



Cabinet Office

The UK Government's Response to the report of the Electoral Commission on the May 2016 Police and Crime Commissioner Elections - incorporating responses to reports from the Association of Electoral Administrators, and the Royal National Institute of Blind People

July 2017

Foreword

I am pleased to publish this response to the report of the Electoral Commission which also incorporates responses to recommendations made by the Association of Electoral Administrators (AEA) and the Royal National Institute of Blind People (RNIB) on the May 2016 Police and Crime Commissioner (PCC) elections. I am grateful to administrators for their efforts in running these polls and I am pleased to note the Electoral Commission's findings that the polls were well run. It is important that all eligible electors are able to have their say and the smooth running of these polls is central to facilitating an effective democracy.

Furthermore, it is essential that Government continues to maintain regular contact with organisations such as the Electoral Commission, AEA and RNIB which have important views to feed into the development of policy and the delivery of electoral services.

In addition to the actions covered in this report, the Government is taking further steps to improve our elections and develop a democracy that works for all. I recently completed a tour of every region and nation of the United Kingdom to hear about the barriers that prevent some groups from participating in the democratic system and making their voice heard by registering to vote.

The Government has also issued a response to Sir Eric Pickles' report on electoral fraud and is currently working on measures to improve the integrity of our elections including pilots to test the use of identification in polling stations; is working with the Law Commission to streamline and clarify our electoral law to make it more easily applicable for electoral administrators; and will continue to encourage voter registration by making it easy to apply using the online registration service. As I made clear in my speech to the AEA in February this year, we are committed to ensuring that administrators, electors, parties and other personnel all have the tools they need to deliver our elections.

I am grateful to all of these organisations for their work in running and reporting on these polls and hope that we can continue to work to improve our electoral processes and develop a democracy that works for everyone.

Chris Skidmore
Minister for the Constitution

Introduction

1.1. The Government is grateful to the Electoral Commission for its report on the administration of the 5 May 2016 Police and Crime Commissioner (PCC) elections in England and Wales, which took place alongside the local government elections held in parts of England.

1.2. We are pleased to note the Electoral Commission's finding that the elections were well run. We have considered 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 a number of the points and recommendations made by the AEA in its report, *Pushed to the absolute limit, 2016 – the electoral year never to forget*, and the recommendations the RNIB made in its report *Turned Out 2016 - Report on the experiences of blind and partially sighted voters in 2016*.

1.4. The reports make a number of general recommendations which are not specific to PCC elections but relate to polls in general. We have sought to respond to some of those here but have left others for the response to the Electoral Commission's report on the referendum on membership of the European Union, where they sit better in that context (e.g. recommendations about the online registration system). That report will be published shortly.

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

1.6. As this response is to a report by the Electoral Commission on the PCC elections, we also address recommendations made by the AEA and RNIB in the body of this response where they are relevant to these polls. Responses to further recommendations made by the AEA and the RNIB which are not directly relevant to PCC elections are set out in an Annex at the end of this response.

Voter experience

2.1. Both the Electoral Commission and the AEA raised the issue of providing printed candidate information to households at PCC elections:

- *Electors should have better access to information about candidates at future PCC elections*

We remain concerned that the UK Government did not accept and implement our recommendation following the 2012 PCC elections to ensure that electors are sent printed information about candidates at future PCC elections. It is clear from our research that voters at the 2016 elections found it less easy to access information on PCC candidates than those standing in other polls.

We continue to recommend that electors should be sent printed information about candidates at future PCC elections. This should take the form of a booklet containing information provided by each candidate, sent by the relevant Police Area Returning Officer to every household in the police area.

The UK Government should ensure that any necessary amendments to the 2016 Order are made no later than November 2019, in line with the timescales set out in Recommendation 3 for improving planning and the management of legislation for the May 2020 PCC elections. (EC 1)

The AEA recommended:

- *The UK Government should make provision for either a candidates' mailing or for the delivery of a booklet containing information about PCC elections and about the candidates to all households. (AEA 8-1)*

The law requires the Government to provide a website to publish candidate information and to make paper copies, in the form of booklets, available on request.

In line with statutory requirements, candidate information was published online at choosmypcc.org.uk. Candidate information could be viewed individually and as part of a downloadable candidate booklet for each police force area, allowing electors to access information via their computer, tablet or smartphone, as convenient.

For those who preferred printed copies, candidate booklets were provided on request via both choosmypcc.org.uk and a freephone number. Booklets were also available in accessible formats (large print, braille and audio CD). Poll cards provided details of the website and freephone number.

