regard. The President may issue an order to conduct election for that Assembly at a later date.

The Union Territories Laws (Amendment) Bill, 2024

- ◆ The Bill provides for holding elections to the Union Territory Assemblies as part of the simultaneous elections.

Key Issues and Analysis

- ◆ The Statement of Objects and Reasons to the Constitution Amendment Bill highlights that elections have become expensive and time-consuming. It notes that frequent elections lead to repeated imposition of Model Code of Conduct, which disrupts developmental activities. The question is whether these concerns justify the need to alter the electoral process.
- ◆ The Bills may result in Legislatures with short terms, in some cases even less than a year. Legislatures with such short terms may not be able to provide effective governance, as Ministers may not get adequate time to acquaint themselves with the administration.
- ◆ The Constitution Amendment Bill empowers ECI to recommend to the President to postpone election to a State Assembly. Currently, Article 356 of the Constitution allows for postponing an Assembly election only under specified conditions. This also involves approval by Parliament. The Bill does not have such requirements, and hence, it lowers the threshold for postponing elections.
- ◆ The Constitution Amendment Bill does not specify time limit on postponement of an Assembly election. This opens the possibility of a state being left without an Assembly.

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PART A: HIGHLIGHTS OF THE BILLS

Context

Legislatures in India have a term of five years. Elections to Lok Sabha and State Legislative Assemblies were held together from 1951 to 1967.¹ However, this cycle was disrupted in 1968 and 1969 due to premature dissolution of some State Assemblies. In 1970, the fourth Lok Sabha was also dissolved prematurely.¹ Since then, elections for Lok Sabha and State Assemblies have been held with different schedules.¹

Bodies such as the Law Commission and Parliamentary Standing Committee have noted that the current election process involves significant expenditure and frequent diversion of administrative machinery.^{2,3} Further, they observed that frequent imposition of the Model Code of Conduct (MCC) owing to frequent elections hampers policymaking, developmental activities, and service delivery.^{2,3} Simultaneous elections have been proposed to reduce the frequency of elections and address these issues.^{2,3}

To examine the feasibility of simultaneous elections and suggest a framework for the same, the central government constituted a High-Level Committee (Chair: Former President Mr. Ramnath Kovind) in September 2023.¹ The Committee noted that simultaneous elections will: (i) ensure stability and predictability in governance, (ii) minimise policy paralysis and disruption, (iii) reduce costs, and (iv) increase voter participation. It recommended holding simultaneous elections in two phases.¹ It recommended that elections for Lok Sabha and State Assemblies should be held together, and elections to Panchayats and Municipalities should be held within 100 days after that.¹

To introduce simultaneous elections, the Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024 and the Union Territories Laws (Amendment) Bill, 2024 were introduced in Lok Sabha in December 2024. The Bills have been referred to a Joint Parliamentary Committee (Chair: Mr. P.P. Chaudhary).

Key Features

The Constitution (129th Amendment) Bill, 2024 empowers the Election Commission to conduct elections for Lok Sabha and all State Assemblies together (referred to as simultaneous elections). The Union Territories Laws (Amendment) Bill, 2024 extends this framework to Union Territory (UT) Assemblies.

- **Commencement of simultaneous elections:** To bring the provisions of the Constitution Amendment Bill into force, the President may issue a notification on the date of the first sitting of Lok Sabha after a general election. The terms of all State and Union Territory Assemblies constituted after the date of the notification will expire with the expiry of the full term of Lok Sabha. Hence, elections to Lok Sabha and all State and UT Assemblies thereafter will be conducted together.
- **Premature dissolution of Lok Sabha or Assemblies:** If Lok Sabha or a State/UT Assembly is dissolved sooner than its full term of five years, a fresh election will be held for a term equal to the remainder of the five-year term. This will synchronise elections for Lok Sabha and all Assemblies every five years.
- **Deferring a state election:** The Constitution Amendment Bill provides that if the Election Commission is of the opinion that the election for a particular State Assembly cannot be held as part of the simultaneous elections, it may make a recommendation to the President in this regard. Thereafter, the President may issue an order to conduct election for that State Assembly at a later date. Where the election to a State Assembly is deferred to a date after the simultaneous election, its term will end with the end of Lok Sabha constituted in that simultaneous election. The UT Laws Amendment Bill does not have such provisions.

