

**Electoral Administration - legislative proposals  
resulting from consideration of the policy discussion  
paper published on 25 May 2005**

**[Incorporating responses to the recommendations in The Electoral  
Commission's report: *Securing the vote*]**

*October 2005*

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The following links to reports referred in this paper may be useful to readers:

DCA website elections links page - <http://www.dca.gov.uk/elections/pubs.htm> - this includes links to Government reports and reports to which they respond produced by other organisations such as the Electoral Commission and OSCE - ODIHR.

Direct link to the policy discussion paper on Electoral Administration and related documents - <http://www.dca.gov.uk/consult/elections/electoraladmin.htm>

Electoral Commission website pages for specific reports not linked from the DCA page:

*Securing the vote* -

<http://www.electoralcommission.org.uk/templates/search/document.cfm/12944>

*The marked electoral register* -

<http://www.electoralcommission.org.uk/templates/search/document.cfm/11616>

*Understanding registration* -

<http://www.electoralcommission.org.uk/templates/search/document.cfm/13545>

NOTE – during the course of preparing this report, a number of other reports such as the Electoral Commission's report on registration and the Organisation for Security and Co-operation in Europe (OSCE)'s Office for Democratic Institutions and Human Rights (ODIHR) report on the UK General election on 5 May this year have been published. We have referred to these reports where appropriate and, in particular, to the Government's response to the ODIHR report which was published in September.

**"We made it clear straight after the general election that we would be bringing in legislation to reform and improve the administration of elections in this country. We said then that the legislation would strike the right balance between access and security, and we set out then what its broad provisions on security were likely to be.**

**Registration and the electoral register is vital to our democracy. Our job in government must be to maintain, sustain and increase the level of registration to ensure the improving health of our democracy."**

**Harriet Harman, minister with responsibility for elections at DCA, in her speech to the AEA National Conference held in Reading on 8 September 2005**

## **Introduction**

The Department for Constitutional Affairs (DCA) published a policy discussion paper on Electoral Administration on 25 May 2005 to seek views and comments on proposed measures for changes and improvements to the electoral process. It was primarily aimed at those stakeholders who are closely involved in the electoral process and the electoral modernisation programme but was made publicly available and comments were received from a number of sources.

The paper was sent to all MPs, electoral administrators, relevant stakeholder groups and voluntary organisations and placed on the DCA website. There has been a significant response to the discussion paper, with over 160 written responses received within the deadline period.

Subsequent to publication, meetings were held with electoral administrators, suppliers, political parties and disability groups to give greater opportunity for input and discussion on the proposals. These took the form of a number of specific workshops and presentations and discussion of the paper and proposals was also facilitated in other meetings with stakeholders and interested parties. We would like to thank everyone that made a contribution to the discussion, whether on paper or in person.

Many positive comments and practical suggestions came out of the responses and we have considered them in detail and developed them further in conjunction with stakeholders since they were submitted. We received many new proposals, sparked by those in the paper and resulting from debate around them. We have listened to what has been proposed and have taken some of those proposals forward and revised some of the ones in the policy discussion paper as a result.

We intend to implement the measures set out in this paper that can be implemented by secondary legislation in time for the May 2006 local elections. These will include some changes to enhance the postal voting system and improve access to the register. Measures requiring primary legislation that have also been developed will be included in the Electoral Administration Bill which was introduced into Parliament in October.

In the development of these measures, we have also taken into consideration the proposals in the Electoral Commission's latest report, *Securing the vote*, published in May 2005. We do not intend to discuss in detail the measures that the Electoral Commission has already consulted on, as we have already responded to these issues in the Government's responses to *Voting for change* and *Delivering democracy?*, which were published in December 2004. However, we will discuss the new proposals in the Electoral Commission's latest report where relevant.

Whilst this paper sets out our conclusions, which have been reflected in the Electoral Administration Bill, this is not the last opportunity to comment on development – we will continue to discuss development with stakeholders as the Bill progresses and we will be consulting on the in-depth detail of the measures required for regulations following the Bill and implementation of legislation in due course. Comments are welcomed from interested parties throughout this period.

Please send comments to [elections@dca.gsi.gov.uk](mailto:elections@dca.gsi.gov.uk).

## **Executive Summary**

The full consideration of the policy paper responses and final proposals are set out in the main body of the report. We intend to make improvements to the administration of elections and the following require secondary legislation that we aim to have in place for the local government elections in May 2006:

- Moving the deadline for application for postal votes from 6 to 11 days before polling day
- Enable administrators to securely collect postal ballots that are returned to polling stations before the close of poll
- Requiring a reason to be given for postal votes to be re-directed to an address other than the elector's registered address
- Acknowledgement to the elector in writing of the decision taken on postal vote applications to be mandatory
- Make replacement postal ballot papers available up to 5pm on polling day (with proof of identity)
- Deadline for application of proxy votes to remain at 6 days with emergency applications to be available up to 5pm on polling day.
- Allowing for application for a postal vote at the same time as registration but not on the registration form [n.b. This measure relates to the registration process so is to be ready to use for the October 2006 Annual Canvass not for the May 2006 elections.]
- Extend the use of Form K (providing statistics on postal voting figures to Electoral Commission) to local elections.

The following improvements require amendment to primary legislation and we intend to legislate for them in the Electoral Administration Bill:

- The deadline for registration for all elections to be moved to 11 days before the close of poll
- A new duty that will require Electoral Registration Officers to undertake specific steps to maximise registration
- A new power for electoral officers to encourage the participation of electors in the electoral process
- A new offence of falsely applying for a postal or proxy vote with a penalty of a fine of up to £5,000 and or imprisonment for up to 2 years
- A strengthened offence for providing false information at registration
- Amendment to the offence of undue influence to capture acts of influence without them having to have resulted in action by the victim
- Ability for the police to apply for extension of the time to complete an investigation to 24 months
- Piloting of the collection and use of individual identifiers for registration purposes on household forms
- Allow for on-line and telephone confirmation that the existing registration details are correct
- Requiring a signature as an identity check in polling stations
- Allow for barcodes as well as serial numbers on ballot papers
- Remove the requirement for a counterfoil to be attached to ballot papers and allow variation in design of ballot papers for any given election to support the automation of production

- Allow electoral administrators to correct administrative and clerical errors
- Introduce performance standards for the delivery of electoral services

As a result of the consideration of the responses to the paper and subsequent discussion, we do not intend to make any change to the following:

- The frequency of the canvass – it will remain annual in England, Wales and Scotland
- The carrying forward of names for one year where no registration form has been returned

These primary legislative changes are in addition to those that we have already stated we will make in our responses to *Voting for change* and *Delivering democracy?*, such as removing the requirement for a witness to sign the Declaration of Identity for postal votes and allowing observers into polling stations.

There will be further secondary legislation required, in the form of regulations, following introduction of primary legislative changes. These are referred to in the report where relevant.

## **Consideration and proposals following the responses to the policy discussion paper on Electoral Administration**

In this section we have set out the proposals as cited in the policy discussion paper and the conclusions we have reached through consideration of the responses and through discussions with stakeholders. Many of the responses commented on all of the proposals in the discussion paper, however, we have focused our response on the new issues rather than repeating existing decisions taken in response to previous recommendations from the Commission and the consultation around them. We have taken into consideration all of the responses received and where relevant referred to any relevant recommendation made by the Electoral Commission in *Securing the vote*.

### **A - Improving Accessibility**

#### **Change of last date for registration**

- 1. In the policy discussion paper we said: One theme which emerged strongly in the most recent elections was the concern that some people only become aware of the need to register when the general election has been announced. They then found that the deadline for registration had already passed. We propose, therefore, that we should move the deadline for registration to that for close of nominations in a general election – 11 days before polling day. The proposal to use nominations as the cut-off date formed part of the Electoral Commission’s *Voting for Change* proposals. The Government agreed with it; but there remains an issue about whether we should make the deadline 11 days for all elections, or make it differ according to the deadline for nominations in different elections. Given that elections are now often combined, to encourage participation, we are minded to have the same deadline irrespective of the election; but would welcome views on this proposal.**
2. Over half of the responses received to this proposal indicated that in principle respondents would like to see the movement of the final date for registration to 11 days before the close of poll. All MPs who responded to this question were in favour of this proposal and 80% of members of the public who commented were in agreement. 67% of electoral administrators who commented were also positive. However, there was some concern shown about the practicalities of doing this, as the deadline would be the same for requesting a postal vote. Fears were expressed that it could lead to an increase in attempted fraud, as there would not be time to do checks on each application if a large number were received towards the final days of the campaign.

We acknowledge this concern but the objections process will still apply to late registrations and provides an independent check on registration applications. There is likely to be more interest in the electoral register around an election period and greater scrutiny of it.

Concerns were also raised in the responses to the policy paper about the other conflicting deadlines, such as close of nominations and the sending of postal

ballot packs, which would mean that the workload of administrators would be increased at an already busy time. In some responses suggestion was made of moving the date to 16 days before the election, or moving the rolling registration cut off date to later in the month in order to alleviate the current problem.

We think that making the deadline for last day for registration and application for a postal vote the same day will improve certainty for the elector, as there will be consistent deadlines during the election period. DCA, the Electoral Commission and administrators received a considerable number of complaints in the run up to the General Election from electors who were unable to vote because they had failed to register and had missed the deadline for registration. By moving the deadline for registration, we will be seeking to address this problem and in future use the notice of election as a spur for registration by letting electors know that there is still time to register before an election.

