



18 October 2013

Committee Manager: Jane Fulton (Ext 37611)

ELECTORAL REVIEW SUB COMMITTEE

A meeting of the Electoral Review Sub-Committee will be held in Committee Room 1 at the Arun Civic Centre, Maltravers Road, Littlehampton on **Tuesday, 29 October 2013 at 6.00 pm** and you are requested to attend.

Members: Councillors Gammon (Chairman), L Brown [Vice-Chairman], Bower, Brooks, Mrs Brown, Dendle, Northeast and Oppler.

A G E N D A

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declaration of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating:

- a) the item you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest

You then need to re-declare your prejudicial/pecuniary interest at the commencement of the item or when the interest becomes apparent.

3 MINUTES

To approve as a correct record the Minutes of the meeting held on 14 August 2013

4 ITEMS NOT ON THE AGENDA THAT THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

5 COMMUNITY GOVERNANCE REVIEW - REQUEST FROM FELPHAM AND YAPTON PARISH COUNCILS

The Sub-Committee will receive a verbal report from the Head of Policy and Partnerships about how this review could be taken forward by the Sub-Committee. This will be subject to the approval of the principle of the review by Full Council on 23 October 2013.

6 REVIEW OF POLLING DISTRICTS AND POLLING STATIONS IN THE ARUN DISTRICT 2013/2015 - STAGE 1

At its last meeting the Sub-Committee was advised of the approach to be taken to the 2013-2015 review of polling districts, polling places and polling stations. This report explains the first stage of the formal process; confirms the polling stations to be used for the European Parliamentary Election in May 2014; and seeks approval to the timetable to be followed so the review can be concluded within the statutory period.

7 ELECTORAL REGISTRATION

The Sub-Committee will receive verbal updates on:-

- Progress with the Annual Canvass for the Register of Electors; and
- Progress with the transition to Individual Electoral Registration (IER)

8 STANDING FOR ELECTION IN THE UNITED KINGDOM - CONSULTATION PAPER FROM THE ELECTORAL COMMISSION

The Electoral Commission has issued a consultation document seeking views on a number of questions relating to candidates standing for election. The Sub-Committee may wish to submit a response on behalf of Members to the sixteen questions posed on the consultation document. A copy of the document is attached.

9 DATES OF FUTURE MEETINGS

The Sub-Committee is requested to agree its work programme for planned and any new dates needed for work on the review of polling districts, polling places and polling stations and the community governance review.

The dates already planned in the Calendar of Meetings for 2013/2014 and 2014/2015 are:

Thursday, 20 March 2014
Thursday, 24 July 2014
Thursday, 9 October 2014
Thursday, 12 February 2015

The Sub-Committee is requested to approve that an additional meeting be held on:

Thursday, 18 September 2014

(Note: *Indicates report is attached for all Members of the Council and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or can be viewed on the Council's web site by visiting **www.arun.gov.uk**).

(Note: Members are also reminded that if they have any detailed questions, would they please inform the Chairman and/or relevant Lead Officer in advance of the meeting in order that the appropriate Officer/ Cabinet Member can attend the meeting.)

Subject to approval at the next meeting

ELECTORAL REVIEW SUB-COMMITTEE

14 August 2013 at 6.00 pm

Present:- Councillors Chapman (Chairman), L Brown (Vice-Chairman), Bower, Dendle, Northeast and Wensley (Substituting for Councillor Mrs Brown).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Brown (who was being substituted by Councillor Wensley) and Oppler.

2. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the Government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions on the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a member declares a "Prejudicial Interest", this will, in the interests of clarity for the public, be recorded in the minutes as a Prejudicial and Pecuniary Interest.

Councillor Northeast declared a Personal Interest in Agenda Item 8 (Review of Polling Districts, Polling Places and Polling Stations) as he was the Council's nominated representative on the Keystone Centre Management Committee. Councillor Northeast confirmed that he was also the Chairman of this Management Committee.

Subject to approval at the next meeting

Councillor Gammon also declared a Personal Interest in Agenda Item 8 (Review of Polling Districts, Polling Places and Polling Stations) in his capacity as being a Member of Littlehampton Town Council.

