



Cabinet Office

The UK Government's Response to the reports of the Electoral Commission, the Association of Electoral Administrators and the Royal National Institute for the Blind on the 2015 UK Parliamentary General Election

September 2016

Foreword

As Minister for the Constitution, I am pleased to publish this response to the reports from the Electoral Commission, Association of Electoral Administrators and Royal National Institute for the Blind on the General Election and other polls in May 2015.

The response sets out activities taken up to that date but we have also seen some important successes since those polls. Not least of those is the full transition to Individual Electoral Registration and the registration levels reflected in the December 2015 electoral registers.

Those were followed by the referendum on membership of the European Union, which was successfully run by the Electoral Commission and local authority elections teams, and enjoyed a record level of registration and impressive turnout. Those both reflect positively in terms of engagement and provide us all with a foundation to build on for the future, working with all of the organisations who reported, through the various working groups in place, and with other interested bodies. It is important that Government continues to maintain regular contact with organisations such as the RNIB which have important views to feed into the development of policy and the delivery of electoral services.

The Government looks forward to seeing further reports on the Referendum and more recent polls and will respond to those in the context of the reports from the Law Commissions' review of electoral law and the important recommendations made by Sir Eric Pickles in his recently published review of electoral fraud.

Chris Skidmore
Minister for the Constitution

Introduction

1.1. The Government is grateful to the Electoral Commission for its report, *The May 2015 UK elections: Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election*, published in July 2015.

1.2. As the report reflects, the May 2015 elections involved several changes, in particular the introduction of individual electoral registration in England, Scotland and Wales, and new additional rules for non-party campaigners at a UK Parliamentary general election. We are pleased to note the Electoral Commission's belief that, despite the specific challenges faced, the elections were delivered successfully. We welcome the report's conclusions and recommendations and this response seeks to address each of these in turn.

1.3. The Government would also like to take this opportunity to respond to many of the points and recommendations made by the Association of Electoral Administrators (AEA) in its report, *Elections and Individual Electoral Registration - The Challenge of 2015*, and the recommendations of the Royal National Institute of Blind People (RNIB) on the May 2015 polls. Recommendations made by the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on the 2015 General Election have been referred to in this report where relevant to the Electoral Commission's recommendations, although a substantive Government response to that report has been issued separately. Separately, the Government is also carefully considering recommendations by Sir Eric Pickles in his independent report on tackling electoral fraud.

1.4. Where possible, we have grouped recommendations in this report in order that similar themes are discussed together.

Electoral Legislation (Timing and Complexity)

2.1. The Electoral Commission and the AEA both raise issues in respect of electoral legislation; both in terms of the timing of legislation and the complexity of electoral law more generally. In terms of the complexity of electoral law, we acknowledge the AEA's recommendation that:

- *The UK Government should bring forward a single Electoral Administration Act in accessible language setting out the high level framework governing electoral registration, elections and referendums in the UK, with the operational detail of registration, absent voting, and elections contained in*

secondary legislation, all with the key aim of achieving the simplification and consistency of rules across all electoral administration matters. (15.4)

On this point, the Government agrees that there could be some benefits to simplifying and bringing together the complex legal framework which governs elections. As the AEA is aware, the Law Commissions are currently undertaking a review of electoral law, the aim of which is to simplify, codify and clarify electoral law. They published their interim report on 4 February 2016 and the Government is currently working with them on the next steps. Their report recommends a single, consistent legislative framework governing all elections and consistency of electoral laws across elections.

2.2. Both the Electoral Commission and the AEA also make recommendations concerning the timing of electoral legislation in the UK, an issue that we acknowledge has been raised previously. In particular, we note the recommendations relating to the six month target for electoral legislation. On this, the Electoral Commission recommend that:

- *Governments with legislative competence over elections within the UK should manage the development and approval of legislation so that it is clear at least six months before it is required to be implemented or complied with by campaigners or electoral administrators.*

All governments should normally be able to plan to ensure that legislation for elections is clear at least six months before it is required to be implemented or complied with. While there may be unexpected developments or exceptional circumstances in which legislation is required later than this, it is not acceptable that poor planning has routinely resulted in late legislation in recent years. This is particularly disappointing when the date of polling day has been fixed some time in advance.

If a government has not been able to make legislation clear at least six months before the date of a scheduled poll, it should table a formal statement in the relevant legislature, explaining why it has not, and setting out its assessment of the likely impact of the late confirmation of legislation for campaigners, electoral administrators and electors. (EC 8)

The AEA also recommends that:

- *Except in cases of unforeseen emergencies, changes to election law should not be applicable to any elections within a six-month period from the date the legislation comes into effect. (15.5)*

On this point, the Government recognises the need to have electoral legislation in place in good time to allow for the effective running of polls. Where possible, we endeavour to meet the target, adopted along with other partners, to have legislation in place six months before the date of a scheduled poll. However, we do not think it appropriate to set an arbitrary time period. We note that the vast majority of rules for elections and referendums are well established and understood, allowing administrators and parties to begin preparation before all the relevant legislation has been passed. The Government recognises the importance of communicating any proposed changes well in advance of the making of legislation both during policy development as appropriate and during the formal consultation process. It is important to note that a number of factors can impact on the ability to make all such legislation in advance. These factors are often linked to process, for example, the availability of parliamentary time, or changes to the real-world situation (such as the size of the electorate), which are better taken into account closer to the day of the poll. Equally, as it is possible for a lacuna or inaccuracy to be found in the sixth months preceding a poll, we do not think it would be sensible to impose a blanket ban on making changes within that period, given that some changes made at this stage could be beneficial to the electorate and/or the effective running of the poll. Indeed, in 2001, emergency electoral legislation was needed to address the consequences of foot and mouth disease, and to correct problems relating to imprints on election literature.