We understand the concerns raised by electoral administrators, but we envisage that extension of the time for administrators to process postal vote applications from 6 to 11 days before the close of poll will give a longer period to deal with any additional workload.

In *Securing the vote*, the Electoral Commission, re-iterated its recommendation that the deadline for registering to vote should be the same date as the close of nominations – currently 11 working days before polling day at a parliamentary election, and 19 working days before polling day at all other elections. We note that the Electoral Commission has separately recommended that the date for close of nominations should be standardised at 17 working days before polling day for all elections, including general elections.

We have concluded that the deadline for registration for all elections should be moved to 11 days before the close of poll, and not linked to the close of nominations, in order to provide consistency for electors and ensure there is a period of time between the calling of any election and the last date for registration. We intend to implement this change through primary legislation as part of the Electoral Administration Bill.

The 'new duty' described further below, which will require Electoral Registration Officers to undertake specific steps to maximise registration, will also have a positive impact here, encouraging registration at canvass time at other points in the year and reducing the burden at election time. Similarly the Bill will give electoral officers power to encourage participation of electors in the electoral process and EROs will be able to use this power to help them fulfil their duty.

### **Allowing electors to apply for a postal vote at the same time as registering to vote**

- 3. In the policy discussion paper we explained: This would include any application on the annual canvass or rolling registration form. This makes the application process simpler and links the request to the registration process. Separate applications for a postal vote would be allowed at other times on specific application forms, as is currently the case.**

**Care needs to be taken to ensure that the difference between applying for a 'permanent' postal vote and one for just the next election(s) is made clear.**

Some people who have applied for a permanent postal vote have done so in error or just forgotten and encountered difficulties when trying to vote at a polling station subsequently.

It has been suggested that electors should only be able to request a postal vote for one election at a time rather than a permanent postal vote. Whilst this may help to prevent ballot packs being sent to addresses from which electors have moved, it may be counter-productive in significantly increasing the volume of applications that would need to be assessed by administrators each year.

4. Over two thirds (65%) of people who responded to the question said that, in principle, people should be allowed to apply for a postal vote at the same time as registering. Again some respondents raised concerns about security. We acknowledge these concerns and agree with those respondents who commented that applying for both on the same form would remove one layer of information for identity checks as one signature would cover both registration and the postal vote application.

We also understand concerns raised by some administrators who commented that people might apply for a postal vote without intending to do so if the option was available on the canvass form. One administrator commented, "At the Parliamentary Election on May 5<sup>th</sup>, a number of voters claimed to have received postal votes without having applied for them. On verification, however, it was established in every case of complaint that the voter had simply forgotten that he or she had applied for a postal vote."

In view of the concerns expressed in the responses to the policy paper we have concluded that we should allow for applications for registration and postal votes to be made at the same time but that they should be made on separate forms. This will address concerns about security by ensuring the collection of two signatures for comparison and helps mitigate the potential for 'tick-box syndrome' where people request a postal vote and forget they have done so.

## **B - Enhancing security**

### **Offences**

#### **Offence of falsely applying for a postal or proxy vote**

5. In the policy discussion paper we stated: **We have agreed to create this offence in our responses to *Voting for change* and *Delivering democracy?*. We have considered whether the appropriate level of penalty should be in line with that of personation (level 5 on the standard scale, which could result in up to two years in prison, a fine not exceeding £5,000 and being prevented from being registered to vote or standing as a candidate for five years) or whether both the new offence and personation ought to carry a maximum prison sentence of 5 years. Your views on this would be welcome.**
6. Almost all of the respondents who commented on this proposal wanted to see an offence created of falsely applying for a postal vote, as a measure to boost public

confidence in the system and provide a deterrent to would-be fraudsters. (97% of responses given by the 54% who responded to the question)

In *Securing the vote*, as in previous reports, the Electoral Commission recommended the creation of this offence.

We agreed to the creation of the offence for falsely applying for a postal or proxy vote in our responses to *Voting for change* and *Delivering democracy?*. On balance, we have decided to proceed with a penalty in line with personation for falsely applying for a postal or proxy vote. We do not intend to increase the penalty of imprisonment to 5 years. This offence will need to be in primary legislation and we have incorporated it in the Electoral Administration Bill.

#### Extension of time to complete an investigation

7. **In the policy discussion paper we confirmed our position: We have agreed to allow provision for an application to the courts to permit an extension of time of up to 24 months (the current time limit is 12 months), in exceptional circumstances, for police to complete an investigation and where the prosecution has demonstrated all due diligence. This was piloted at the June 2004 all-postal pilot elections.**
8. There were no strong views about this proposal in the responses to the policy discussion paper, however the Crown Prosecution Service expressed support for the proposal as did representatives of a number of Police forces and ACPO at a meeting where the contents of the paper were presented. The Electoral Commission did not mention the proposal in *Securing the vote*, but the Electoral Commission has previously recommended this in the *Voting for change* report. In our response to *Voting for change*, we agreed that an extension of time was appropriate in certain circumstances and we intend to provide for the police to be able to apply to the courts to extend the time for completing an investigation to 24 months through provisions that have been included in the Electoral Administration Bill.

#### Offences relating to failure to supply information and supplying false information

9. **In the policy discussion paper we reiterated our response to previous Commission reports: Currently it is an offence to fail to supply information at the request of the Electoral Registration Officer (ERO) and knowingly to supply false information on the annual canvass form. The penalty is a level 3 fine (up to £1,000) on the standard scale. It is not currently an offence to provide false information on the (voluntary) rolling registration application form.**

**In *Voting for change* and *Delivering democracy?*, the Commission recommended that it should be an offence for an individual to fail to supply information to the ERO at any time or to supply false information, not limited to the annual canvass form as now.**

**We agree in part with this recommendation and intend to create a new offence for the provision of false information on a registration form (which includes rolling registration) in the EA Bill. However we think that the**

**existing offence for failure to supply information at the ERO's request does not need change – to make it an offence not to supply information at any time would make return of a rolling registration form compulsory.**

10. The responses received on supplying false information on a rolling registration application were very positive and agreed with our proposal. There was a split in responses regarding failure to supply information. Some were of the opinion that this needs to be implemented, and registration enforced as compulsory, while others thought that for the present time, it should be left as voluntary.

The Electoral Commission restated their recommendation in *Securing the vote* and we remain of the same view on rolling registration - that we do not want to make rolling registration compulsory, although it should remain obligatory to return the annual canvass form.

Following further consideration of the policy, we think that the offence for providing false information at registration needs strengthening. In the Northern Ireland Fraud Act 2002, there is an all-encompassing offence for falsely registering and we would like to adopt a similar approach and have made provision for this in the Bill.

#### Extending personation provisions

11. **In the policy discussion paper we explained forthcoming changes that would affect personation provisions: The Electoral Commission recommended that the provisions relating to personation should be extended to give the police the power of arrest, based on 'reasonable suspicion' of personation, at any location. We agreed to this recommendation. However, the Serious Organised Crime and Police Act 2005 may address this extension of arrest for personation already, by allowing the police the power to arrest anyone who is about to, or is committing an offence, and anyone who is guilty of, or anyone the Police have reasonable grounds for suspecting to be guilty, of an offence. The arrests can be made anywhere and without a warrant. (This Act received Royal Assent on 7 April 2005. The relevant provisions are expected to come into force in November 2005).**

12. The majority of the specific responses on the personation provisions were positive, with 89% of those commenting agreeing that this needs to be covered by legislation (although there were not many responses, with only 23% of people who responded to the paper expressing an opinion).

In *Securing the vote*, the Electoral Commission repeated the same recommendation from *Voting for change* that the personation provisions should be extended beyond the environs of the polling station and we would agree with this. However, as the provisions in the Serious Organised Crime and Police Act 2005 are sufficient to address this recommendation we believe it is no longer necessary to extend the personation provisions.

In subsequent discussion with administrators, it was agreed that as the new Police Act had the effect of allowing anyone to arrest someone committing or suspected of committing an offence, this power ought to be limited to inside the

polling station and restricted to Police on the direction of an administrator. Administrators were reluctant to be subject to the possibility of partisan people seeking to carry out arrests within a polling station and disrupt the ballot. We understand this concern and, as a consequence, are including a clause within the Electoral Administration Bill to restrict the ability within a polling station to the Police.

For clarity, the Home Office has provided us with further information on the citizen's power of arrest provision at section 110 of the Act which is now due to come into force on 1 January 2006:

This section will enable a person other than a constable to arrest where it is not reasonably practical for a constable to make the arrest himself.

The arrest should only be made where arrest is necessary to:

- prevent harm or injury
- prevent loss or damage to property; or
- prevent the person making off before a constable can assume responsibility.

The power has been limited to indictable offences to prevent citizens from exercising powers of arrest for minor offences.

#### Offence of undue influence

**13. In the policy discussion paper we set out our view: The Electoral Commission has identified the need to clarify the existing electoral offence of undue influence. In its responses to *Voting for change* and *Delivering democracy?* the Government stated that it did not consider that the existing law on undue influence is deficient. Although the law may use terms that are not in everyday use, their meaning is clear, and it fully covers what it is intended to cover. This includes intimidation and undue influence by family members. The Government is willing to consider the matter further. We would welcome responses on whether the current wording is too difficult to understand and leads to confusion about how to apply the law, and whether any change in the law would be necessary and helpful.**

14. Opinions from the responses to the policy paper supported the view that undue influence should not be redefined, although there were several comments that it is exceptionally hard to prove undue influence in the context of absent voting.