The Government supported these statutory activities by undertaking a range of activity to raise awareness of the PCC elections. This included promotional activity through

social media and providing poster graphics to Police Area Returning Officers (PAROs). Funding was also provided to PAROs to raise awareness. The approach taken recognised the evolving media landscape and the increasingly diverse preferences the public has for accessing information.

At the August 2014 West Midlands PCC by-election, a pilot exercise was undertaken to provide candidate booklets to all households. An evaluation of the pilot was carried out, which found that there was no conclusive evidence that such an approach had a meaningful impact on voter turnout.

As part of the planning process for the next PCC elections, due to take place in 2020, the Government will keep the provision of candidate information under review.

2.2. We also note the recommendation made by the AEA concerning the timing of the uploading of candidate details onto the choosemypcc.org.uk website:

- *The Cabinet Office should introduce arrangements at future PCC elections that permit the uploading of candidate's details to the website by PAROs as soon as they are received rather than all on one day at the end of the nomination process. (AEA 7-7)*

For future PCC elections it is our intention to allow PAROs to be able to upload candidate details earlier following the notice of election, with details then formally published on choosemypcc.org.uk by police force area following the close of nominations.

Design of the supplementary vote ballot paper

3.1. The design of the supplementary vote ballot paper was raised by the Electoral Commission and the AEA:

- *The design of ballot papers for elections using the supplementary vote system should be improved*

We remain concerned that the UK Government did not accept and implement our recommendation to improve the design of ballot papers for elections using the supplementary vote system ahead of the May 2016 elections. In 2015, following user testing, we recommended to the UK Government that the supplementary vote ballot paper used at Police and Crime Commissioner and mayoral elections should be amended to:

- *Ensure that the instructions draw voter’s attention to key words to emphasise how voters should complete their ballot paper. This would include emboldening key words to make them more prominent on the ballot paper.*
- *Re- label Column 1 and Column 2 as Column A and Column B to avoid confusion.*

We also recommend that additional information for voters about how to complete a supplementary vote ballot paper should be provided, including highlighting that the voting system is different from a first-past-the-post election. This should include information explaining that voters can select two candidates, a first and a second choice, and that they cannot vote for the same candidate twice. This information should be prominent on all voter materials to guide, support and reassure voters in completing their ballot paper.

In some areas in May 2020 the scheduled PCC elections will be combined with local authority mayoral elections, which also use the SV voting system. Combined Authority Mayoral elections may also be held in some areas in England in May 2020, and it is proposed that they will also use the SV voting system.

We continue to recommend that the prescribed design and wording of ballot papers for PCC elections, local mayoral elections and Combined Authority Mayoral elections should be amended to reflect our 2015 recommendations, to ensure that voters at the May 2020 elections receive well-designed ballot papers. (EC 2)

The AEA recommended:

- *The design of the SV ballot paper for use at the PCC, London Mayoral and Mayoral elections be reviewed so that it provides a clear instruction to the voter casting their first and second preference votes. (AEA 9-1)*

The Government noted the recommendations made by the Electoral Commission in its 2015 report on the design of ballot papers for elections using the Supplementary Vote (SV) system. We decided to incorporate certain of these recommendations in the prescribed version of the ballot paper at the election of the Mayor of London in 2016, for example on the ballot paper at that election, Column 1 and Column 2 were

re-labelled as Column A and Column B to assist voters by removing numbers that they may use when marking the paper. These changes have also been applied to the ballot paper used at elections of Mayors for Combined Authorities, including those held in May 2017.

The Government is concerned that the Supplementary Vote (SV) system currently used in these elections forces voters to try and guess which two candidates are likely to reach the final round in order to vote tactically. It also leads to a significantly higher number of spoiled ballots, disenfranchising people who have cast their vote in good faith. This has been illustrated by the independent Electoral Commission's recent report into the 2015 General Election, which found that the percentage of votes rejected in the SV elections held on the same day as the General Election was up to 12 times higher than under FPTP.

We will consider the Electoral Commission's recommendation that additional information should be provided for voters as to how to complete a supplementary vote ballot paper where used, however in its manifesto the Government has set out the intention to extend use of the first past the post system to PCC and mayoral elections, replacing the currently used SV system.

Electoral Legislation (Timing)

4.1. The Electoral Commission made recommendations on the timing of electoral legislation:

- *Legislation for elections should be clear in good time before it is required to be implemented or complied with*

The Police and Crime Commissioner Elections Order 2016 was laid in Parliament on 17 December 2015, just under five months before polling day for the 2016 elections.

Governments with legislative competence over elections within the UK should manage the development and approval of legislation so that it is clear (either by Royal Assent to primary legislation, or by laying secondary legislation for approval by Parliament) at least six months before it is required to be implemented or complied with by campaigners or electoral administrators.