2.3. This matter is also raised as an issue in specific relation to Welsh language election materials and the relevant accompanying legislation. Here, the Electoral Commission recommend that:

- *We repeat our recommendation that the UK Government should work with relevant partners, including the Welsh Government, to re-examine its approach to the statutory provision of Welsh language forms, notices and ballot papers, and commits to providing the necessary statutory translation in good time before elections, consistent with the timing and approach taken to the provision of corresponding English language resources. (EC 7)*

The AEA also recommended that:

- *The Welsh Forms Order should either be included in the same legislation as the English forms or be laid at the same time as its English equivalent. The Order should contain a Welsh language Form of Front of Ballot Paper template and Form of Back of Ballot Paper template in the future. (15.10)*

In respect of this, the Government is mindful of the requirement to, and importance of, providing Welsh language versions of forms and notices for elections and arranging translations in good time. Where forms are set out in a separate Welsh

Forms Order, it may not be possible for legal reasons for that order to be made until the instrument with the English versions has been made. It may, therefore, not be possible to lay the instruments at the same time. For the future, we will consider, including the Welsh versions of forms and notices in the same legislation as that providing for the English versions where it is feasible to do so. The Government notes the suggestion about providing a Welsh language form of ballot paper.

Funding, Resources and Managing the Poll

3.1. The Government believes that all those involved in the running of elections should receive appropriate support, and we recognise the significant work done by administrators to effectively deliver polls. With this in mind, we note the AEA's concerns around resources and their recommendation that:

- *The UK Government should undertake a thorough and UK-wide review of funding, staffing structures (including career progression) and other resources required to deliver core professional electoral services, with the aims of delivering a coherent and efficient structure across the UK, cost effectiveness over time and ensuring that funding for new responsibilities reaches electoral services. (15.1)*

In respect of these issues, the Government remains committed to working with all relevant organisations, including the Electoral Commission, SOLACE and the AEA, to identify possible solutions. As part of this work we will keep this recommendation in mind. The AEA will also be aware that SOLACE have been examining issues of resilience within the delivery of elections and we are committed to working with them on this and other issues.

3.2. We also note the recommendations made by the AEA in specific relation to elections funding. These are set out below, together with our response.

- *Fees and Charges should cover the additional costs of administering the electoral registration process in the run up to an election, including absent voting applications and related matters. (15.3)*

As it currently stands, the legislation sees a separation between registration and responsibility for the conduct of elections. We recognise the issue that the AEA are raising here, but this would be a fundamental change to the current position which will need considerable thought.

3.3. The AEA also raised the issue of the timing of Fees and Charges Orders.

- *As with other election law, if Fees and Charges Orders remain the mechanism for funding specific elections and referendums, the appropriate Orders should be in place at least six months prior to the date of such elections and referendums. (15.2)*

As already set out in the previous chapter of this response, the Government recognises the need to have electoral legislation in place in good time to allow for the effective running of polls. As discussed, where possible we endeavour to meet the target, adopted along with other partners, to have legislation in place six months before the date of a scheduled poll. The situation is no different in respect of Fees and Charges Orders and we do not think it appropriate to set an arbitrary time period for when this legislation should be in place.

3.4. The AEA also raised the issue of electoral print suppliers, following some reported problem at the May 2015 polls. It recommended that:

- *The UK Government and/or the Electoral Commission be asked to investigate the possibility of establishing a national framework of electoral print suppliers in the interests of securing efficiency, resilience and operational certainty for future elections. (15.12)*

Here, we note that Government officials have raised this point themselves in the past. We will examine this issue with relevant partners and consider the practicability of such a proposal.

3.5. On the topic of funding and resources, the AEA also made the following recommendation concerning the costs incurred in appointing reserve polling station and count staff.

- *The Fees and Charges Order should cover the costs incurred in appointing reserve polling station and count staff and should take into account the costs of appointing additional polling station staff as required, even if it is above the Electoral Commission ratio. (15.42)*

The Government's view is that, whilst it is important that elections are run correctly and that no corners are cut in their delivery, it is also important that effective value for money is achieved in the running of elections as it is in other areas of public expenditure. There is a need to undertake contingency planning when preparing for elections and this can be done in many ways. However, paying staff to be in reserve is not good value for money.

Combination of Polls and Election Timetables

4.1. The issue of legislative election timetables was raised by the AEA. It recommended that:

- A review of all election/poll timetables should be carried out with a view to extending some aspects, as well as standardising a legislative timetable which should apply to all UK elections, containing the key milestones in electoral administration, including the deadlines for registration and absent voting. (15.9)

The Law Commissions in their interim report to their review of electoral law recommended a standard legislative timetable. The Government is working with them on the next steps following their report.