In *Securing the vote*, the Electoral Commission reiterated this recommendation, as stated in *Voting for change*.

We agree that undue influence does not have to be redefined, as it is sufficient for its current purpose. However, following further discussion with stakeholders including the Police, CPS and the Commission, we do think that its current formulation limits its application, and the offence should be opened up. We therefore intend to amend the offence of undue influence to capture acts of influence without them having to have resulted in action – i.e. that it will be an offence to have attempted to exert such influence even where it does not result in action by the 'victim'. Again, we have included this in the Electoral Administration Bill.

## **Registration**

### **Individual identifiers**

15. In the policy discussion paper we said: The issue of how the voter registration system could be changed, in order to improve the accuracy of the information held and the security of elections, has been widely discussed over the past two years, particularly in the context of the increasing take up of postal voting.

The Electoral Commission's suggestion in *Voting for change* was to collect additional 'individual identifiers', such as signature and date of birth, from each person, and to do this using one registration form for each individual. Other bodies, such as the Northern Ireland Affairs Select Committee, have since said that the experience of this system in Northern Ireland – where registration levels dropped by 10% in year one and have declined further each year since – suggests that more work needs to be done before we can consider taking this model forward in Great Britain.

16. A large number of the responses received covered the question of collecting voter identifiers, and 81% of those who gave an answer to this question agreed that they should be collected. These views were more prevalent amongst members of groups other than electoral administrators. Most MPs (89%) responded to the question and were in favour of this proposal, but the responses from administrators were more divided on the issue. Concerns raised by administrators mirrored that of some who considered that it would drive down the registration rate, and that it didn't provide any greater security than the present system as there was no external verification involved. However, some did comment that in their view, the collection of signatures and date of birth would be an improvement on the current system.

Administrators were also split on the nature of identifiers to be collected. They expressed concern about the increased administration involved with the collection of signatures. It was commented that even doorstep canvassers would struggle to meet current registration rates as there is little guarantee of all members of a household being present at any one time. The general consensus from administrators was that the date of birth was the most user friendly identifier to collect but acknowledged that it was the least secure, as a head of household may well be able to supply this information for all the house, thereby reducing the impact of individual identifiers on security.

Due to the disparity of opinion and the uncertainty around the effect on registration, Ministers are of the view that any compulsory use of identifiers for registration purposes should be piloted in the first instance. To this end, the Electoral Administration Bill includes provisions to allow such pilots which will need to be formally evaluated by the Commission before any decision is taken on future rollout.

#### Type of form – household or individual

17. **In the policy discussion paper we explained: The Government's view on voter registration, expressed in our response to the Commission's *Voting for Change* report, was that while we were sympathetic to the principles of Individual Registration and recognised its potential benefits, we were concerned about maintaining a straightforward system and comprehensive electoral registers. We have therefore concentrated on producing a system that could improve security but without negative impacts on levels of registration.**

**Our preferred solution has been to collect the additional individual identifiers recommended by the Commission (signature and date of birth), but to do so on an adapted household form at the time of the annual canvass (although there will continue to be individual rolling registration forms). We recognise, however, that there is a strong body of opinion that individual registration with individual forms remains the best option from a security point of view.**

18. On the subject of 'individual registration', there were a wide range of views expressed in the responses and in discussions. There was no clear consensus on moving to such a system, though the majority of respondents who commented (71% of those expressing a view) favoured use of a household form if identifiers were to be collected.

Some respondents favoured individual registration and individual forms, focusing on issues such as improving privacy and data protection, and the problems associated with multiple occupancy properties. Others expressed the desire to stay with a household form due to the probability of a "head of household" emerging who would drive the process of the form being completed, thereby reducing the number of people who fall off the register. One respondent said: "For the vast majority of households, one registration form for a family is a simple and easy way of providing the information required".

The Commission published a research report entitled *Understanding registration* in September of this year. The information in that report will be considered alongside any further developments on registration processes and Ministers have already announced a desire to tackle areas of low registration, 'democracy deserts', which feature in inner-city areas.

At this point, we believe that it is vital to avoid the loss of large numbers of electors from the register and have even more people disenfranchised than is currently the case. It will be important to establish more of an evidence base to inform policy for any significant change to the registration process and so we have decided to provide for piloting the collection and use of individual identifiers on household forms in the Bill. As part of a pilot scheme we will consider provisions to enable electors to request an individual registration form where necessary. .

#### New duty for Electoral Registration Officers (EROs)

19. On 8 September Harriet Harman, minister with responsibility for elections at DCA, said in her speech to the AEA National Conference in Reading; "The new

Electoral Commission report (*Understanding registration*) estimates that there are over three and a half million people entitled to vote but who are not registered. But the problem is not just under-registration but the inequality of under-registration..... There is much work to do here. For all of us."

We wish to ensure that as many as possible of those persons who are eligible are registered to vote and the idea for a new duty arose out of discussions with stakeholders following publication of the policy paper. The proposal has been included in the Bill and takes the form of a clause that sets out the minimum steps which EROs should take in order to maximise the number of those eligible to vote who appear on the electoral register. These steps include:

- \* Sending more than once to any address the canvass form;
- \* Making on more than one occasion house to house inquires;
- \* Making contact by such other means as the ERO thinks appropriate with persons who do not have an entry in a register;
- \* Inspecting any records held by any person which the ERO is permitted to inspect;
- \* Providing training to persons under the direction or control of the ERO in connection with the carrying out of the duty.

These provisions will require EROs, where necessary, to send a reminder form to an address where a return has not been made at the time of the canvass, and to conduct door to door canvassing of electors. The clause is intended to ensure that EROs are active in contacting persons who are not registered for whatever reason, such as persons who move house during the course of the year. It is designed to take into account future technological developments and innovations.

The clause should be read in conjunction with the performance standards provisions that are included in the Bill. Under those provisions, the Electoral Commission will be able to set standards for electoral officers (including EROs) and require them to provide the Commission with returns and reports regarding their level of performance against the standards that have been set. It is envisaged that the Electoral Commission will set further standards for EROs to complement the minimum ones set out on the face of the Bill.

As noted above, the Bill will also give electoral officers power to encourage the participation of electors in the electoral process. EROs will be able to use this power to help them fulfil their duty.

#### Frequency of the canvass

20. **In the policy discussion paper we stated: There has been much discussion about the frequency of the canvass and whether the increased accuracy that collection of individual identifiers would bring might allow a canvass to take place less frequently than now. The recent Voter registration Select Committee held this view, suggesting that if individual identifiers were collected the canvass could potentially be required only once every three or so years. The Electoral Commission has also suggested that this might be the case but felt unable to complete the analysis required to make a full recommendation without a system of individual identifiers being in place. There have also been suggestions that canvass provisions could be made**

**more flexible, allowing EROs to decide locally whether a canvass is required in any particular year.**

21. Abolishing the annual canvass was the least popular proposal in the paper, with only 12% of the total respondents giving a favourable response and just over a quarter (27%) of those expressing an opinion agreeing that this should be done. None of the MPs who responded to the question thought that the annual canvass should be less frequent at this stage. Many respondents said that under current circumstances of a household form, with no compulsion to return rolling registration forms and few data sharing methods available, a yearly snapshot is essential. Some of these went on to suggest that abolishing the canvass might be a good idea in principle if and when these methods are in place.

In *Securing the vote*, the Electoral Commission said that individual entries should be reconfirmed on an annual basis, however, as technology develops, it may be possible to look again at the frequency with which entries need to be reconfirmed. Northern Ireland have recently consulted on doing away with an annual canvass, and albeit that different circumstances pertain there, and the outcome of this consultation will provide useful information to feed into considerations for the position for the rest of the UK.

In consideration of the responses, we intend to retain the annual canvass but reduce the annual burden on individuals by allowing on-line, telephone and paper confirmation that existing details are correct, without the need to provide individual identifiers each year.

#### Carry forward

22. **On this point the policy discussion paper noted: We will also retain flexibility with regard to the carry-forward. The Act introducing Individual Registration in Northern Ireland removed the ability to carry-forward names onto the next year's register where no form had been received and it is widely suggested that this contributed negatively to registration levels. The carry-forward has been reinstated in Northern Ireland under the Electoral Registration (Northern Ireland) Act 2005. We intend to retain the current flexibility in Great Britain which allows the carrying forward of names.**

23. Retaining the carry forward facility was popular with respondents who commented on this point. Most (84%) of such respondents agreed it was beneficial and meant the register was more complete as a result. Several administrators stated that they did not currently use the carry forward at present although they were allowed to do so.

In *Securing the vote*, the Electoral Commission recognised the case for allowing an entry to remain on the register for up to one year when it is not reconfirmed.

Due to the overwhelming response, we have concluded that the carry forward should be maintained for one year where no form has been returned.

#### Identifiers on postal vote application form

24. **In the policy discussion paper we wrote: It will not be possible to collect individual identifiers for all electors for local elections to be held in May 2006, as both primary and secondary legislation would have to be introduced and passed before the summer recess in order to be in place for the autumn 2005 canvass.**

However, identifiers already collected on postal vote applications could provide an interim solution. These are already available for use by EROs and ROs when checking further applications and can be used to check the signatures of voters on declarations of identity (or security statements in the future).