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 3)

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 with an absolute deadline.

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 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 and during the formal consultation process. In general, it ensures that partners such as the Electoral Commission, the AEA and the Society of Local Authority Chief Executives (SOLACE) are engaged. 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, it is possible for a lacuna or inaccuracy to be found during the six months preceding a poll. We do not think it 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.

Funding, Resources and Managing the Poll

5.1. The Government considers that those involved in the running of elections should receive appropriate support, and it recognises the significant work done by administrators to deliver polls effectively. With this in mind, we note the AEA's recommendation on the auditing and settling of Returning Officer (RO) expenses:

- *Other than in exceptional circumstances, Cabinet Office should ensure that expenses claims submitted to them are audited and settled within the same financial year in which the relevant poll was administered. (AEA 2-3)*

We agree that it is important for ROs' claims to be scrutinised and settled promptly. We have taken a number of steps – including increasing the capacity of the Elections Claims Unit – to reduce this timescale. As a result, we were able to finalise all of the accounts from the 2015 UK Parliamentary election approximately six months more quickly than for the 2014 European Parliamentary election. It is imperative, however, that public expenditure continues to be examined, evidenced and accounted for effectively. Given that ROs have six months from the date of the poll in which to submit their accounts, and since the majority are received in the days preceding that deadline, it will be challenging to complete the scrutiny process within the same financial year as the poll. However, we have begun work to look at the claims process and will consider this as part of that work.

5.2. The AEA also raised the issue of electoral fraud reduction and prevention. It recommended that:

- *The UK Government should provide additional funding to EROs and ROs identified as at risk for fraud reduction and prevention initiatives as was the case in 2015. (AEA 3-8)*

In December the Government issued its response to Sir Eric Pickles' report on electoral fraud and set out the actions it intends to take based on his recommendations. We will consider carefully the financial implications for EROs and ROs.

5.3. The Electoral Commission made recommendation on the publication of PCC election costs; we recognise that this represents a large body of expenditure, which is of significant public interest:

- *Information and analysis of the costs of the 2012 and 2016 PCC elections should be made publicly available*

Information about the costs of running elections will help governments and Returning Officers to secure the most efficient allocation of resources at future polls.

The UK Government should publish as soon as possible full cost details for the 2012 and 2016 PCC elections, and make any recommendations for improvements in the way the process is administered at future elections. (EC4)

We agree with this recommendation and have begun to publish detailed reports, as well as the underpinning dataset, on the costs of national elections. The first such report – for the 2014 European Parliamentary elections – was published on 1 December 2016 (www.gov.uk/government/publications/costs-of-the-2014-european-parliamentary-elections). We intend to publish similar information for the 2015 UK Parliamentary elections in the second half of 2017, and for the PCC elections once we have completed the scrutiny and settlement of all ROs' expenses claims.

Registration

6.1. The Electoral Commission recommended providing an online facility to allow electors to check their registration status:

- *Electors should be able to check online whether they are correctly registered to vote*

Providing a way for electors to check their registration status at the beginning of the online registration application process would reduce the action required by voters to keep their register entry up to date, and would also reduce the impact on EROs of processing duplicate applications.

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

Any such service would need to carefully manage and protect voters' personal information. (EC5)

The huge volumes of applications to register to vote in the run up to recent polls, such as the EU Referendum and the 2017 general election, illustrate the transformative effect online registration has had in making electoral registration quicker and more accessible than ever before, for millions of people.

We know that one side effect of this overwhelmingly positive transformation has been a rise in the number of applications to register to vote from people already registered,

particularly when there is a major electoral event such as a Referendum or Parliamentary election. These duplicate applications represent an administrative burden for EROs and their staff at what is already a busy time.

For this reason, we are committed to exploring what solutions may exist that make life easier for administrators without creating new registration barriers for the citizen.

While an online lookup tool is a potential solution, it is clear that this would be highly expensive, would raise potential privacy and data security concerns and could have the unintended consequence of making registration seem more complex and therefore be off-putting.

Similar issues were previously found when considering the creation of a 'Co-ordinated Online Record of Electors (CORE)', which would have produced a single database combining data from all of the registers held by EROs. The costs of building and running such a database were disproportionate to its potential benefits and the previous Coalition Government took the decision to abandon that project as it would not have represented value for money to the taxpayer.

We do not believe the evidence exists to support the view an online lookup tool is the right solution. Our preferred approach is to gather the evidence we need to identify the best solution. We are doing this by working with the electoral management software suppliers, the electoral community and others with an interest to better understand the impact, scale and cost of the burden created by duplicate applications. We will then analyse the evidence with a view to establishing the best way forward.