4.2. The AEA made two recommendations concerning the combination of polls. These are set out below:

- *Any polls coinciding in the same area on the same day must be combined, but with an upper limit on the number of polls being allowed to take place on any one day (as outlined in the report).* (15.6)
- *Subject to the recommendations of the Law Commission as to the maximum number of polls that can be combined, a review should be carried out as to whether the polls at parish/town/community council elections should be combined with polls at a UKPGE and local elections held on the same day.* (15.9)

In response, the Government does not see it as sensible to impose a requirement on combination, given that this could prove a disadvantage to the elector experience and turnout. In addition, it is possible that this could also hinder understanding or compromise the effective running of a poll. Given the disparate nature of electoral systems used in the UK, the Government believes that, in some instances, it is proper for decisions regarding combination to be left to the relevant Returning Officer, who will have a local knowledge of capability and capacity. Consideration should also be given to the cost of separating elections. Given that, parish/town/council elections are already mandatorily combined, it is unclear how these recommendations are linked. There are clearly issues to be looked at here in relation to Notices of Election, timing of parish polls and in preparation for the combined polls in May 2020.

Electoral Integrity and the Challenge Process

5.1. The AEA made a number of recommendations concerning electoral fraud and the challenge process:

- *The UK Government should design and implement a clearer and local system of accountability and challenge through the introduction in election law of a formal complaints system as outlined in the Law Commissions' provisional proposal 13-17. (15.7)*
- *The UK Government should review current legislation and provide further clarification in legislation in relation to second homes as outlined in the Law Commissions' consultation paper. (15.13)*
- *The UK Government should amend the legislation to require that applicants for postal votes who request a waiver must have their application attested in line with current arrangements for proxy applications, but with the attestation extended to a health professional, including a carer. (15.14)*
- *The UK Government should look to formalise the roles and responsibilities in legislation in relation to tellers and the postal vote code of conduct, so as to be more effective in ensuring integrity. (15.15)*

The Government is carefully considering a series of recommendations on tackling electoral fraud made in Sir Eric Pickles' independent report in August 2016.

The Law Commissions' recommended an informal system to investigate complaints about the administration of elections that do not seek to overturn the result in its interim report, and the Government is working jointly with them on the next steps following their report.

Electoral Registration and the Transition to Individual Electoral Registration

6.1. The Electoral Commission raised a number of issues in respect of electoral registration. Firstly, it recommended that:

- *All broadcasters, particularly those with specific public purposes built into their remit, should continue to identify and take advantage of opportunities to include information about voter registration in their editorial coverage at elections. (EC 1)*

The Government is committed to maximising the electoral register so everyone can have their say at the ballot box and welcomes efforts by organisations with significant reach to reinforce this message. The Government will continue to support the Electoral Commission to promote voter registration as widely as possible, as was demonstrated by the efforts ahead of the EU Referendum.

6.2. The Electoral Commission also recommended a facility to allow people to check whether they are already registered before submitting an application to register:

- *The UK Government should develop an online service to allow people to check whether they are already correctly registered to vote before they submit a new application to register.*

Any such service would need to carefully manage and protect voters' personal information. (EC 2)

A similar point was also raised by the AEA, which recommended that:

- *The UK Government should review the online service with a view to restricting the same person from registering more than once. In addition, consideration should be given to the possibility of a lookup facility to allow electors to check if they are registered before trying to register online. (15.17)*

The OSCE/ODIHR similarly recommended that:

- Consideration could be given to configuring the online registration system to enable voters to verify their status, including the eligibility for different elections.

The Government agrees with an underlying principle of the recommendations, that finding a way to reduce the number of unnecessary duplicate applications would be beneficial for both citizens and electoral administrators. An online registration status look up facility, (with the possibility of eligibility checking for different elections), is potentially one solution. However, there are a number of technical and practical barriers to implementing a national status check tool. Firstly, we would need to fully assess the cost benefit such a tool would provide. Furthermore, Electoral Registration Officers maintain a register of their electors locally, with systems not designed to function 24 hours a day. Concerns over privacy and the data security of a national database would also have to be carefully considered. Our initial analysis suggests there may be other more viable solutions, such as improved filtering of duplicates within electoral management software.

The first step is to fully understand the impact of duplicate applications and then to explore a range of options to ascertain which are viable and which are appropriate

compared to the scale of the problem. We recognise that some local authorities have looked at establishing local solutions and so, as part of this investigative work, we intend to study this existing practice to understand what lessons might be learnt and drawn upon.

6.3. Finally, the Electoral Commission recommended that:

- *Given the clear benefits for electors in England, Scotland and Wales, who can now apply to register to vote online, online registration should be introduced in Northern Ireland. The Chief Electoral Officer and Northern Ireland Office should publish a timetable setting out when this will happen.*

This will require legislative change in the UK Parliament as well as significant changes to the management of the electoral register by the Electoral Office for Northern Ireland. (EC 3)

On this point, the Government has acknowledged that it would wish voters in Northern Ireland to have the same opportunities for registration that are available across the rest of the UK.

We are continuing to support the Electoral Office for Northern Ireland to establish the various IT and legislative changes that will be required to facilitate online registration in Northern Ireland.

6.4. The AEA also made a number of recommendations concerning electoral registration and transition to Individual Electoral Registration (Individual Electoral Registration). These recommendations are grouped below for response.