PART B: KEY ISSUES AND ANALYSIS

Accountability versus Stability

Multiple Committees have argued that simultaneous elections will aid stability in governance.^{1,2,3} In 1948, while moving the motion for consideration of the Draft Constitution by the Constituent Assembly, Dr. B. R. Ambedkar had observed that a democratic Executive must satisfy two conditions: (i) it must be a stable Executive, and (ii) it must be an accountable Executive.⁴ He argued that there is no system which ensures both in equal degree, and that parliamentary system places more emphasis on accountability than stability.⁴ Dr. Ambedkar had observed that both daily and periodic assessment of accountability as seen in the parliamentary system is more necessary for India.⁴

Unlike a presidential system where the Executive has a fixed term, in a parliamentary system, the term of a government lasts as long as it enjoys the majority in the Legislature. Legislators hold the Executive accountable on a daily basis in Legislature through questions, debates, resolutions, and no confidence motions.⁴ The Legislators are held directly accountable by the people through periodic elections.

Need for Simultaneous Elections

As per the Statement of Objects and Reasons (SoR) to the Constitution Amendment Bill, issues with the current election process include: (i) elections becoming expensive and time consuming, and (ii) frequent elections leading to frequent imposition of MCC which halts developmental activities and disrupts service delivery. The Bill proposes simultaneous elections to address these issues. Simultaneous elections could reshape the nature of political and electoral processes in the country. The question is whether the cost of conducting elections and the impact of MCC justify the need to alter the electoral process. We discuss the concerns highlighted with the current electoral process below.

Expenditure on elections

The Standing Committee on Law and Justice (2015) had noted that as per ECI estimates, government expenditure on conducting elections for Lok Sabha and State Assemblies was around Rs 4,500 crore.^{1,2} This amount was about 0.25% of the 2015-16 budget of the central government (Rs 17 lakh crore), and about 0.03% of GDP in 2015-16 (Rs 137 lakh crore). As per another estimate provided by ECI, expenditure towards Lok Sabha election had ranged around 0.02%-0.05% of GDP between 1957 and 2014 (Table 1 in annexure).⁵ Hence, it may be argued that direct government expenditure on elections is not significantly high.

Parties may also spend during elections on avenues such as campaigning and providing support to candidates. In the 2019 Lok Sabha elections, the seven national parties had reported spending Rs 2,378 crore.⁶ However, these numbers may be understating the actual expense incurred by candidates and parties. Some non-official studies estimate the total expenditure on the 2024 Lok Sabha elections to be about Rs 1.35 lakh crore.⁷

Time taken in conducting elections

Over the years, the number of phases and the total duration for conducting Lok Sabha elections have increased (Table 2 in annexure). For instance, the duration between the first and last poll day in 1970s and 1980s was 3-4 days.^{8,9} This has been higher than 25 days since 2009, and was 43 days in 2024.^{8,9} Between 1977 and 1998, total number of poll days was four or below.^{8,9} This rose to 10 in 2014, and seven in 2019 and 2024.^{8,9} There has also been considerable variation in phases and duration of Assembly elections (Table 3 in annexure).

While the number of voters has grown during these years, there have also been advancements in technology such as the shift from ballot paper to EVM, and improvements in financial resources, manpower, and the overall law and order situation across the country. This may raise a question whether the approach to election scheduling can be examined to reduce time taken in elections and the period for which MCC is in effect.