6.2. The RNIB raised the issue of providing an online facility to capture the accessibility requirements of visually impaired people within the registration process and the facility for electoral service teams to act on this information:

- *Online voter registration process to capture the accessible format needs of blind and partially sighted voters and pass this data to the relevant electoral services for action.*
- *Electoral services to ensure their voter databases can capture individual voter accessibility requirements and to embed the process to capture and use this data in their public-facing processes.*

The Cabinet Office remains committed to ensuring that the Register to Vote website is as accessible and user friendly as possible, for all types of electors. To this end we continue to look at whether there is scope for improvements to be made and we are

in the early stages of undertaking an internal review of the website. We are considering a range of suggested website improvements identified through various feedback channels and user research activities. One of these considerations is amending the on-line voter registration process so that it captures the accessible format needs of blind and partially sighted voters so that this information can be passed to the relevant electoral services for action. Once this review, which includes an accessibility audit, has been completed, we will report on its outcomes and our intended next steps.

6.3. The AEA also made a number of recommendations concerning electoral registration, firstly on the distribution of Household Notification Letters:

- ***The UK Government should provide specific additional funding directly to EROs to distribute Household Notification Letters (HNLs) on an annual basis outside of the justification led bidding process. (AEA 5-4)***

The UK Government recognises the role HNLs have played in helping to improve register accuracy and completeness ahead of elections. HNLs in advance of major elections have proven less effective at increasing registration than the availability of our online registration service. More generally, the call for HNLs ahead of elections reflects on the effectiveness of the annual canvass process held each autumn. Work is underway to identify ways of improving the canvass. In 2017, 23 local areas across Great Britain will be piloting a number of innovative approaches to the annual canvass. These pilots, building on a smaller set of schemes in 2016, will provide evidence on what works and may lead to wider changes to the canvass process towards 2020.

6.4. On the issue of notification and occupants of new developments the AEA recommended:

- ***The UK Government should review the wording of the acknowledgement notification following the completion of an online application to register so that the registration address is clearly stated at the top. (AEA 5-7)***
- ***The UK Government should investigate a suitable solution so that occupants of new developments or electors wishing to register where their former postcode cannot be found during their online application are given the facility to register online satisfactorily. (AEA 5-8)***

As outlined above, we are in the early stages of conducting a review of the register to vote website. It will focus on identifying improvements which can be made to the presentation and content of the website and associated user journeys. Feedback will be incorporated from both electors and EROs to help identify areas for improvement

and potential solutions.

Standing for Election and the Campaign

7.1. 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.

On the issue of required subscribers the Electoral Commission recommended:

- *The number of subscribers should be set as low as reasonably possible in order to promote candidate participation in elections*

To be validly nominated, candidates for the PCC elections were required to secure the signatures and elector numbers of 100 electors (known as subscribers) who are included in an electoral register within the relevant police area. This number of subscribers is irrespective of police force area size, and significantly more than that required for candidates at UK Parliamentary elections or local government elections (both ten).

We reported that this had been an issue for some candidates, especially independent candidates, in the 2012 PCC elections and our evidence continues to suggest that the requirements to obtain subscriber signatures are a barrier to standing for election and participation in elections.

The UK Government should set out its assessment of the impact of the requirement for such a large number of subscribers on participation by candidates at elections for PCCs. The UK Government should also explain why the proposed subscriber requirements are appropriate for these elections, and should also set out why it does not believe the number of subscribers required can be reduced. (EC 6)

With regard to subscribers, we note that this provision is there to ensure that any candidate can be shown to have an effective level of support within the electoral area. To remove this requirement could mean that people stand whose candidature is essentially frivolous. It would also increase the costs of running polls. The number of subscribers required for a poll will reflect the size of the electoral area and number of electors covered by the poll. For the GLA Mayoral election the number is larger and requires inclusion of 330 subscribers to reflect the size and make-up of London.

7.2. On the subject of the requirement to pay a deposit to stand as a candidate the Electoral Commission recommended:

- *Candidates should not be required to pay a deposit in order to be able to stand for election*

Our evidence continues to suggest that deposits represent a significant financial hurdle for independent candidates and candidates from smaller parties and the ability to pay a deposit is not a relevant or appropriate criterion for determining access to the ballot paper.

We continue to recommend that there should be no deposit requirement for candidates or political parties at all UK elections, as we consider that the ability to pay a deposit is not a relevant or appropriate criterion for determining access to the ballot paper. (EC 7)

The Government does not currently have any plans to change the requirement for candidates at certain elections to pay a deposit in order to stand by removing it or reducing the amount paid. Reflecting 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 PCC elections it is £5,000 – a figure unchanged since 2012); it needs to be set at a level which strikes an appropriate balance between encouraging participation and preventing frivolous candidatures.