- *The UK Government should carry out a review of IER processes and IER during the UKPGE, with a view to implementing legislative changes to improve such processes, including as to whether there is still a need to continue with an annual canvass if all local authorities were provided with software functionality to easily data mine local authority and government databases. (15.18)*
- *The UK Government should continue to provide sufficient funding directly to EROs to administer IER, to ensure an accurate and complete register is maintained. (15.19)*
- *The UK Government should end the transition to IER in December 2015. (15.20)*

As the AEA recommended, the Government ended the transition to Individual Electoral Registration in December 2015. The July 2016 report by the Electoral

Commission on the completeness and accuracy of the December 2015 registers demonstrated that this was the correct decision. Registers in December 2015 were 91% accurate, 4% higher than those published before the introduction of Individual Electoral Registration in 2014. The report also states that the majority of the approximately 800,000 register entries, that were removed as a result of the end of the transition, were for electors who were no longer resident at their registered address. The completeness of the registers also remained stable through the transition to Individual Electoral Registration and has increased further with a record number of register entries for the EU referendum.

The Government is developing an ambitious vision of how electoral registration could change over the course of this Parliament, building on the successful introduction of Individual Electoral Registration (Individual Electoral Registration) in 2014. The overarching aims of the vision are to ensure that electoral registers are as complete and accurate as they can be and that the system of electoral registration is as efficient as possible, delivering value for money for electors and electoral administrators.

The Modern Electoral Registration Programme (MERP) within the Cabinet Office is responsible for delivering this vision. Removing mandated processes in favour of an outcomes-based, data-driven approach to electoral registration and enabling more modern and digital forms of communication with electors will be key elements of the Programme. As part of this, we are exploring the scope for removing some of the current regulations governing the annual canvass and allowing Electoral Registration Officers greater flexibility to determine how best to maintain their registers - including allowing greater scope to use data to target their electorate more effectively instead of having to issue prescribed paper forms to every household - in line with the AEA's recommendation.

Since 2012, the Cabinet Office has made financial payments to all Local Authorities to help cover the costs associated with Individual Electoral Registration. In 2015/16 alone, this funding totalled more than £26m. We have recently informed local authorities that we are able to continue to offer such financial assistance in 2016/17. We also intend to provide further financial support over the next 3 financial years. Although we will be aiming for allocation amounts to taper down each year as savings and efficiencies are realised through MERP.

6.5. The AEA also recommended that:

- *The UK Government should review the registration of students and care homes under IER, with a view to making legislative changes to allow EROs to directly register people at "institutions". (15.16)*

As previously stated, the work of MERP is focused on ensuring registers are as complete and accurate as they can be and making the system of electoral

registration more efficient. A crucial aspect of this is seeking feedback from practitioners, and other experts within the electoral community, on how aspects of the electoral registration framework could be improved to help realise either or both of these overarching goals. We are considering what changes could be made to the framework following this feedback. However it is important to stress that any future changes will have to be consistent with the principles of Individual Electoral Registration. There are therefore no plans to return to any system of block registration, where electors could have been registered without their knowledge or consent.

6.6. On deadlines, the AEA also recommended that:

- *The deadline for applications to register to vote at an election should be changed from midnight to 5 pm to allow for consistency with the postal vote deadline. (15.22)*
- *The UK Government should consider a review of the registration deadline before elections to allow more time to carry out the additional processes such as the checking of documentary evidence. (15.23)*

In response, the Government believes that eligible electors should be given the maximum time possible to register to vote ahead of any poll. There are, therefore, no current plans to alter the registration deadlines.

6.7. Finally, the AEA also made recommendations concerning the Individual Electoral Registration Digital Service:

- *The Cabinet Office should consider providing additional verification downloads earlier in the election timetable for future elections. (15.21)*

To support the Individual Electoral Registration Digital Service in the run up to the elections on 5 May 2016 and the EU referendum on 23 June, enhanced support arrangements were put in place, this included additional weekend and twice daily verification downloads. Cabinet Office will continue to work closely with local authorities and their EMS suppliers to determine the most appropriate levels of support for future elections.

Registration and Absent Voting

7.1. The AEA also made two recommendations in relation to registration and the process for an absent vote. Responses to these are set out below.

- *The Cabinet Office should review the wording on the registration website to ensure it clearly explains the issues relating to registration, and absent voting administration and options. (15.25)*

The Individual Electoral Registration Digital Service continuously reviews user feedback, and is currently reviewing the wording on gov.uk/register-to-vote that relates to absent voting by overseas electors.

- *The Cabinet Office should ensure that a Welsh language postal vote application form is sent out for electors registering via the Welsh online registration service. (15.26)*

The online register to vote service currently provides for the completion of an application in Welsh. Further improvements are currently in development to ensure other communications, including postal vote applications, are also available in Welsh.