This could be enhanced by allowing Electoral Registration Officers to confirm existing requests and seek additional identifiers through writing to those registered for a postal vote. This would also provide an opportunity to remind electors that they have requested a postal vote and confirm that they still wish to vote in that manner.

This would act as a transitional measure until collection of identifiers for all registered electors is practicable at the canvass in Autumn 2006 for use in elections in 2007 and beyond.

25. Very few respondents (17% of the total respondents) answered the question of whether interim measures should be introduced, in the form of confirmation of existing requests for postal votes. Of these respondents, however, 81% agreed that this would be a good thing. Negative responses mainly focused on the cost implications of this.

Similarly, there were few responses to the idea of reminding people in the run up to an election that they have applied for a postal vote. (26% of the total respondents), but again, a high number of these (87%) were in favour of this measure. Again, cost implications were the main reason for any objections.

We believe that the introduction of pre-polling card information distributed in advance of elections, informing individuals how to vote and if they have requested a postal vote will remind people of their chosen method of voting.

We do not intend to prescribe that individual identifiers are collected on postal vote application forms. However, an elector already has to provide their signature on a postal vote application form and it could be used as a validity check. This is something we would encourage administrators to do where necessary.

#### Use of individual identifiers in polling stations

26. **The policy discussion paper included: While there is no evidence to suggest that personation at polling stations is a significant problem, the collection at registration of individual identifiers such as signature and date of birth could provide Presiding Officers with a way to check a**

**person's identity should they have doubts. They could be empowered to ask the voter to confirm their date of birth, or provide a signature, which could be checked against existing information. Both forms of identification would be instantly available to the elector and would not require someone to carry additional information.**

27. A third (31%) of respondents expressed an opinion on whether identifiers should be checked in polling stations. The majority (70%) of those responses were positive. Over half of administrators (62%) who responded to the question, agreed in principle. Many respondents expressed the view that date of birth would be a good means of checking identity, as it can be verified against information which could be held at the polling station. Signature checking however, was problematic and the main reason for negative responses. Resource implications of this would be significant, and practical implications of needing copies of signatures in polling stations would be difficult to overcome.

One administrator commented: "Any check at a polling station against a signature would require an investment in new technology, for which resources would need to be provided"

Any additional burden imposed on electoral administrators to implement new measures will be compensated by Government and we will provide additional resources for such things as the collection of signatures in polling stations.

The Commission in *Securing the vote* proposes that where a Presiding Officer has doubts about a voter's identity, they could ask the voter to confirm their date of birth, or any other piece of identifying information which can be checked against the details held on the polling station register of electors. The Commission would work with Returning Officers to develop appropriate guidance for polling station staff.

The OSCE / ODIHR report proposed 'In order to provide additional safeguards for the integrity of polling, consideration could be given to amending the legal framework to require that a person presents a proof of identity and signs the polling station voter register before being given a ballot.'

Whilst we do not see that production of an identity document is proportionate, we do think that the processes within the polling station can benefit from some additional security measures. We propose that a ballot paper should only be issued in a polling station once an elector has provided a signature. In pilot areas, the Presiding Officer may also request the date of birth of an individual as an additional identity check if he felt it was necessary.

There has been some low-level speculation about security in polling stations and we are keen to ensure that the integrity of the process is not undermined by people seeking to abuse any vulnerability. By allowing an additional check on date of birth in pilot areas, there would be a mechanism for administrators in polling stations to require some verification that is 'top of mind' and does not rely on the production of a document that proves identity – something which could be hard to legislate for without disenfranchising some legitimate electors. The current absence in the UK of a universal personal identification mechanism might present practical problems in making it a requirement to produce proof of identity at the polling station. However, enhanced use of personal identifiers may provide an alternative solution in the short term.

The addition of the requirement for a signature was suggested by officers of the Association of Electoral Administrators and reminds the elector that this is a serious matter and, whilst we are not proposing to require a check of signatures at the time of voting at this stage, provides an identifier that can subsequently be checked if there are any allegations of abuse. This builds a process that could be used to undertake checks in the polling station in the future, if and when identifiers are provided on a consistent basis. Thus we have included provision for this in the Bill.

### **Proposals for the postal voting process**

28. The OSCE / ODIHR report remarked that 'Improvements should be considered in the legal framework to address concerns over the security and logistics of postal voting, and to ensure that postal voting materials are handled only by election officials. More stringent requirements, such as those applicable in Northern Ireland, whereby a voter must submit more information and explain why absent voting is necessary, and an attestation by another confirming that it is in fact the case, could be considered for application throughout the UK. Possibilities could also be considered for out-of-country voting or voting by absentee voting certificate in order to enhance voting in person, rather than postal voting.'

We responded that 'Experience in the UK has indicated that postal voting is a popular choice which is taken up by an increasing number of electors who value its convenience. It provides access for many people who might otherwise be denied the ability to participate in an election because they are busy, or engaged elsewhere, or otherwise unable to vote in person. We do not see why an elector should be denied the opportunity to exercise his democratic rights by post if that is the way he prefers to do it. Falling turnouts are a concern in many democracies, including the UK. The experience of the use of postal voting in the UK has demonstrated that it can help to increase turnout by making voting more convenient.

Nevertheless, the Government is aware of the criticisms that have been made of the current postal voting system and acknowledges that it might benefit from some improvement. We are therefore considering options for enhancing the security of the postal vote process, including measures to discourage the handling of election documents by anyone other than election officials, to guard against those who seek to abuse the system. The legislation already announced by the Government will contain measures intended to meet some of these criticisms.'

#### **Requiring formal acknowledgement of all postal vote applications**

29. **In the policy discussion paper we proposed: EROs would be required to write back to the elector's registered (home) address to acknowledge the application. This would make it difficult for people seeking to commit fraud by applying for a postal vote on someone's behalf and having it directed elsewhere. Any queries raised by the application (e.g. number of people registered at one address, previous occupiers still being registered there) could be dealt with at this stage. It has also been suggested that checking**

**with electors that they still wish to have a postal vote shortly before an election would be a useful security measure.**

30. Most (91%) of those who responded on this point agreed with the proposal. Many administrators commented that they already did this and it worked well, highlighting problems in advance of the sending of ballot packs, at a time when they could be more easily resolved. However they also highlighted resource issues and one remarked that “the postage and other costs are considerable”.

One MP commented:

“I especially welcome the suggestion that there should be the confirmation of a request for a postal vote.”

The Electoral Commission in *Securing the vote* recommended that EROs should provide written confirmations of all decisions on postal vote applications, and not provide them only ‘where practicable’.

We agree with this recommendation and the consensus seen in the specific responses to this point and have concluded that it should be mandatory for Registration Officers to confirm all decisions made about postal vote applications in writing to the elector.

Providing for systems that ensure that completed application forms are returned to administrators

31. **We explained this issue in the policy discussion paper: This proposal is aimed at addressing concerns that have been raised about whether it is right for candidates and political party agents to handle completed postal or proxy vote applications. Whilst perfectly legal under the existing system it raises concerns that not all applications are legitimate or that applications could be tampered with before return to the electoral administrator. We are not suggesting here that there is a large-scale problem here, but it is important to address key issues of public concern.**

**Mandating the use of the ERO’s address for return on application forms is a helpful means of getting applications back to the ERO direct but there is concern that the positive role played by party websites, workers and candidates in making application forms available would be adversely impacted by requiring this.**

**One solution might be to provide a central point, a ‘clearing house’, to which applications could be addressed – thus avoiding problems with producing tailored forms that include a different address for each ERO and supporting production of a generic form that can be used across the country. However we will need to decide whether benefits would justify the cost of such a measure.**

32. The issue of whether postal vote applications should be returned via third parties prompted responses from half of the respondents, of which the majority (87%) were in favour of stopping this practice. The overwhelming majority of administrators wanted to see applications returned directly to them, with no outside interference, although there were several acknowledgements that political parties play an important role in encouraging registration.

One administrator noted: “This would be welcome, particularly as parties use such a variety of applications, although it is difficult to see how applications brought in at the last minute by a local politician could be rejected.” Another commented: “We have no problem with political parties distributing applications on the doorstep, but after that point they should not handle them.”

In *Securing the vote*, the Electoral Commission recommended that the law should be revised to provide that postal vote applications must bear the return postal address of the Electoral Registration Officer at their normal place of business; or, if an alternative option is needed, the address of a central sorting house which is operated independently of political parties.

In subsequent discussion with representatives from political parties, they have promoted the value provided by party agents and activists handing out such forms and ensuring electors get a chance to exercise their vote when they may not otherwise have been able to do so. We recognise the important role played by the parties in encouraging participation and turnout but we also see a need to address public perceptions about partisan handling of postal vote applications following the Birmingham petitions and media coverage during 2004 and 2005.

In accordance with most of the responses, we are considering a requirement that postal vote applications are marked for return directly to the ERO by requiring the inclusion of the ERO’s address on the postal vote application form. Any such change will be effected through secondary legislation.

We recognise the part that the Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers produced by the Electoral Commission in 2004 and 2005 plays in giving parties and candidates a steer on how to avoid allegations of impropriety but feel that this proposal will assist in tackling any perceptions of inappropriate behaviour.