7.3. On access to the electoral register the Electoral Commission recommended:

- *Independent candidates should be given more equal access to the electoral register for electoral purposes*

We continue to recommend that the law is changed to allow all candidates to get earlier access to the register for electoral purposes. This would particularly enable independent candidates to campaign on a more equal basis with candidates from political parties. (EC 8)

The AEA also recommended:

- *The UK Government should review the legislative provision relating to the*

supply of electoral registers and absent voters' lists for candidates for all election types, specifically to address the disadvantages currently experienced by those standing independently and not representing a registered political party. (AEA 7-1)

We are open to discussions with the AEA, Electoral Commission and others to see whether a way through this difficult issue can be found. We are concerned to ensure that access to the register is restricted to genuine candidates only. To do otherwise could lead to data protection concerns and undermine trust in the electoral registration process.

7.4. The AEA raised the issue of the publication of candidates' home addresses:

- *The UK Government should consider extending the restrictions on publishing candidates' home addresses to all polls. (AEA 7-5)*

The Government recognises that the existing requirements in relation to the publication or otherwise of candidates' home addresses vary across different polls.

We will review the current arrangements to assess the scope for bringing greater consistency to this area of electoral law.

7.5. The Electoral Commission recommended that candidate spending returns should be published online:

- *Candidate spending returns should be published online*

To improve transparency and accessibility of candidate spending returns, we have previously recommended that Returning Officers and Police Area Returning Officers should be required to publish spending returns online as well as through the existing methods of public inspection.

We recommend that spending returns of Police and Crime Commissioner candidates should be published online in future. We support recommendation 12-5 of the Law Commissions' review of Electoral Law which proposes a method for implementing this change through legislation. (EC 9)

Article 49 of the Police and Crime Commissioner Election Order 2012 requires that PAROs make election expenses returns available for inspection "at the office of the

police area returning officer, or some other convenient place chosen by the officer”. Whilst this does not expressly reference online provision, it does not exclude it. A change would be required, however, if online publication were to be mandated, as the Commission recommends. Such a move would require careful consideration of the practicalities for PAROs and the potential implications that could arise from an inconsistency in relation to expenses publication between Police and Crime Commissioner election expenses and those relating to other elections for which inspection of expenses returns is covered by primary legislation. We will consider this alongside the 2015 AEA recommendation for an online facility for submission of candidates’ election expenses returns.

Law Relating to the registration of party names and descriptions

8.1. The Electoral Commission raised the issue of the law relating to party names and descriptions on ballot papers:

- *Legislation for the registration of party names and descriptions for use on ballot papers should be reformed*

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

The Governments of the UK should work with the Electoral Commission to reform the provisions on party descriptions. (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 allow this. We will consult with political parties, other governments with legislative competence over elections within the UK, and the Electoral Commission on this issue.

Looking ahead to 2020

9.1. Both the Electoral Commission and AEA raised the issue of preparations for the 2020 polls:

- *Analysis and consultation on the risks of holding polls on the same day*

The next scheduled PCC elections in May 2020 will be held on the same day as scheduled local government elections in England, which include local council elections, directly elected local authority mayoral elections and combined authority mayoral elections. In London, there will be elections for the Mayor of London and members of the London Assembly. In addition, the next UK Parliamentary general election is scheduled to be held on the same day, Thursday 7 May 2020.

In our view, this potential combination of polls presents significant risks which need to be mitigated in order to give voters, campaigners and Returning Officers confidence that the elections can be well-run.

The UK Government should immediately begin the necessary analysis and consultation on the risks of holding these polls on the same day, including giving consideration to the potential for changing the date of elections currently scheduled to be held in May 2020, so that they do not coincide with the next scheduled UK Parliamentary general election which will be held on Thursday 7 May 2020. The Government should publish its assessment and any proposals for change by September 2017, to allow sufficient time to make any changes to legislation which might be required, and to allow Returning Officers, suppliers, campaigners and the Commission time to prepare.