Absent Voting

8.1. We note the issues raised by the Electoral Commission and the AEA in respect of both postal voting and the emergency proxy vote provision. In terms of postal voting, the Electoral Commission commented that:

- *We will continue to encourage Electoral Registration Officers (EROs) and Returning Officers (ROs) to put plans in place to ensure that they make full use of provisions within the statutory election timetable to maximise the time available for electors to receive, complete and return their postal vote.*

We, along with the Electoral Advisory Board (EAB), have identified that the capacity of print suppliers to fulfil demand is a significant risk to the ability of individual ROs to produce and despatch postal votes in sufficient time. We will work with the EAB to consider ways to improve this area of election delivery and to minimise these risks. (EC 4)

As the Electoral Commission notes, in the last Parliament and ahead of the polls in May 2015, the Government lengthened the electoral timetable and removed the restriction on issuing postal votes prior to the postal vote application deadline. Taken together, these changes meant that postal votes for the May 2015 elections could be sent out as soon as practicable after the candidate nominations were finalised, 19 working days before the day of the poll. This provided an extra eight working days more than the previous timetable and was intended to improve the timely delivery of postal ballot packs to electors.

We welcome the Commission's acknowledgement of the benefits that this can bring for postal voters. We are also pleased to read of the Commission's commitment to continue to work with Electoral Registration Officers (EROs) and Returning Officers (ROs) to ensure that they make full use of the provisions within the statutory election timetable and we will work with them towards that aim. The Government also recognises the issue relating to the capacity of print suppliers and we look forward to hearing the Commission's recommendations as to how to minimise this risk.

8.2. In addition, the Electoral Commission also raised postal voting specifically in relation to overseas voters. The Electoral Commission commented:

- *We will work with the UK Government and Returning Officers to identify practical steps which could be taken to improve access to the voting process for overseas electors at the next scheduled poll where they are entitled to vote, including:*
 - *Ensuring that all Returning Officers include the correct postage on postal ballot packs for overseas electors, so that they can be delivered to voters and returned as quickly as possible before polling day, including increasing the funding provided by the UK Government to Returning Officers for this purpose.*
 - *Explaining the practical implications of different voting methods (such as postal voting or appointing a proxy) for overseas electors, particularly if they are making an application during the last month before polling day, including on the www.gov.uk/register-to-vote website.*

We will work with the UK Government and Returning Officers to develop workable and effective proposals, which could be included in the proposed Votes for Life Bill if legislation is required, to make it easier for overseas electors to cast their votes in time to be counted at elections. We will also continue our work with the Electoral Advisory Board to consider how technology might be introduced into a wider range of election activity. (EC 5)

Similar recommendations were made by the AEA:

- *The UK Government should consider a review of absent vote arrangements for overseas electors, to ensure a suitable practical solution, so that "last minute" applicants are still able to cast their vote. (15.24)*
- *The UK Government should review the current timetable in relation to the deadline for applications to register, the objection period and the deadline for*

applications for an absent vote arrangement, especially when being sent abroad. (15.30)

We note these recommendations and are aware of some reported issues experienced by overseas electors in respect of their postal votes. As highlighted already, the changes the Government made in the last Parliament provided an extra eight working days in addition to the previous electoral timetable and this move was intended to make it easier for overseas electors to receive, complete and return their ballot papers ahead of the close of poll.

That said, the Government is committed to further improving the situation and to following through on our promise to ensure that UK citizens resident overseas are able to vote effectively as well as legislating to remove the 15 year restriction preventing overseas British citizens participating in elections.

Ahead of future polls, therefore, we will work with electoral administrators and their suppliers to ensure that they are able to take full advantage of the longer electoral timetable. In line with this recommendation, we will also work with administrators to ensure that postal ballot packs for overseas electors are sent out correctly addressed and with the correct postage for them to be delivered effectively. We will consider options for return postage including the pre-paid postage used at the EU Referendum poll.

More widely, we note the Electoral Commission's point that the provision of information can play an important role in improving the experience for overseas electors. For example, overseas electors' experience could be improved by greater awareness of the postal vote application process and the option to print off, complete, scan and email return copies of postal vote applications.

As with all aspects of electoral policy, the Government will consider any options and suggestions for possible changes in this area that could be made in the future. In this regard we welcome the Electoral Commission's recommendation and look forward to working together on this in the future.

8.3. We also note the recommendations made by the Electoral Commission and the AEA in respect of the emergency proxy provision. Both recommended extending the qualifying circumstances for a proxy vote, while the AEA also recommended reviewing the deadline for these applications

- *We have previously recommended that the qualifying circumstances for appointing an emergency proxy should be extended, so that those who have unforeseen caring responsibilities or who have experienced the death of a close relative would also be eligible. This recommendation has not yet been taken forward by any government with legislative competence over elections*

within the UK; we continue to recommend that the UK Government and, for Scottish Parliament elections and local government elections, the Scottish Government, should consult on and bring forward secondary legislation to further extend the qualifying circumstances for appointing an emergency proxy to reflect the concerns highlighted by electors at the May 2015 polls.

The UK and Scottish Governments should ensure that any changes to the legislation relating to proxy vote applications for the May 2016 polls are clear by 5 November 2015, six months before polling day. (EC 6)

- *The UK Government should review and consider the circumstances for emergency proxy applications, including the deadline for receiving such applications. (15.29)*

The Government notes these recommendations. However, we consider that the current voting hours are long enough (15 hours between 7am and 10pm) to provide most electors with the opportunity to cast their vote over the course of polling day.