The idea of a clearing house for the return of postal vote applications was one of only two suggestions which received a majority of negative responses from those who specifically commented with over two thirds against it. Reasons behind this were that it would slow down the process and be an unnecessary layer of bureaucracy. Thus we have decided against the option of a ‘clearing house’, as the costs of implementation and management and the possibility for building in delay to the system are too great.

Requiring applications for a postal vote made separately from the registration process to be checked against the registration details

33. **This was described briefly in the policy discussion paper: This would mean that the individual identifiers collected at registration could be used to verify the separate application. It would be a further check on the veracity of the application.**
34. Checking postal voting applications against registration details was a popular proposal, (79% of those commenting being in favour). Positive responses focused on the extra layer of security provided but there were concerns with cost and resource implications.

In *Securing the vote*, the Electoral Commission recommended that Electoral Registration Officers in Great Britain should verify the personal identification

details provided on all postal vote applications against those collected at registration.

In any scenario where such identifiers are collected, we intend to ensure that any individual identifiers collected at registration could be used to verify postal and proxy applications.

It is possible that new technology solutions could assist with this task and we are looking at how this might fit with any such requirement to ensure an effective check can be provided if required. For example, electronic signature recognition could allow a much higher percentage check than could reasonably be required if doing the same task manually

#### Replacing ballot paper serial numbers with barcodes

**35. In the policy discussion paper we noted; Barcoding allows a greater degree of control to be exercised over the issue and receipt of ballot packs and facilitates identification of fraudulent votes which can then be removed so that replacements can be given to genuine voters. The system has been used in a number of electoral pilots in recent years and in particular at the all-postal pilots in the June 2004 European Parliamentary and local elections and the North East Regional Assembly referendum in November 2004.**

**This system would also allow electors to check with a returning officer whether their postal vote has been received prior to close of poll.**

**It also supports ROs being able to issue replacement ballot papers where they have not been received by an elector up until 5pm on polling day - electors would have to get them from the elections office and produce ID.**

36. Most of the responses on replacing serial numbers with barcodes came mainly from administrators. Over two thirds of those who responded (72% of 57 respondents) were in favour, with a particularly positive response from those who had used barcodes during the 2004 all-postal pilots. Several responses were received from members of the public expressing fears that this could be used to undermine the secrecy of the ballot. We had a number of similar complaints during the all-postal pilots, but we were able to reassure them that secrecy was not compromised.

In *Securing the vote*, the Electoral Commission recommended that the law should be amended to allow for barcodes to be used to replace serial numbers on ballot papers. The Commission recommends that ballot stationery should clearly describe the role of the barcode, which should always be placed on the back of the ballot paper. We agreed with this recommendation in our responses to *Voting for change* and *Delivering democracy?*

In the DCA's response to the OSCE / ODIHR report we said 'The Government is currently considering the benefits of using barcodes as well as serial numbers on ballot papers, which has been successfully piloted in recent years. It allows for the cancellation of lost or stolen ballot papers and their replacement with genuine ones. It also allows postal voters to check with electoral officials to ensure that their vote has been received.' And 'The Government sees serial numbers (and barcodes) on ballot papers as an additional weapon to discourage and detect electoral fraud.'

We have made provision to allow for both barcodes and numbers on ballot papers in the Electoral Administration Bill. It may be that there is a case for not requiring both at smaller elections (e.g. parish by-elections) where any necessary work can be carried out effectively and efficiently through manual processes and we will consider dis-application of this requirement where appropriate

Through secondary legislative changes, we will also provide for EROs to issue replacement ballot papers until 5pm on polling day. This is something that has been raised as a positive point for electors by administrators and a service they are in favour of providing.

## **C - Improving administrative effectiveness**

Changing the deadline for application for a postal and proxy vote from 6 to 11 days before the date of the election.

**37. This suggestion was set out in the policy discussion paper as follows: This would increase time for electoral administrators to check postal vote applications and address concerns about the practicability of making adequate and effective checks during a pressured time for administrators.**

**The deadline for requesting the redirection of a postal vote would be also moved to the same latest date as for postal voting applications.**

**This would tie in with the proposed change to last date for registration made in the section above on accessibility. It would assist electors, adding clarity and simplicity by providing a single date by which they had to register and or apply for a postal (or proxy) vote and any change to their applications for any given election.**

38. Almost two thirds of respondents (61%) commented on the proposal of moving the last date of applying for a postal vote from 6 to 11 days before an election. Of these 91% were in favour. Many administrators recognised that this would be beneficial for them, from an administrative perspective, giving more time to check security and veracity of applications, but would reduce the time available to the elector.

While one administrator thought: "Any increase in the time available for EROs to process postal vote applications must be an improvement..." Another commented: "...removing the ability to apply for a postal vote after the 11<sup>th</sup> day before the poll would be very unpopular with many voters."

The Electoral Commission recommended this change for postal votes in *Securing the vote*.

We propose to change the deadline for applying for a postal vote from 6 to 11 days before the date of the election as it will allow administrators more time to process postal votes. We acknowledge that this is not as beneficial for the public, but we intend to make it simpler for the public by having the same day for last day for registration and requesting a postal vote.

We had considered changing the deadline for requesting a proxy vote to 11 days also but, following discussions with administrators, have decided to leave that at 6 days. This will allow electors who fail to apply for a postal vote before the deadline to appoint a proxy and get the opportunity to ensure their vote is cast. This mitigates the effect of the change to 11 days on the elector and we will extend the ability for administrators to provide a service to those who are currently unable to vote due to unforeseen circumstances (e.g. being hospitalised) by allowing emergency applications for a proxy vote up to and including the day of poll. This will maximise the opportunity for people to exercise their vote if their circumstances change at short notice before an election. We hope to effect this through secondary legislation.

#### Provisions to support automated production of postal vote documents

39. **In the policy discussion paper we said: Currently postal vote ballot papers have to be identical to the ones used in polling stations in all respects except for the pattern of the ‘official mark’. This causes production problems as suppliers and administrators cannot automate production of the ballot packs and take advantage of modern technologies. The law as it stands was originally designed to ensure that the rare postal vote did not stand out against the ones cast at the polling station which would potentially allow people to identify how someone voted. This concern is no longer a real issue given the volume of postal votes.**

**We have already piloted use of alternative ‘official marks’ (whilst keeping the security benefits of having different patterns) and, in responding to *Voting for change* agreed to provide for watermarks or other security-printing to be used in place of the existing perforations.**

**We have also seen in pilots that automated production of ballot packs can be achieved successfully and allows for large volumes to be produced more effectively. This is becoming increasingly necessary as the number of requests for postal votes rises.**

**This requires an acknowledgement that postal voting and polling station voting are subject to differing pressures in terms of the production of ballot papers. This does not undermine secrecy or security but instead enhances it by taking account of the advances technology can provide for remote voting.**

40. Many administrators responded to the question of whether we should make provision that would support the automation of the production of postal ballot packs. The vast majority (88%) of those responses were positive. Many expressed the view that this is essential because of the increasing volume of postal votes, and will make the process quicker and more efficient. Others expressed the view that all ballots should look the same no matter how they are produced. A couple of responses suggested that there are not a sufficient number of suppliers with capacity to meet current demand.

In order to support mechanisation of the production process and assist with relieving the administrative burden that the increasing level of postal vote demand creates, we intend to dispense with the need for a counterfoil to be

attached to ballot papers and to allow the variation of the design of the ballot paper for any given competition.

The counterfoil serves no purpose in postal voting and can readily be replaced with a list of ballot paper numbers for recording electors' details on allocation in a polling station. Removing the counterfoil takes away a significant barrier to automated production of ballot packs and reduces the resource requirements for collation and dispatch.

Allowing the variation of the ballot paper also supports automated production by allowing the use of standard sizes of paper where a significant number of candidates or parties are standing for election. The ability to vary box sizes and to have two columns on a ballot paper provides flexibility that currently does not exist. It should be stated that this flexibility still requires an identical ballot paper to be provided to postal voters and those using polling stations and to all electors in any given competition, regardless of size. Any such change will also need to be made with accessibility issues in mind, such as use of a tactile voting device and clarity of guidance.

Whilst our initial thinking was to allow for differing forms of ballot paper for electors using differing methods of voting, by removing the need for a counterfoil for postal ballot papers for example, we have found a solution that ensures all papers are identical and does not open up issues of secrecy. This is essentially by moving the onus on design to production of postal ballot packs and adapting the polling station process to fit through a relatively small change.

#### Provision to allow electoral administrators to correct clerical and administrative errors

- 41. The policy discussion paper outlined an issue that has become evident in recent years: Current legislation does not explicitly provide for electoral administrators to address issues that arise from problems with production or administration.**

**Examples of this scenario have occurred in recent elections where isolated production problems have meant ballot papers have been technically invalid because of mismatched numbering or not having perforations. There has been no express ability to remedy these problems through issue of a new ballot paper. Making provision that explicitly enables administrators to address these issues, without limiting it to specified instances, supports participation by the elector and adds to security by enabling greater certainty when faced with an anomaly.**

42. There was an overwhelmingly positive response from administrators who responded to the question of whether administrators should be allowed to correct clerical errors up to and including polling day (94% of specific responses). The only concern raised was whether it would place more of a burden on administrators at a busy time and the suggestion was made that this should be limited to up to 5pm on the day before the poll.