Any change to the date of scheduled elections would be a significant proposal, and must be informed by appropriate consultation with political parties, the Electoral Commission, relevant Government departments, elected bodies, administrators and voters themselves to ensure that the interests of voters are put first. (EC 11)

The AEA recommended:

- *That the UK Government should urgently examine, with input from key stakeholders, the risks introduced by the combination of polls scheduled for Thursday 7 May 2020, and actively consider changing the dates of those polls so that they do not coincide with the UK Parliamentary general election in 2020 and in future years. (AEA 4-4)*

The Government recognises the issues posed by the coincidence and complexity of the polls scheduled for May 2020. The extraordinary Parliamentary General Election

on 8th June 2017 now means that the next scheduled election will occur in 2022. This reduces the challenge faced by administrators and those supporting them to deliver the poll but there will still be a significant number of polls taking place in May 2020 (including PCC, Mayors for Combined Authorities and GLA elections as well as local authority polls) and we need to continue to work with administrators and the Electoral Commission and other organisations to ensure effective preparation and delivery.

Conclusions

The Government appreciates the views and recommendations of the Electoral Commission, the AEA, and RNIB on the conduct of the 5 May 2016 polls. Their work helps the Government in reviewing the effectiveness of existing electoral provisions and determining where improvements can be made. We announced our response to Sir Eric Pickles' review into electoral fraud and are working with the Law Commissions to modernise our electoral law. We look forward to working with our stakeholders to bring forward workable solutions to the challenges of 2020 and delivering a democracy that works for all.

ANNEX

Additional responses to recommendations made in the AEA and RNIB reports.

Absent voting

The AEA raised a number of issues specifically in relation to absent voting, recommending:

- *The UK Government should change electoral law so as to prohibit the involvement by campaigners in any of the following: assisting in the completion of postal or proxy voting applications; handling completed postal or proxy voting applications; handling another person's ballot paper; observing a voter marking a postal ballot paper; asking or encouraging a voter to give them any completed ballot paper, postal voting statement or ballot paper envelope; if asked by a voter to take a completed postal voting pack on their behalf, failing to post it or take it directly to the office of the Returning Officer or to a polling station immediately; and handling completed postal voting packs at all. (AEA 6-1)*

The postal voting system was considered as part of Sir Eric Pickles' review of electoral fraud. That review identified a number of areas where the rules around postal voting at elections could be tightened. The Government's response, published in December, addresses each of the issues in turn, setting out a number of measures for tackling the risk of fraud.

The Government will be seeking legislative opportunities to extend the provisions on ballot secrecy, and the attendant offences already in place in relation to voting in person, to postal voting. We will also look to introduce provisions that ban the handling of completed postal ballot papers by people or groups (such as political campaigners) who may seek to abuse them, or raise perceptions and concerns that could happen, in order to address inappropriate conduct. And we will consider carefully the practical implications of requiring any hand delivery of completed postal ballot packs to be by the voter or a family member or otherwise identified person, and applying a limit on how many any one person can hand in.

These measures represent a cohesive approach to addressing the risks of postal voting fraud that have been identified in Sir Eric's report.

- *The UK Government should review the format in which the register of electors and absent voters' lists are supplied to political parties, candidates and agents and consider providing all of the relevant information in one output at designated times. (AEA 6-3)*

The Government welcomes the move of major political parties working together with the Electoral Commission to agree a common format in which the electoral registers could be supplied to them. This has the potential to save time and money. The Government encourages them to engage administrators and their suppliers in that consideration, and looks forward to discussing this further.

- *The UK Government should provide clarity within the legislation as to the process to be followed where an elector, having been issued with a postal ballot paper, is deleted from the register of electors on a notice of alteration issued during an election period. (AEA 6-5)*

Electoral law is clear that a person must be included in the register of electors for a poll in order to be entitled to vote at that poll. The Government recognises that it is possible for postal ballot papers to be issued to a postal voter who may subsequently be removed from the register to be used at the poll. We will look to review the current provisions on the cancellation of postal ballot papers to see whether improvements can be made to the law in this area.

- *The UK Government should review the requirements of a proxy application so that the declaration includes confirmation that the proxy to be appointed is registered as an elector; and the need for the attestation of definite and indefinite period applications for proxy voting arrangements given that this is not a requirement as part of the application for a permanent postal vote. (AEA 6-9)*

Currently, the application form to vote by proxy is not prescribed in legislation, though the details required to be included in proxy vote applications are set out in legislation (the Representation of the People Regulations 2001). The legislation requires an application to vote by proxy to state the full name and address of the person whom the applicant wishes to appoint as their proxy, together with their family relationship, if any, to the applicant. It must also include a statement that the person is capable of being, and willing to be, appointed to vote as the applicant's proxy. We consider that the wording of this statement covers the requirements for a person to be appointed as a proxy, including being registered to vote.

The Electoral Commission has produced templates of proxy application forms which are available on its website for use by persons wishing to vote by proxy at a poll. The guidance included with application forms produced by the Electoral Commission already states that a proxy must be registered to vote. It may be that this requirement can be made more prominent and/or the wording strengthened to ensure that applicants for a proxy vote are clear on this issue. This is a matter that we will wish to consider further with the Electoral Commission, AEA and electoral administrators.