Impact of MCC

Upon the announcement of elections, MCC is imposed which places certain restrictions on the party in power to minimise any undue advantage in the election.¹⁰ These include: (i) restrictions on issue of advertisement funded by the public exchequer, (ii) prohibition on the announcement of financial grants in any form or promises in this regard, or laying foundation stones of projects or schemes, and (iii) prohibition on making ad hoc appointments in government and public sector undertakings which may benefit in election.¹⁰

The SoR to the Constitution Amendment Bill and the High-Level Committee on Simultaneous Elections had observed that frequent elections and prolonged imposition of MCC lead to policy paralysis and disruptions to governance.¹ However, ECI has observed that MCC does not hinder implementation of existing schemes.¹⁰ It also observed that MCC cannot be a ground for not commissioning existing schemes or allowing them to remain idle.¹⁰ Already started works can continue and there is no bar on release of payments for completed works.¹⁰ It has also noted that it does not refuse approval for schemes undertaken for tackling emergencies or natural calamities.¹⁰ Further, MCC only imposes restrictions on the constituencies or the state which are going to polls and not on other areas.¹⁰ The Law Commission (2018) noted that while MCC does not cause administrative paralysis, it leads to a governance deficit due to the avoidance of policy decisions which may influence voters.³

Term of Legislatures

The Bills provide for conducting elections to Lok Sabha and Assemblies together. To bring the provisions into force, the President may issue a notification on the first sitting date of Lok Sabha after a general election. The terms of all State/UT Assemblies constituted after the date of the notification will expire with the expiry of the full term of Lok Sabha (five years from its first sitting date). If Lok Sabha or a State/UT Assembly is dissolved sooner than its full term, an election will be held for a term equal to the remainder of the five-year term. This will synchronise elections for Lok Sabha and all Assemblies every five years.

The Bill may result in Legislatures with a short term in certain cases

The proposed framework may result in Legislatures with a very short-term, both initially and on an ongoing basis. For instance, suppose the President notifies the adoption of simultaneous elections in June 2029, so that the first such election may be held around June 2034. The examples on the next page illustrate different scenarios.

Example 1: Initial curtailment of State Assembly terms — Certain states would have had elections in 2028. As per Article 172 of the Constitution, their Assemblies will dissolve at the end of their five-year term. Consequently, they will undergo elections in 2033 for a term of less than a year, so that the first simultaneous election may be held in June 2034.

Example 2: Curtailment of term later for Lok Sabha — Suppose, in 2038, around four years into its term, the then incumbent central government loses the support of its coalition partners, and no other coalition emerges to claim majority. The ensuing election for Lok Sabha will have to be held for a term of less than a year. Following that, another election will take place within a year for a full five-year term.

Example 3: Curtailment of term later for State Assembly — Similarly, if a State Assembly is dissolved in 2038, the forthcoming election will be held for an Assembly with a term of less than one year.

Governments with a brief tenure may not be able to provide for effective governance

A Legislature with a short term may not allow adequate time for Ministers to acquaint themselves with the details of the administration. This may adversely affect the efficacy of governance and policy formulation. These considerations had led to the provision for a term of five years under the Constitution. The Draft constitution had originally planned for a four-year term.¹¹ The Constitutional Advisor Mr. B. N. Rau subsequently proposed changing it to five years, after his consultation with then Irish Prime Minister Mr. De Valera in 1947. Mr. De Valera had observed that under a parliamentary system, Ministers require at least one year at the beginning of their term to acquaint themselves with the details of the administration.¹¹ Last year of the term gets occupied with preparation for the next election.¹¹ Hence, in a four-year term, they would have only two years for effective work, which he considered too short for any kind of planned administration.¹¹

If the Bill were to come into force, there may be situations where elections are held for Lok Sabha or a State Assembly for shortened term (could even be less than a year). It is unclear how a government elected for such a short term would formulate and implement policies. It is an open question whether such a short term would lead to the government focusing on short-term actions, rather than actions desirable for the long run.