That said, we do recognise that, in certain circumstances, electors may find themselves unable to get to their polling station. Ahead of the 2015 polls we did, therefore, extend the circumstances under which electors may apply for an emergency proxy. Provision was made to extend the qualifying circumstances to include those absent on the grounds of business or service. There was already provision for electors to apply for an emergency proxy in the event of a medical emergency. This move ensured that those absent at short notice for business or service reasons are eligible to apply for an emergency proxy vote in the days before the election. When considering this issue, the Government took the view that it was impossible for legislation to cover all possible circumstances which may prevent an elector from voting at short notice. The decision was therefore made to limit the provisions to the reasons which typically affected the greatest number of electors. In the light of this, the Government has no plans to extend the qualifying circumstances for appointing an emergency proxy at the present time, although we will keep this matter under close review. Sir Eric Pickles' review also made recommendations in this area which we are carefully considering.

8.4. The AEA also made a further recommendation concerning the form of absent voting applications:

- *The UK Government should set out in secondary legislation that absent voting applications should substantially adhere to prescribed forms. (15.27)*

On this point, the Government recognises that issues can arise with suppliers using different systems; this can mean that, in some instances, electors do not see a consistent form. We are keen to work with suppliers and other partners to identify if

this is a problem that can be overcome. However, we note that, already, such forms should adhere to Electoral Commission guidance.

Standing for Election and the Campaign

9.1. The Electoral Commission made a number of recommendations concerning the process of standing for election and this response will seek to address each of these in turn. Firstly, the Electoral Commission stated that:

- *We continue to recommend that where a candidate represents a political party on an election ballot paper, it should be clear to voters which party the candidate represents. We are concerned that the legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties.*

The UK Government should reform or remove the provisions on party descriptions. It will be important to consult political parties, other governments with legislative competence over elections within the UK, and the Commission on the practical considerations of achieving this change. (EC 10)

The Government is committed to ensuring that it is clear to voters which party a candidate represents and that the legal provisions for the registration of party descriptions facilitate this. We will look to consulting with political parties, other governments with legislative competence over elections within the UK, and the Electoral Commission on this issue.

9.2. The Electoral Commission also made a recommendation concerning the transparency and regulation of open primary party selection contests held close to an election or during a candidate regulated period:

- *We recommend that governments with legislative competence over elections within the UK should consider transparency and regulation of open primary party selection contests held during a candidate regulated period.*

If an open primary contest takes place during a candidate regulated period, the campaign spending that promoted the successful open primary contestant should be transparent and subject to appropriate limits, and relevant donations towards this spending should be subject to appropriate controls. Consideration should also be given to transparency of the costs of unsuccessful primary contestants and the central party in relation to such open primaries. We would be happy to work with political parties and relevant governments to discuss how this could be achieved within the existing regulatory framework. (EC 11)

On this point, we note that open primary selection contests remain infrequently used in the UK. While their use is increasing, it is apparent that a common format has yet to emerge. The Government would welcome the opportunity to work with the Electoral Commission to assess how the existing regulatory framework interacts with open primary selections.

9.3. Thirdly, we also note the Electoral Commission's recommendation concerning costs relating to an individual's disability:

- *Governments with legislative competence over elections within the UK should amend the definitions of political party and candidate spending so that reasonable expenses that can be attributed to an individual's disability are exempt, (as was recently set out in the revised Political Parties Elections and Referendums Act (PPERA) rules for non-party campaigners). (EC 12)*

The Government has amended legislation so that personal expenses are excluded from candidate spending limits at the following elections and by-elections: UK Parliamentary elections, Police & Crime Commissioner elections in England and Wales, Greater London Authority elections, Scottish Parliamentary, Welsh Assembly and Northern Ireland Assembly elections, local government (including Parish and Community Council) elections in England and Wales. Personal expenses, which may include reasonable travel and living expenses of the candidate, may also cover disability-related costs. Personal expenses do not count towards candidates' spending limit and are not subject to candidate spending regulation, but candidates must report personal expenses on their spending returns.

Current legislation on political party spending does not include any exemptions for disability-related costs. The Government agrees with this recommendation in principle and will consider its inclusion in a suitable legislative vehicle.

9.4. The Electoral Commission's final recommendation in this area concerned the costs relating to translation between Welsh and English:

- *As the PPERA non-party campaigner rules now exempt the costs associated with translating Welsh to English and vice versa, we recommend that equivalent legal provisions should be introduced into the election rules covering spending by political parties and candidates by the relevant government/s at that time. (EC 13)*

We agree with this recommendation in principle, and will consider its inclusion in a suitable legislative vehicle.

9.5. The AEA also made a number of recommendations relating to the process of standing for election, which are addressed in turn in this response. Firstly, the AEA recommended:

- *The UK Government should bring forward legislation to remove the requirement for subscribers on nominations. (15.32)*

On the issue of subscribers, we note that this provision is there to ensure that any candidate can be shown to have a level of support within the electoral area. To remove this requirement could mean that people stand who are not serious candidates and which would both increase the costs of running polls and mean that electors find themselves voting for individuals whose candidature is essentially frivolous.