On consideration of the responses and the clearly favourable position amongst those that would be most affected, we will give administrators the power to correct administrative errors during the course of the election and up to and including polling day.

#### Clearer performance standards and more transparent and flexible funding

43. **The policy discussion paper noted: While the Electoral Commission has consulted extensively on the issues here, experience in recent elections has strengthened the views of some stakeholders that a clear set of performance standards would help in establishing reasonable expectations about the service that electors and candidates should receive. Inevitably this debate is tied in with funding issues, and this is why we have proposed measures to increase the transparency of funding of electoral services. It will then be possible to begin to match expectations against capacity to deliver. Views on what the key performance standards should be and on the role of returning officers and administrators in today's electoral world would be welcome.**
44. Clearer performance standards and flexible funding were welcomed by almost all respondents to this question (94% of those commenting). The majority of these responses were from administrators, who would be most affected and it is encouraging that administrators are in favour of such standards. This proposal was also positively received by the political parties who view performance standards as a way of improving the consistency of services provided by electoral officers.

We agree that there needs to be a system for ensuring that EROs are performing consistently and delivering effectively. We intend to give electoral administrators a power to promote participation, as mentioned earlier, which we believe is a step towards the introduction of performance standards.

The issue of performance standards was also raised in the OSCE / ODIHR report which suggested that 'consideration could be given to establishing a greater degree of uniformity in administering elections by developing minimum standards for those aspects of the electoral process that are critical to its integrity.'

To which we responded that 'the Government .... was keen both to encourage greater transparency and flexibility in electoral funding and to ensure that there was greater consistency between local authorities who deliver electoral services. We will therefore be providing in forthcoming legislation for the Electoral Commission to be given the power to set performance standards for various aspects of the electoral process. They will also be able to require those delivering the services to report on how they have met the standards. The Government will be working closely with the Electoral Commission on the development of suitable performance standards.'

## **Additional issues raised in the responses**

There were a number of issues raised in the responses to the policy paper that have not been covered in the consideration above. These range from the standardisation of the election timetable and funding to registration matters. We address these issues below.

### **Electoral legislation**

45. Many administrators suggested the need for a standard election timetable and a fixed parliamentary timetable.

This issue has also been raised by the Electoral Commission in the reports, *Voting for change* and *Delivering democracy?* We maintain the view, as expressed in our response to these reports, that we do not agree that there should be a standard timetable as it would limit the flexibility of the Prime Minister to call an election at his/her discretion and is against the traditions and conventions of the Westminster system.

46. The proposal for consolidating electoral legislation was raised.

We provided an answer to this in our response to the OSCE / ODIHR report - 'The Government recognises that consolidation of both primary and secondary electoral legislation would be beneficial. The last consolidation exercise of primary legislation produced the Representation of the People Act 1983, which is still the basic legislation governing elections in the UK. But recent years have seen considerable legislative activity in the electoral field – every year for the past five years there has been some kind of legislation affecting elections. Until there is a period without legislation, consolidation cannot take place. The Government has announced its intention to introduce a new Bill on electoral administration this session. When that Bill has come into effect consideration will be given to consolidating it and previous legislation into a single Act.

Consideration will also be given to a consolidation exercise for secondary legislation at the same time, since new secondary legislation will be made following the passage of the primary legislation – the Electoral Administration Bill.

It should be noted that although the legislation may be fragmentary, it is freely available in both printed form and on the Internet. In addition, both the Electoral Commission and the Government make available a good deal of explanatory information, as well as guidance and training materials also in both printed and electronic forms. Although consolidation of legislation would undoubtedly increase both accessibility and comprehensibility, those who wish to can readily access information about electoral legislation.'

47. Some administrators suggested that the count should be the day after the election.

There is nothing in current legislation to prevent this but convention and the desire of both candidates and the public to know the result as soon as possible has resulted in an evening count as a matter of practice. There are likely to be strong and differing views from those who would be directly affected by the

process, such as political parties, to any suggestion of legislating for a different position.

48. The issue of the marked register was raised frequently in the responses.

MPs and political parties thought that a daily marked register would be useful during the election period. Several administrators commented that a marked register should be made, but not available until after the election. We welcome the Electoral Commission's recent report on marked registers and have broadly accepted the recommendations made there (e.g. provision of marked registers of returned postal votes after the close of poll) which are reflected in the provisions of the electoral Administration Bill.

## **Registration**

49. A few respondents commented that a standard template for registration should be issued to local authorities and that there should be greater consistency between EROs in their activities and in the design and use of election stationery.

The Electoral Commission has previously recommended a standard form. This is an issue that we are currently reviewing. In consultation with key stakeholders we hope to be able to suggest improvements to the existing forms, providing best practice guidance and templates, with the aim of local authorities adopting them.

50. An MP suggested that registration should be linked to the payment of council tax.

Previous experience indicates that linking registration and council tax could lead people to forego registration in an attempt to avoid the tax, thereby proving to be a disincentive and leading to a reduction in the register. However, we have been considering how such data sharing can help to further improve the quality, accuracy and integrity of electoral registers. This is reflected in the 'new duty' for ERO's mentioned above and, in the wider sense, needs further and detailed examination as a longer term issue.

51. It was suggested that electoral registration should be promoted and publicised more for service and overseas voters.

We are aware that there are issues around service and overseas voters being on the register and exercising their entitlement to vote and we intend to look at this further with the Electoral Commission and other Government departments.

A current example of activity in this area is that the Government, in liaison with the Electoral Commission, has been running an information campaign to ensure the registration process is made easily understandable and accessible to all members of the Armed Forces. This has consisted of:

- A booklet being distributed to all service personnel that will clearly outline the different registration and voting options available to service personnel, including appropriate forms.
- Information being published on the MoD Intranet, its in-house publications, service Family Federation websites and included in service personnel pay slips.
- A circular being sent to local councils to ensure that they have up to date service family addresses for units in their area.
- The MoD making structural changes, so that a designated Officer in each unit is given responsibility for electoral registration and as a point of contact for unit personnel wishing to register to vote.

This campaign will be updated and repeated throughout the electoral cycle.

### **Postal voting**

1. An MP commented that it should be a duty for EROs to record postcodes as it would assist in the delivery of postal ballots.  
We are considering this in the context of CORE and as part of the wider issue of the ERO's duty to maintain the register and maximise registration.

### **Funding**

2. Many respondents from the administrator, political party and supplier groups raised the issue that these new proposals will result in an increase in the resources required for administrators.  
The Government is cognisant of this and has done a considerable amount of work to cost the new measures and will provide the resources required to support administrators in the implementation of the proposals that create an additional burden on the workload of administrators.
3. Administrators also commented that there should be a one off grant payment for the first year of implementation.  
We will consider this as part of the specific project we have set up to look at implementation of these measures.

### **Candidates**

4. It was suggested that the rules should be made clearer for candidates from smaller political parties and independent candidates.  
The Government has accepted in its response to *Voting for change* a number of recommendations designed to simplify and make the system more effective for candidates and parties.
5. Some MPs and administrators commented that legislation or guidance should be produced for tellers, for instance, that there should be no campaigning within 50 metres of the polling station.  
We are assisting the Electoral Commission in their review of guidance for tellers which will consider this specific point along with other issues.

### **Compulsory voting**

6. A number of MPs supported the introduction of compulsory voting.  
It is not currently Government policy to make voting compulsory because while people could legally be obliged to vote, there would be no guarantee that they would make a reasoned choice between candidates (electors might mark their ballot papers at random, or deliberately spoil them). The introduction of compulsory voting could not, therefore, guarantee in itself the increased democratic involvement to which we are committed. Voting in this country is traditionally a matter of choice; the right to vote entails also the right not to vote

and one of the options that should remain available to electors is for them to decide not to exercise that right if they so choose.

## **Comments on other points raised in the Electoral Commission's *Securing the vote* report**

We have already made reference above to the Electoral Commission's report *Securing the vote* where it has been relevant to do so. In this section we will comment on the Electoral Commission's additional recommendations in *Securing the vote* which are not covered in the main body of this report.

We have already covered The Electoral Commission recommendations in *Securing the vote* numbered, according to the Electoral Commission's report, as follows; 1, 2, 4, 6 to 10, 13, 17, 20, 22 to 24, 26 and 27.

A number of the recommendations in *Securing the vote* are repeated from those made in *Voting for change and Delivering democracy?*. The Government has already responded to both of these reports in December 2004 and our position remains the same. This relates to the following numbered recommendations in *Securing the vote*: 3, 12, 14 to 16, 18, 19, 21, 25, 28 to 39, 44 and 45

In respect of the other recommendations in *Securing the vote*, we have set out our comments below using the numbering given by the Electoral Commission in their report.

**5. The electoral register should be electronically maintained according to mandatory data standards, and continuously updated under guidance of a protocol. The opportunity for each elector to reconfirm their registration or change their address details by telephone, or online, should be made available once the registers contain personal identification details which can be used to confirm the elector's identity.**

The Co-ordinated Online Record of Electors (CORE) project will enable standardised data exchange and interoperability to support rolling registration. We intend to allow the testing through CORE of extended online and telephone registration. The process of 'continuous registration' needs to be considered further, as it would be a significant change to the way electoral registers are published.