Voter behaviour under such conditions has limited precedence

There is not much precedence regarding legislatures with short terms such as less than a year. Among parliamentary democracies, Sweden follows a system similar to the one proposed in the Bill.¹² In Sweden, the term of Parliament is four years.¹² If an early election were to be held, the Parliament so formed will continue only for the remainder of the four-year term.¹² Since 1971, when Sweden adopted a unicameral legislature, there has not been any instance of early election.¹²

Since 2014, the Belgian Constitution also provides for simultaneous elections.¹³ Elections to the national and regional Legislatures are to be held on the same day as the European Parliament.¹³ Where an early election is called, the term of the Legislature so elected is for the remainder of the five-year term.¹³ However, in 2018, when the government lost a trust vote six months before the end of its term, it was allowed to continue as a caretaker government in order to avoid elections in quick succession.¹⁴

In the absence of any precedence, another question is that how would election for reduced term impact voter participation and expectations. Voters may feel less motivated to participate in an interim election, knowing that another election for a five-year term will follow soon.

Deferral of State Assembly Election

As per the Bill, ECI may recommend to the President to postpone elections for a State Assembly. A State Assembly election may be held later than the date of the simultaneous election if ECI is of the opinion that elections for State Assembly and Lok Sabha cannot be held together. The President may subsequently issue an order in this regard. If the election to a State Assembly is deferred, its term may be curtailed such that future election align with the next simultaneous elections cycle. We discuss issues with these provisions below.

The Bill lowers the threshold for postponing elections

The Bill does not specify any further principles for ECI to base its recommendations on. It is unclear what circumstances may warrant such measures. Article 356 of the Constitution allows for postponement of elections if three conditions are met: (a) there is a proclamation of emergency in operation, (b) the state is under President's Rule, and (c) ECI certifies that there are difficulties in holding general elections in the state. The first two conditions need to be approved by each House of Parliament. The Bill does not have these requirements, and therefore, it lowers the threshold for postponing elections.

Lack of clarity on governance if elections could be postponed beyond Assembly's dissolution

As per the Constitution, a State Assembly stands dissolved upon expiry of its five-year term. In a typical simultaneous elections cycle, a State Assembly would complete its five-year term by the date of the next simultaneous election. However, the Bill allows postponement of elections to any State Assembly on ECI's

recommendation. The Bill does not specify a time limit for such postponement. In such a case, the state may be left without an Assembly for the period until the election is held.

If the election is postponed and there is no Assembly in a particular state, the Bill does not specify who would run the government and under what authority. Such a scenario may require continuation of a caretaker government or imposition of President's Rule. A caretaker government is appointed by the Governor for a short period till elections are held. President's Rule requires ratification by Parliament within two months. Thus, both these scenarios require actions by constitutional bodies other than ECI. The Bill enables ECI to create a situation without specifying the process to address it. The reason for existing provisions is that in a parliamentary democracy, the government derives legitimacy by enjoying the confidence of elected representatives at all times. The current framework eliminates above uncertainties by mandating election upon the expiration of the scheduled term to ensure continuity.

Annexure

Table 1: Expenditure incurred by the central government for Lok Sabha elections (in Rs crore)

Election year	Expenditure	GDP (current prices)	Expenditure as % of GDP
1952	10.5	10,663	0.098%
1957	5.9	13,710	0.043%
1962	7.3	20,077	0.036%
1967	11	37,601	0.029%
1971	12	50,120	0.023%
1977	23	1,04,024	0.022%
1980	55	1,47,063	0.037%
1984	82	2,52,188	0.032%
1989	154	4,93,278	0.031%
1991	359	6,62,260	0.054%
1996	597	13,94,816	0.043%
1998	666	17,72,297	0.038%
1999	948	19,88,262	0.048%
2004	1,016	31,86,332	0.032%
2009	1,114	63,66,407	0.018%
2014	3,870	1,24,67,959	0.031%

Source: Unstarred Question No. 1508, Rajya Sabha, Ministry of Law and Justice, Answered on July 4, 2019; MoSPI; PRS.