Currently, postal voting is available 'on demand' and there is no requirement for an applicant to give a reason when applying for a postal vote. This differs to the arrangements for proxy voting where applicants are required to state their grounds for applying for a proxy vote. Currently, there is provision for an application for a proxy vote for a particular or indefinite period to be made on certain grounds, and, with some limited exceptions, such applications are required to be attested by a specified person. This helps to support the integrity of proxy voting. The Government sees no merit at this time in making changes to the existing requirements in relation to the attestation of applications to vote by proxy for a particular or indefinite period.

Planning, Management and Performance

On planning, management and performance the AEA recommended that:

- *Consideration should be given to the wording of any national registration campaign prior to an election or referendum, to clarify that there is no need for an elector to take any further action if they have already received their polling card. (AEA 8-4)*

The Electoral Commission is primarily responsible for public awareness campaigns in the run-up to elections and referendums. These make sure people know when the polls are taking place; how to register to vote and by when; and how to vote in the polls. Campaign content, including messaging, is reviewed on a regular basis.

The Cabinet Office will continue to work closely with the Electoral Commission to amplify their public awareness campaigns prior to elections and referendums. This will include sharing key campaign messages using Government's unique channels such as departmental social media accounts, the Government estate and partner organisations in order to reach the widest possible audience.

In the run up to the registration deadline for the general election 2017, the government added a page to the register to vote website aimed at reducing duplicate applications.

It highlighted eligibility requirements and emphasised that citizens did not need to re-register for the general election if they were already registered. In order to illustrate this point, it outlined that if a citizen had received their poll card for the general election then they didn't need to reregister. We will continue to consider opportunities to deploy similar messaging for future polls, where appropriate.

- ***The UK Government should make legislative provision and funding available for poll cards to be sent to properties with no electors registered so as to encourage and facilitate registration prior to an election or referendum. (AEA 8-6)***

Electoral law provides for poll cards to be issued to registered electors, and this is reflected in the arrangements for the funding of elections. We are keen to support activities seeking to encourage and facilitate participation in the electoral process. However we would wish to consider carefully any proposed legislative change that would impact on the existing provisions governing the status and purpose of poll cards, which is to give details to electors of an upcoming poll. Importantly, the proposal would involve additional cost and there may be other, more effective, ways to encourage eligible persons, who are not on the register, to apply to register to vote for upcoming electoral events. We will explore this recommendation further with the AEA and other electoral stakeholders.

Managing the polls

On the issues of managing the polls the AEA recommended:

- ***The selection of 'polling places' should be the responsibility of independent ROs, rather than of local authorities. (AEA 10-1)***

Under the Representation of the People Act 1983, local authorities in Great Britain are responsible for establishing and designating polling districts and places for the purposes of UK Parliamentary elections, and carrying out reviews of polling districts and places. We have noted the points raised by the AEA, though would be concerned that making ROs responsible for reviews of polling places could make them more complex to deliver. For example, there may be more than one RO for UK Parliamentary elections in a given local authority area and it would be necessary to decide how the arrangements would operate in these circumstances. Importantly, local authorities are already required to consult the relevant Parliamentary ROs when conducting reviews in their area, and the ROs are required to make representations to the authority.

We consider that the current arrangements whereby local authorities are responsible for designating polling places and carrying out reviews, ensure that there is a clear and consistent approach, and clear lines of accountability, in the designation of polling districts and places. There are no plans to change these existing arrangements.

Post-election procedures

We note the recommendation made by the AEA in specific relation to post-election procedures:

- *The UK Government should review the requirement for the deposit to be returned no later than the next working day after the result of the election is declared with a view to setting a more realistic date. (AEA 12-1)*

The requirement for ROs to return deposits and surrender forfeited deposits to the Consolidated Fund no later than the next working day after the declaration of the result is set out in primary legislation. We are not seeking to amend this requirement at present.

- *The Cabinet Office and HMRC should address the issues and provide a response to the AEA report published in December 2015 in relation to RTI with a view to identifying a way forward in respect of election payments. (AEA 12-4)*
- *The UK Government should provide an exemption to the auto-enrolment for pensions in relation to staff working on elections and referendums. (AEA 12-6)*

It is the Government's view that ROs should be expected to meet the same obligations in respect of their employees' taxation and pension provision as other employers. We recognise the additional responsibility that this places onto ROs but also note that this is no different to that expected of other employers.