**11. The lists and records of absent voters (those who have requested a postal or proxy vote, or those voting outside a polling station by other remote means) maintained by Electoral Registration Officers should be made available for public inspection, under supervision by the Electoral Registration Officer, prior to close of poll. Copies of the lists should be made available to election candidates, agents and political parties for electoral purposes (for a prescribed fee).**

Under current electoral law, lists and records of postal and proxy voters may already be made available for public inspection and be supplied to candidates and election agents. We intend, through secondary legislation, to allow access to these lists by political parties as well as candidates and to do so throughout the year for parties, rather than at restricted times as now, is the case for candidates (who can only see them once an election has been called and they have attained candidate status). We will support this with a power, included in the Electoral Administration Bill, to make it

an offence, to fail to comply with any conditions on use of the information that may be imposed.

**40. The Commission recommends that the law should be amended to allow the Returning Officer, under appropriate security arrangements, to collect returned postal ballot packs from polling stations before the close of poll.**

We agree with this recommendation and have been persuaded by administrators that this alleviates the burden on them at the end of the day of poll. We will provide for this through secondary legislation before the May 2006 local elections.

**41. The Commission recommends that the law should be amended so that unissued postal ballot packs are parcelled and retained as unissued ballot papers.**

We agree with this recommendation and will permit the retention of unissued postal ballots in the same secure way as normal ballots. We will need to consider implications, such as storage and retention issues.

**42. The Commission recommends that the law should be amended to require that postal ballot papers be sorted 'face down' at the verification stage. Further examination of section 66 of the Representation of the People Act 1983 is required to prohibit the disclosure of voting trends discerned at the preliminary scrutiny of postal votes.**

During the June 2004 all-postal pilots, Returning Officers were required to sort postal ballot papers face down and this provided an effective additional secrecy measure. With regard to postal voting, we agreed that when postal votes are first opened and checked, they should be kept face down so that party workers etc, do not see which parties the votes are being cast for before the close of poll - this will require an amendment to regulations and will provide for this in the raft of secondary legislative changes we are looking to make in regulations after the Bill.

## **Glossary**

**All-postal voting** - All-postal voting is where ballot papers are automatically sent to all registered electors, which they may return either through the post or to a specified delivery point. There are no traditional polling stations.

**All-postal pilots** - All-postal voting pilots have taken place at local elections since 2000 under Section 10 of the Representation of the People Act 2000 and at the 2004 European and local elections under the European Parliamentary and Local Elections (Pilots) Act 2004.

**Association of Chief Police Officers (ACPO)** – Set up so that work in developing policing policies could be undertaken in one place on behalf of the Service as a whole, rather than in 44 forces separately.

**AEA (Association of Electoral Administrators)** - An association set up in 1967 to represent the interests of electoral administrators in the United Kingdom

**Barcode** - A series of vertical bars of varying widths, in which each of the digits zero through nine are represented by a different pattern of bars that can be read by a laser scanner. The bars are commonly found on consumer products and are used especially for inventory control.

**Beacon Council** - A Beacon Council is one that has been identified as a centre of excellence from which others can learn. The Beacon Council Scheme was set up by the Government in 1999.

**CORE** - Co-ordinated Online Record of Electors – The aim of the project is to make the electoral registration process easier, secure, accurate and cost effective. It aims to standardise electoral registration systems in order to provide national access to registration data.

**Crown Prosecution Service (CPS)** – Responsible for prosecuting criminal cases investigated by the police in England and Wales.

**Department for Constitutional Affairs / DCA** - The Government department responsible for upholding justice, rights and democracy, by providing effective and accessible justice for all; ensuring people's rights and responsibilities; and enhancing democratic freedoms by modernising the law and the constitution. It is responsible for the Courts and constitutional matters, including the policy and legislation for national elections and the policy and legislation on conduct of local elections in England and Wales.

**Declaration of Identity** - A form submitted with the postal ballot paper to validate the vote, signed by the elector and a witness.

**dies non** - Certain days – *dies non* (literally, “non days”) – are currently disregarded from election timetables; these are, Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday and any day appointed for public thanksgiving or mourning.

**Electoral Registration Officer (ERO)** - An official appointed by a local authority to prepare and maintain the Register of Electors.

**Fees and Charges** - An order made before an election which specifies what expenses Returning Officers can recover from the Government for the running of elections.

**Individual Identifiers – pieces** of personal information that can be used to identify an individual - for the purposes of this paper these are signature and date of birth.

**Local Government’s Comprehensive Performance Assessment scheme** - Comprehensive Performance Assessment (CPA) is about helping local councils in England improve local services for their communities looking at how well the council delivers their services and considers how well the council is run, as this will impact on how they deliver their services in the future.

**Organisation for Security and Co-operation in Europe / Office for Democratic Institutions and Human Rights (OSCE/ODIHR)** - The OSCE Office for Democratic Institutions and Human Rights is based in Warsaw, Poland. It is active throughout the OSCE area in the fields of election observation, democratic development, human rights, tolerance and non-discrimination, and rule of law.

**Personation** - To assume the identity of another person, in order to cast that person’s vote.

**PPERA** - The Political Parties, Elections and Referendums Act 2000.

**Postal Voting on Demand** - Where any elector can specifically request to vote by post in a traditional election.

**Proxy Voter** - A person authorised to vote on behalf of another; an agent or substitute.

**Returning Officer (RO)**– An official responsible for the administration of an election in accordance with statutory requirements.

**The Electoral Commission / the Commission** - An independent body that was set up by the UK Parliament in November 2000. Its aim is to increase public confidence in the democratic process within the United Kingdom and encourage people to take part by modernising the electoral process, promoting public awareness of electoral matters and regulating political parties.

**Turnout** - The number of ballot papers returned to the returning officer before the close of poll.

**Watermark** - A translucent design impressed on paper during manufacture and visible when the paper is held to the light.

## **Annex A – breakdown of responses by proposal to the policy discussion paper**

Please note – responses marked as “yes” and “no” include those answers where the response was positive or negative in the tone of their response but also highlighted practical concerns or benefits.

**The total number of responses received to the paper overall by the deadline was 161, broken down as follows.**

<b>Proposal</b>	<b>Number of responses to this proposal</b>	<b>% of total responses to paper</b>	<b>Number of ‘Yes’ responses to this proposal</b>	<b>‘Yes’ as % of responses to this proposal</b>	<b>Number of ‘No’ responses to this proposal</b>	<b>Number of responses to paper where no comment given to this proposal</b>
Register 11 days before an election	126	78	89	71	37	35
Apply for postal vote at same time as application	97	60	63	65	34	64
Offence of falsely applying for a postal vote	86	54	83	97	3	75
Extension of timetable to complete an investigation	74	46	67	91	7	87
Offences on failure to supply information or provide false information	54	34	51	94	3	107
Personation provisions	37	23	33	89	4	124
Undue influence	44	27	39	89	5	117
Collect individual identifiers	113	70	91	81	22	48
Household form	51	32	36	71	15	110
Abolish annual canvass	72	45	20	27	52	89
Retain carry forward	38	24	32	84	6	123
Interim measures – confirm existing requests for postal votes	28	17	23	82	5	133
Remind that people have applied for postal	41	25	36	88	5	120

votes						
Checking identifiers in polling station	51	32	37	73	14	110
Formal acknowledgement of postal vote application	94	58	85	90	9	67
Marked register of postal votes	50	31	45	90	5	111
Stopping parties handling postal vote applications	83	2	73	88	10	78
Clearing house for postal vote applications	58	36	19	33	39	103
Check postal vote applications against registration details	47	29	34	72	13	114
Replace serial numbers with barcodes	92	57	68	74	24	69
Deadline for postal vote 6 to 11 days	99	61	90	91	9	62
Automated production of postal votes	71	44	62	87	9	90
Correct clerical errors	92	57	88	96	3	69
Clearer performance standards and flexible funding	69	43	65	94	4	92

**The following pages break down the responses further, into various categories of respondent.**

**Responses from electoral administrators**

Of the total 161 responses to the paper, 105 were from electoral administrators, broken down as follows:

<b>Proposal</b>	<b>Number of responses to this proposal</b>	<b>% of total responses to paper</b>	<b>Number of 'Yes' responses to this proposal</b>	<b>'Yes' as % of responses to this proposal</b>	<b>Number of 'No' responses to this proposal</b>	<b>Number of responses to paper where no comment given to this proposal</b>
Register 11 days before an election	93	89	63	67	30	12
Apply for postal vote at same time as application	63	60	39	62	24	42
Offence of falsely applying for a postal vote	59	56	58	98	1	46
Extension of timetable to complete an investigation	42	40	42	100	0	63
Offences on failure to supply information or provide false information	42	40	14	98	0	91
Personation provisions	14	13	14	100	0	91
Undue influence	19	18	17	89	2	86
Collect individual identifiers	74	70	55	74	19	31
Household form	29	28	17	59	12	76
Abolish annual canvass	38	36	10	26	28	67
Retain carry forward	14	13	12	86	2	91
Interim measures – confirm existing requests for postal votes	11	10	9	82	2	94
Remind that people have applied for postal	19	18	15	79	4	86

votes						
Checking identifiers in polling station	39	37	24	62	15	66
Formal acknowledgement of postal vote application	65	62	57	88	8	40
Marked register of postal votes	0		0		0	0
Stopping parties handling postal vote applications	52	50	44	85	7	53
Clearing house for postal vote applications	36	34	5	14	31	69
Check postal vote applications against registration details	22	21	13	60	9	83
Replace serial numbers with barcodes	64	61	40	63	24	41
Deadline for postal vote 6 to 11 days	69	66	63	91	6	36
Automated production of postal votes	45	43	42	93	3	60
Correct clerical errors	58	55	56	97	2	47
Clearer performance standards and flexible funding	43	41	42	98	1	62