3. MINUTES

The Minutes of the meeting held on 25 March 2013 were approved by the Sub-Committee as a correct record and signed by the Chairman.

4. START TIMES

The Sub-Committee

RESOLVED

That the start times for its meetings during 2013/2014 be 6.00 pm.

5. REVIEW OF THE WEST SUSSEX COUNTY COUNCIL ELECTION – 2 MAY 2013

The Sub-Committee received a report from the Head of Democratic Services which reviewed the arrangements within the Arun District for the West Sussex County Council Election held on 2 May 2013.

The Head of Democratic Services informed the Sub-Committee that overall the feedback that had been received from those who had been consulted had been positive and that minimal comment had been made in relation to the procedures that had been put into place in planning for the Election. The detail of the feedback received from candidates and agents had been set out in Appendix 1 attached to the report.

The Sub-Committee was advised that the turnout across West Sussex had been less compared with the last Election held in 2009.

Having thanked the Head of Democratic Services for her report, the Sub-Committee noted its contents.

6. INDIVIDUAL ELECTOR REGISTRATION - UPDATE

Having received an update on Individual Elector Registration (IER) at its last meeting held on 25 March 2013, the Sub-Committee received a further update report from the Head of Democratic Services. This report also set out the plans that were in place for the transition to this new system.

The Sub-Committee was advised that the Cabinet Office was leading on this project and was funding the net costs of the transition to the new system. An initial grant of just under £8k had been received from the Cabinet Office to support the on-going work and it was explained that further funding would be received for 2014/2015 though the amount expected had not been confirmed at this stage.

Subject to approval at the next meeting

The Head of Democratic Services outlined that work was continuing on the Cabinet Office's project plan that had been produced and that a project team, engaging various departments of the Council, had been created to work to the key timescales set out in the plan.

The timetable set out within the report outlining the key stages over the next two years was explained. This confirmed the importance of this year's canvass which needed to be as comprehensive as possible to assist the electorate through the transition to IER in July 2014. Based on recent canvass response rates it was explained that the existing budget was unlikely to enable this to happen and so a request for a supplementary estimate in the sum of £20k was being made to the meeting of Cabinet on 27 August 2013 to cover reintroducing the first reminder form (using Royal Mail rather than a canvasser to see if this brought an improved response) and to fund additional house to house enquiries to non-responding properties using a new canvasser team. In explaining the importance of this work, the Sub-Committee was asked to support this request which would be recommended to Full Council for approval on 4 September 2013.

The concern was that it was already difficult to encourage people to register by just providing their address details and so it was envisaged that by asking electors to provide more information there would be an increased percentage of people who would not wish to provide these further details. It was explained that the Electoral Commission would be responsible for designing a public awareness campaign and that once the details and timing for this were known, then a member of the Communications Team would join the IER project team to explore how Arun's own public awareness scheme could be used to promote the new arrangements locally.

In looking at possible ways of encouraging the electorate to register the Sub-Committee discussed various ideas and methods that could be used in forming a local public awareness campaign. These ideas would be fed into the project team.

Following some further discussion, the Sub-Committee noted the contents of the report.

7. REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

The Chief Executive presented to the Sub-Committee a report which explained the approach to be taken to the 2013-2015 review of polling districts, polling places and polling stations.

The Sub-Committee was informed that this review was the regular formal review that had to be undertaken but that the Electoral Registration and Administration Act 2013 had revised the arrangements meaning that this review had to be concluded ahead of the Parliamentary Election to be held in May 2015.

Subject to approval at the next meeting

The Sub-Committee's attention was drawn to Appendix 1 of the report which set out the polling stations used for the West Sussex County Council Election held on 2 May 2013. The premises trialled for suitability at this election had been highlighted in bold and it was explained that the feedback received from consultation undertaken following the election had been reviewed and a further information sheet outlining the supplementary information had been produced and circulated to the meeting.

The Sub-Committee was now being asked to feedback its views on the information received and on any other premises that it felt required further investigation as part of the planned review. It was outlined that the polling stations to be used for the European Parliamentary Election to be held on 22 May 2014 needed to be confirmed by early January 2014.