- *The Cabinet Office should review the funding provision in relation to expenses and the payment of advances in order that local authorities are not required to effectively subsidise the Government pending final agreement of accounts. (AEA 12-5)*

In advance of an election resourced from the Consolidated Fund, each RO receives 75% of their funding allocation to help meet the costs of running the poll. An RO may

request a further 15% of their allocation if they can demonstrate a specific need for these funds prior to the election. The number of requests received for further advances is very low. Given the enduring requirement for ROs to demonstrate that their use of public funds is necessary and appropriate, we believe that it is reasonable for claims to be submitted and scrutinised prior to paying the outstanding balance.

We will be conducting a wider review of electoral funding as a whole and we will consider whether the current level of the advance remains appropriate.

- *That the requirement on ROs to publish the availability for inspection of candidates' election expenses returns in local newspapers at all applicable polls be revoked and that ROs be placed under a new obligation to publicise their availability on the web. (AEA 12-9)*

We will consider the implications of the suggested move from print publication of the availability of candidates' expenses for inspection with online publication. We note that the Law Commission's interim report on Electoral Law also made a recommendation about publicity of the availability of expenses returns for inspection.

RNIB report recommendations

The RNIB made a series of recommendations to improve the accessibility of voting for blind and partially sighted people:

- *Provision at the polling station of braille and customised large print sample versions of ballot papers on request by a blind or partially sighted voter. Also for the procedure for requesting this to be made clear to blind and partially sighted voters in pre-election materials.*
- *Robust communication of the legal and regulatory provisions made for blind and partially sighted people to all electoral services and polling station staff by the Electoral Commission and Cabinet Office through routine and special communications, mandatory staff training and performance monitoring.*
- *All polling stations to clearly display the procedure for enabling blind and partially sighted people to vote via a prominent and distinctive poster at the polling station which is constantly visible to all polling station staff.*
- *Accessibility adjustments to be reliably made at polling stations, including correct provision of large print sample versions of the ballot papers, tactile templates that correctly fit all ballot papers, and desk lamps where higher lighting levels are needed and allowing the use of*

CCTV magnifiers.

ROs 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. ROs must also ensure that 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.

The Government is grateful to the RNIB for the work done to test accessibility and highlight issues and we are committed to making the electoral system fully accessible for all electors. We will continue to work with stakeholders to determine how best this can be achieved.

On the issue of the pre-election materials the RNIB recommended:

- *Accessible pre-election materials including polling cards and boundary change notices to be proactively given or sent to any voters who request it or who the local authority knows through their records is visually impaired.*
- *Accelerated development of tactile, audio and digital methods for getting pre-election materials to blind and partially sighted voters, for making postal voting packs fully accessible and for enabling voters to cast their vote in secret and without needing the assistance of another person at the polling station.*

Electoral Registration Officers are responsible for providing material in accessible formats, such as large print, upon request; 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 22 will assist visually impaired voters who may otherwise be unaware that an election is taking place.

ROs and local authorities are required to have regard to the public sector equality duty and are responsible for acting on reasonable requests for information to be sent by email, which could include the contents of the ballot paper in advance of the poll.

In specific relation to the use of sight impairment registers the RNIB recommended:

- *Electoral services to use the local authority sight impairment registers (CVI) to mail out a general message to all people on the registers about accessible voting and what individuals need to do to ensure voting is accessible to them. This should be a short notice in large print and braille to reach the most people. Using these registers for distribution of general mailouts is we believe in line with data protection rules.*
- *Sample copy of ballot papers sent by email to blind and partially-sighted voters who request it or who the local authority knows through their records is visually impaired and requires information by email.*

The CVI register is held by the local authority adult social services department and not by electoral service teams. It is, therefore, not generally referred to in relation to elections but the Department of Health has consulted on the future use of the CVI. In response to that consultation, the Minister for the Constitution expressed his support for the CVI form to allow someone to provide their consent for the local authority to use the information to provide support at elections for blind and partially sighted voters.

We can understand how use of electronic and information technology might assist people in polling stations and are keen to look at options as to how the voter experience for people with visual impairments or other disabilities might be improved.

We also note the recommendation made by the RNIB concerning RO fees:

- *Withholding fees paid to returning officers who fail in their duty to voters with accessibility requirements.*

The Electoral Commission is responsible for assessing the performance of ROs and has the power to recommend reduction in payments where performance is below expectations. It will be for the Commission to decide whether it is appropriate to make any recommendation related to the payment of fees in this regard but we are willing to participate in a discussion of this suggestion.

Through the Accessibility of Elections Working Group, chaired by the Cabinet Office, which includes representatives from the RNIB, Mencap the AEA and the Electoral Commission, the Government will consider additional guidance and measures to support visually impaired people and other people with disabilities in voting.