The AEA also raised the issue of candidate deposits. They recommended that:

- *The UK Government should review the issue of deposits for all elections where they currently exist. (15.36)*

On this point, the Government does not currently have any plans to amend the requirement for candidates at certain elections to pay a deposit in order to stand. Along with the requirement for subscribers, this provision is in place in order to deter candidates who are not serious about standing for election; it is not intended to restrict participation in the democratic process. The amount required as a deposit varies depending on the specific election (for UK general elections it is £500 – a figure unchanged since 1985); it needs to be set at a level which strikes an appropriate balance between encouraging participation and preventing frivolous candidates from standing. This is particularly important when considering that candidates' election addresses are delivered at taxpayer's expense.

9.6. On nomination papers, the AEA recommended that:

- *The UK Government should review the requirement for hand delivery of nomination papers. (15.31)*

While the nomination process should not present unnecessary barriers to prospective candidates, the requirement for original nomination papers to be delivered in person to the Returning Officer helps to provide assurance that the signatures of the subscribers on the papers are genuine, and that the papers are correctly completed and received by the nominations deadline. Prospective candidates can nominate another trusted person to hand deliver the papers if that is more convenient. The Government has no plans to change the provisions at the present time.

9.7. The AEA also recommended a review of the deadline for applications to change party descriptions and emblems:

- *The UK Government should review the deadline for applications to change party descriptions and emblems, so that it is set at a date which ensures the Electoral Commission website is updated well before the first nomination paper is received. (15.34)*

On this point, the Government is conscious of the issue that arose before the most recent General Election. We have spoken informally on this matter with the Electoral Commission and other partners and will look for an opportunity to address this issue ahead of future polls.

9.8. On the issue of the home address provision, the AEA recommended:

- *The UK Government should review the home address provision in relation to the nomination process for candidates acting as their own election agent. (15.35)*

The AEA makes a number of recommendations about granular changes to legislation where issues have arisen at recent polls. We will look at this issue, as well as others where issues have arisen at recent polls, in conjunction with other partners and will look for opportunities to review or clarify the legislation in these instances.

Law Relating to Commonly Used Names

10.1. Both the Electoral Commission and AEA raised the issue of the law relating to commonly used names. The Electoral Commission recommended that:

- *The UK Government should amend the law to remove the requirement for the commonly used name to be different to any other forename or surname that the candidate has, while retaining the existing safeguard that ROs may reject the use of a commonly used name on the grounds that (a) its use may be likely to mislead or confuse electors or (b) it is obscene or offensive. (EC9)*

The AEA similarly recommended that:

- *The UK Government should review the use of commonly used names, so that a forename can be used as a commonly used name on a ballot paper. (15.33)*

The Government is aware of the issue around the use of commonly used names on the ballot paper and, broadly, we support the recommendations made by the

Electoral Commission and the AEA. We will therefore look for an appropriate opportunity to consider amending the relevant legislation.

Voting Materials and Notices

11.1. The AEA also made recommendations concerning voting materials and notices. On this, it recommended that:

- *The UK Government should:*
 - *review the prescribed voting materials and notices for elections;*
 - *re-consider the design of ballot papers to include numbers against the candidate;*
 - *re-consider the rationale for Corresponding Number Lists and seek more viable solutions, with input from electoral administrators; review the purpose, format and timing of the poll card along with other forms of communicating key dates to electors;*
 - *allow sufficient time and opportunity for electoral administrators and printers to input their experience into the development of new voting materials and notices; bring forward changes to the legislation to allow for these improved forms to be available for use at all elections.*

We note these recommendations about the voting process and will examine them in conjunction with other partners. It may be appropriate to look for opportunities to review or clarify the legislation in some instances.

11.2. The Royal National Institute for the Blind also made recommendations in this area. It called for 'clearer legislation and guidance to ensure blind and partially sighted voters are treated fairly in future elections' and specified:

- *Accessible pre-election materials. For example, local authority election officers emailing or sending by post, in alternative formats, the information displayed on the polling card or any other pre-election materials that is sent to voters by post.*

Electoral Registration Offices are responsible for providing material in accessible formats, such as large print, upon request (e.g. absent vote application forms and voter registration forms) although they inform us that often they receive no such requests. The Government has highlighted this point with disability organisations, and reminded electoral administrators of their responsibility to act upon requests for accessible material. It has also reminded electoral administrators that legislation requires the inclusion of a helpline number, and that using an accessible font size

will assist visually impaired voters who may otherwise be unaware that an election is happening.

In the last Parliament the Government undertook a review of forms and notices used in elections and referendums and made improvements to them to make them clearer and more accessible for voters. The forms were user tested with a range of people including those with learning difficulties and low literacy levels. Forms which are provided on the gov.uk website in relation to absent voting and registration, and the online registration system itself, are designed to be compatible with assistive technologies used by disabled people such as screen readers.

- *The introduction of sample versions of the ballot papers in braille, by email or other accessible format requested by those who cannot read the large print sample version of the ballot paper.*

11.4. Returning Officers are required to display an enlarged version of the ballot paper in each polling station and provide upon request a large hand-held sample copy for the assistance of visually impaired voters. Returning Officers must also ensure each polling station is equipped with a tactile voting device which fixes over the ballot paper, and allows the voter to mark the ballot paper independently, and in secret after a member of polling station staff has read out the list of candidates on the ballot paper to them.