## Responses from MPs

Of the total 161 responses to the paper, 16 were from MPs, broken down as follows:

<b>Proposal</b>	<b>Number of responses to this proposal</b>	<b>% of total responses to paper</b>	<b>Number of 'Yes' responses to this proposal</b>	<b>'Yes' as % of responses to this proposal</b>	<b>Number of 'No' responses to this proposal</b>	<b>Number of responses to paper where no comment given to this proposal</b>
Register 11 days before an election	7	44	7	100	0	9
Apply for postal vote at same time as application	4	25	4	100	0	12
Offence of falsely applying for a postal vote	3	19	3	100	0	13
Extension of timetable to complete an investigation	3	19	1	33	2	13
Offences on failure to supply information or provide false information	1	6	1	100	0	15
Personation provisions	1	6	1	100	0	15
Undue influence	2	13	2	100	0	14
Collect individual identifiers	9	56	8	89	1	7
Household form	2	13	1	50	1	14
Abolish annual canvass	5	31	0	0	5	12
Retain carry forward	2	13	2	100	0	14
Interim measures – confirm existing requests for postal votes	2	13	2	100	0	14
Remind that people have applied for postal votes	4	24	4	100	0	12
Checking identifiers in polling station	3	19	3	100	0	13
Formal acknowledgement of postal vote	5	31	5	100	0	11

application						
Marked register of postal votes	6	38	6	100	0	10
Stopping parties handling postal vote applications	3	19	2	67	1	13
Clearing house for postal vote applications	3	19	2	67	1	13
Check postal vote applications against registration details	2	13	2	100	0	14
Replace serial numbers with barcodes	4	25	4	100	0	12
Deadline for postal vote 6 to 11 days	4	25	2	50	2	12
Automated production of postal votes	2	13	2	100	0	14
Correct clerical errors	3	19	3	100	0	13
Clearer performance standards and flexible funding	4	25	4	100	0	12

## Responses from political parties

Of the total 161 responses to the paper, 8 were from political parties, broken down as follows:

<b>Proposal</b>	<b>Number of responses to this proposal</b>	<b>% of total responses to paper</b>	<b>Number of 'Yes' responses to this proposal</b>	<b>'Yes' as % of responses to this proposal</b>	<b>Number of 'No' responses to this proposal</b>	<b>Number of responses to paper where no comment given to this proposal</b>
Register 11 days before an election	8	100	8	100	0	0
Apply for postal vote at same time as application	7	88	6	86	1	1
Offence of falsely applying for a postal vote	5	63	5	100	0	3
Extension of timetable to complete an investigation	4	50	4	100	0	4
Offences on failure to supply information or provide false information	5	63	5	100	0	3
Personation provisions	4	50	4	100	0	4
Undue influence	4	50	4	100	0	4
Collect individual identifiers	6	75	6	100	0	2
Household form	4	50	3	75	1	4
Abolish annual canvass	4	50	3	75	1	4
Retain carry forward	5	63	4	80	1	3
Interim measures – confirm existing requests for postal votes	4	50	4	100	0	4
Remind that people have applied for postal votes	4	50	4	100	0	4
Checking identifiers in polling station	4	50	4	100	0	4
Formal acknowledgement	7	88	7	100	0	1

of postal vote application						
Marked register of postal votes	6	75	6	100	0	2
Stopping parties handling postal vote applications	5	63	5	100	0	3
Clearing house for postal vote applications	6	75	5	83	1	2
Check postal vote applications against registration details	5	63	5	100	0	3
Replace serial numbers with barcodes	5	63	5	100	0	3
Deadline for postal vote 6 to 11 days	6	75	6	100	0	2
Automated production of postal votes	5	63	4	80	1	3
Correct clerical errors	5	63	5	100	0	3
Clearer performance standards and flexible funding	6	75	6	100	0	2

## Responses from members of the public

Of the total 161 responses to the paper, 7 were from members of the general public, broken down as follows:

<b>Proposal</b>	<b>Number of responses to this proposal</b>	<b>% of total responses to paper</b>	<b>Number of 'Yes' responses to this proposal</b>	<b>'Yes' as % of responses to this proposal</b>	<b>Number of 'No' responses to this proposal</b>	<b>Number of responses to paper where no comment given to this proposal</b>
Register 11 days before an election	5	71	4	80	1	2
Apply for postal vote at same time as application	6	86	4	67	2	1
Offence of falsely applying for a postal vote	3	43	3	100	0	4
Extension of timetable to complete an investigation	2	29	2	100	0	5
Offences on failure to supply information or provide false information	2	29	2	100	0	5
Personation provisions	2	29	2	100	0	5
Undue influence	3	43	3	100	0	4
Collect individual identifiers	4	57	4	100	0	3
Household form	4	57	2	50	2	3
Abolish annual canvass	4	57	2	50	2	3
Retain carry forward	4	57	3	75	1	3
Interim measures – confirm existing requests for postal votes	2	29	2	100	0	5
Remind that people have applied for postal votes	3	43	3	100	0	4
Checking identifiers in polling station	3	43	3	100	0	4
Formal acknowledgement	3	43	3	100	0	4

of postal vote application						
Marked register of postal votes	2	29	2	100	0	5
Stopping parties handling postal vote applications	3	43	3	100	0	4
Clearing house for postal vote applications	3	43	2	67	1	4
Check postal vote applications against registration details	2	29	2	100	0	5
Replace serial numbers with barcodes	5	71	3	60	2	2
Deadline for postal vote 6 to 11 days	5	71	5	100	0	2
Automated production of postal votes	4	57	4	100	0	3
Correct clerical errors	3	43	3	100	0	4
Clearer performance standards and flexible funding	3	43	3	100	0	4

## Responses from suppliers

Of the total 161 responses to the paper, 6 were from suppliers of commercial services to electoral administrators (e.g. printers, software houses, etc), broken down as follows:

<b>Proposal</b>	<b>Number of responses to this proposal</b>	<b>% of total responses to paper</b>	<b>Number of 'Yes' responses to this proposal</b>	<b>'Yes' as % of responses to this proposal</b>	<b>Number of 'No' responses to this proposal</b>	<b>Number of responses to paper where no comment given to this proposal</b>
Register 11 days before an election	4	67	1	25	3	2
Apply for postal vote at same time as application	4	67	1	25	3	2
Offence of falsely applying for a postal vote	3	50	3	100	0	3
Extension of timetable to complete an investigation	0	0	0	0	0	6
Offences on failure to supply information or provide false information	0	0	0	0	0	6
Personation provisions	0	0	0	0	0	6
Undue influence	0	0	0	0	0	6
Collect individual identifiers	4	67	3	75	1	2
Household form	0	0	0	0	0	6
Abolish annual canvass	1	17	0	0	1	5
Retain carry forward	1	17	1	100	0	5
Interim measures – confirm existing requests for postal votes	0	0	0	0	0	6
Remind that people have applied for postal votes	0	0	0	0	0	6
Checking identifiers in polling station	0	0	0	0	0	6
Formal acknowledgement	0	0	0	0	0	6

of postal vote application						
Marked register of postal votes	0	0	0	0	0	6
Stopping parties handling postal vote applications	2	34	2	100	0	4
Clearing house for postal vote applications	0	0	0	0	0	6
Check postal vote applications against registration details	3	50	3	100	0	3
Replace serial numbers with barcodes	3	50	2	67	1	3
Deadline for postal vote 6 to 11 days	1	17	1	100	0	5
Automated production of postal votes	1	0	0	0	1	5
Correct clerical errors	3	50	3	100	0	3
Clearer performance standards and flexible funding	0	0	0	0	0	6

## Responses from others

Of the total 161 responses to the paper, 17 were from individuals or organisations not in one of the above categories, broken down as follows - showing only proposals where a comment was made:

Proposal	Number of responses to this proposal	% of total responses to paper	Number of 'Yes' responses to this proposal	'Yes' as % of responses to this proposal	Number of 'No' responses to this proposal	Number of responses to paper where no comment given to this proposal
Register 11 days before an election	12	71	6	50	6	5
Apply for postal vote at same time as application	11	65	5	45	6	6
Offence of falsely applying for a postal vote	14	82	8	57	1	3
Extension of timetable to complete an investigation	11	65	10	91	1	6
Offences on failure to supply information or provide false information	6	35	5	83	1	11
Personation provisions	5	29	4	80	1	12
Undue influence	6	35	5	83	1	11
Collect individual identifiers	14	82	11	79	3	3
Household form	8	47	5	63	4	9
Abolish annual canvass	10	59	3	30	2	7
Retain carry forward	3	18	2	67	1	14
Interim measures – confirm existing requests for postal votes	3	18	2	67	1	14
Remind that people have applied for postal votes	5	29	4	80	1	12
Checking identifiers in polling station	5	29	5	100	0	12
Formal acknowledgement of postal vote application	10	59	10	100	0	7