Table 2: Schedule of Lok Sabha Elections

Election year	Poll Days	Days between First and Last Poll Day	Voters (in crore)
1952	17	23	17.3
1957	20	19	19.4
1962	7	6	21.6
1967	13	13	25.0
1971	9	9	27.4
1977	4	4	32.1
1980	2	3	35.6
1984	3	4	40.0
1989	3	4	49.9
1991	4	16	51.2
1996	3	10	59.3
1998	4	12	60.6
1999	8	28	62.0
2004	4	20	67.2
2009	5	27	71.7
2014	10	35	83.4
2019	7	38	91.2
2024	7	43	97.9

Sources: Electoral Statistics Pocket Book 2023; Press Note on Schedule of the General Elections to 18th Lok Sabha, ECI; PRS.

Table 3: Schedule of Latest State Assembly Elections

State	Election year	Voters (in crore)	No. of Poll Days	Days between First and Last Poll Day	State	Election year	Voters (in crore)	No. of Poll Days	Days between First and Last Poll Day
Andhra Pradesh	2024	4.14	1	-	Manipur	2022	0.21	2	4
Arunachal Pradesh	2024	0.07	1	-	Meghalaya	2023	0.22	1	-
Assam	2021	2.32	3	10	Mizoram	2023	0.09	1	-
Bihar	2020	7.29	3	10	Nagaland	2023	0.13	1	-
Chhattisgarh	2023	2.04	2	10	Odisha	2024	3.37	4	19
Delhi	2025	1.55	1	-	Puducherry	2021	0.10	1	-
Goa	2022	0.12	1	-	Punjab	2022	2.14	1	-
Gujarat	2022	4.91	2	4	Rajasthan	2023	5.27	1	-
Haryana	2024	2.03	1	-	Sikkim	2024	0.05	1	-
Himachal Pradesh	2022	0.56	1	-	Tamil Nadu	2021	6.28	1	-
Jammu & Kashmir	2024	0.89	3	13	Telangana	2023	3.17	1	-
Jharkhand	2024	2.61	2	7	Tripura	2023	0.28	1	-
Karnataka	2023	5.24	1	-	Uttar Pradesh	2022	15.06	7	25
Kerala	2021	2.68	1	-	Uttarakhand	2022	0.82	1	-
Madhya Pradesh	2023	5.61	1	-	West Bengal	2021	7.34	8	33
Maharashtra	2024	9.65	1	-					

Sources: Press Notes on Schedule of Elections for various Assemblies, ECI; PRS.

Table 4: Election process in select countries

Country	Type of Govt.	Federal	Term of National Legislature	Term of Provincial Legislatures	Simultaneous elections	Early election only for remainder of the term
Australia ¹⁵	Parliamentary	Yes	3 years	4 years	No	No
Belgium ¹³	Parliamentary	Yes	5 years	5 years	Yes; national and provincial legislature elections held along with European Parliament election	Yes*
Canada ¹⁶	Parliamentary	Yes	4 years	4 years	No	No
Germany ¹⁷	Parliamentary	Yes	4 years	4 or 5 years [§]	No	No
Sweden ¹²	Parliamentary	No	4 years	-	Yes; national legislature, and regional and municipal council elections held together	Yes [#]
UK	Parliamentary	No	5 years	-	No	No
USA ¹⁸	Presidential	Yes	2 years, President has 4-year term	2 or 4 years, 4-year term for Governors in most states	No	No

Note: *In 2018, the government lost a trust vote, requiring early elections. However, the government was allowed to continue in a caretaker capacity to avoid elections in quick succession. [§]15 out of 16 states have 5-year term. [#]No early election has taken place since 1971. Sources: See endnotes in the Country column; PRS.

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