Providing a sample version of the ballot paper in braille would create an additional cost to local authorities, who would still be required by law to provide tactile voting devices. In addition there are likely to be practical difficulties in transcribing longer ballot papers into braille. While the Government would encourage individual local authorities to provide this service where they are able to do so, it would not be practical to expect or require all local authorities to do so at the present time.

Local authorities are covered by the public sector equality duty and are responsible for acting on reasonable requests for information to be sent by email, which would include the contents of the ballot paper in advance of the poll.

- *Accelerated investigation and testing of alternative voting methods - such as online or telephone voting - to provide much needed alternative voting options for blind and partially sighted people.*

11.5. A key concern with e-voting is that, even if it were used on a small scale in order to assist disabled voters to cast their vote, it would be vulnerable to attack or fraud and would not be sufficiently robust. There are already concerns that the postal voting system is open to fraud, and e-voting faces similar vulnerabilities. The Government recognises however that technological development could allow such concerns to be overcome in the future, and will keep the matter under close review.

Telephone voting has been implemented in Australia for blind or visually impaired voters to allow them to cast their vote secretly by telephone from home or any location. Before such a system could be considered for the UK it would be necessary to consider the security issues and secrecy arrangements. The Government will keep the suggestion under consideration.

The RNIB also made some other recommendations that do not require necessarily require legislative change including:

- Clear steps by local authorities to provide accessible directions and / or assistance to blind and partially sighted people to enable them to get to their polling station.
- Local authorities making reasonable adjustments at polling stations to aid visually impaired voters. For example, allowing voters to use a CCTV magnifier at polling stations.

Both of these seem sensible suggestions if they are not already being supported. These provide a mix of both the administration and the elector seeking to improve the situation and the use of an elector's own technology to support their engagement is a positive move. The RNIB has reported that in some instances polling station staff have refused to allow the use of an elector's own portable electronic magnifier but we can see no reason why use of one should be a problem as long as it is clear that it is for use for magnification only and that images of completed ballot papers should not be captured and it does not impact the secrecy of the vote.

The RNIB also advocates that 'blind and partially sighted people who were unreasonably denied access to their right to vote independently and privately, make formal complaints to their local authority for breaching both 'The Representation of the People Act' and the Equality Act.' The Government would rather see people able to vote effectively rather than take such action for feeling deprived of their rights and we think that it is incumbent on relevant organisations to engage on ensuring effective provision to support participation.

Verification and the Count

12.1. In terms of the count, the AEA recommended that:

- *The UK Government should review the need to start the count of Parliamentary votes within four hours of the close of poll, in the interests of ensuring an efficient count with a reliable and accurate result, together with the health and safety of electoral staff. (15.43)*

On this point, we do not view an overnight count as being incompatible with producing a reliable and accurate result. Overnight counts have been the norm in some UK elections for many years and the results of those elections have not been challenged on the grounds of an inefficient or unreliable count or inaccurate result. The Government also notes the cross-party views expressed by Parliament in 2009 to 'save general election night' which resulted in explicit legislation to ensure overnight counts for general elections.

12.2. We also note the AEA's further recommendation that:

The UK Government should review the deadline for the appointment of counting agents. (15.44)

The Writ and Post Election Returns

13.1. The AEA also made some recommendations concerning the writ and post election returns. Firstly, the AEA recommended that:

- *The UK Government should introduce a system for the electronic delivery, receipt and return of the Writ. (15.45)*

The Law Commissions similarly recommended that the writ should be capable of communication by electronic means in its interim report on its review of electoral law. The Government is working jointly with the Law Commissions following their report.

13.2. On forfeited deposits, the AEA recommended that:

- *The Cabinet Office should supply the details regarding the return of forfeited deposits to the Electoral Commission by no later than two months before polling day. The Electoral Commission should include these details in the Returning Officer guidance or, alternatively, the details should be included in a pre-election Electoral Commission bulletin. (15.46)*

The Government currently includes this information in the pre-election expenses guidance issued in advance of each poll. Ahead of the 2015 elections, this guidance was published on 30 March. However, we are happy to talk to the Electoral Commission and AEA about other ways of making this information available in the future.

13.3. Finally, in relation to candidates' election expenses returns, the AEA recommended:

- *The UK Government and the Electoral Commission should consider developing an online facility for submission of candidates' election expenses returns, with provision for both candidate and agent to signify secure approval of the final return. Such a system should also provide a means for inspecting the returns, declarations and associated papers. (15.48)*

The AEA furthermore recommended that the Government and Electoral Commission should consider developing a secure online facility allowing submission, approval and inspection of candidates' election expenses returns.

The development of such a facility would likely incur substantial cost as a online platform would need to be developed, established and maintained. Such a facility would also impact on the work of the Electoral Commission, as the administration and maintenance of the facility would need to be overseen by the Electoral Commission. The Government will consider this recommendation further with the Electoral Commission, in consultation with key stakeholders such as EROs and political parties.

Conclusions

13.4 The Government appreciates the views and recommendations of the Electoral Commission, the AEA, OSCE/ODIHR and RNIB on the conduct of the 7 May 2015 polls. Their work helps the Government to monitor the effectiveness of existing electoral provisions, determine where improvements are needed and set future direction for policy development. The Government recognises the challenges faced by electoral administrators and will work with partners to look at the best way to remove burdens and ensure they are supported to carry out the effective running of elections.