In discussing the report, comments were made about two polling stations. In relation to the North Bersted Youth and Community Centre, it was agreed that the premises were in a poor condition with poor access and so the proposal to explore using the Holy Cross Parish Church as an alternative station was supported. With the Keystone Centre in Littlehampton various issues of concern had been outlined in the report. Councillor Northeast confirmed that the Centre had now received two major grants and as a result a rolling programme of improvement works was now planned so that the problems highlighted within the report could be addressed. Councillor Northeast confirmed that this work would be completed in 2013 and asked if consideration could be given to continue using the Centre as a polling station in light of the work to be undertaken.

Following further discussion the Sub-Committee noted the report and the updates provided at the meeting.

8. ELECTORAL REVIEW OF ARUN DISTRICT COUNCIL – UPDATE

The Sub-Committee received and noted the update provided on the Electoral Review of Arun District Council as had been set out in the covering agenda.

9. DATES OF FUTURE MEETINGS

The Sub-Committee noted its dates for future meetings as set out in the Calendar of Meetings for 2013/2014.

(The meeting concluded at 6.40 pm)

AGENDA ITEM NO 6ARUN DISTRICT COUNCILELECTORAL REVIEW SUB-COMMITTEE - 29 OCTOBER 2013

Recommendation Paper

Subject : Review of Polling Districts and Polling Stations in the Arun District
2013/15 – Stage 1

Report by : Nigel Lynn, Chief Executive & Returning Officer

Report date: October 2013

EXECUTIVE SUMMARY

At its last meeting, the Sub-Committee was advised of the approach to be taken to the 2013-2015 review of polling districts, polling places and polling stations. This report explains the first stage of the formal review process; confirms the polling stations to be used for the European Parliamentary Election in May 2014; and seeks approval to the timetable to be followed so the review can be concluded within the statutory period.

RECOMMENDATION

It is recommended that:

1. the Returning Officer's report on the Stage 1 review of polling districts, polling places and polling stations for the Arun district, as set out in Appendix 1, be supported and implemented for elections held on 22 May 2014; and
2. the 2013/15 timetable, as set out in Appendix 2, for the review of polling districts, polling places and polling stations within the Arun district be agreed.

1.0 BACKGROUND

- 1.1 As explained at the last meeting of the Sub-Committee, the timetable for statutory reviews of polling districts, places and stations has been changed with a new requirement to start a review on 1 October 2013 and conclude this by 31 January 2015, ahead of the Parliamentary election in May 2015. Reviews will then need to be undertaken every fifth year after that, beginning on 1 October.
- 1.2 With Arun's last formal review only concluding in October 2011, and an ongoing review through the Sub-Committee since, there are few outstanding issues with the polling places and stations currently being used. However, the outcomes of the electoral review of Arun District Council, due to be implemented in May 2015, could

result in changes to current arrangements and this review provides the ideal opportunity to consider the implications on the whole district.

2.0 STAGE 1 OF THE REVIEW

- 2.1 The 2013/15 review started formally on 1 October with the publication of a Notice of Review on the Council's website and at a number of locations throughout the district, including parish noticeboards. We have also made all Councillors aware of the review and will be seeking the views of the Local Returning Officers responsible for the Arundel & South Downs and Worthing West Constituencies.
- 2.2 This review must focus on polling districts, which are the areas comprising a number of roads and houses allocated to a polling place/polling station within a ward, and locations and venues used for polling stations. It will not consider ward boundaries, which are determined independently of the Council by the Local Government Boundary Commission for England (LGBCE).
- 2.3 We intend to use current arrangements as the building blocks for this review, as we have dealt with all outstanding issues raised from the West Sussex County Council election held on 2 May 2013; and will be seeking feedback from the European Parliamentary election on 22 May 2014 to feed into the final stage of the review.
- 2.4 **Officers would welcome any suggestions from the Sub-Committee of interested groups that it would like to see directly consulted as part of this review.**

3.0 CURRENT POSITION - POLLING DISTRICTS, PLACES/STATIONS

- 3.1 As the Sub-Committee will be aware, the aim has always been to locate polling stations within a convenient distance from the majority of elector's homes, with the premises being easy to find and accessible to all. However, it is becoming increasingly difficult to find suitable premises as existing locations change or become unavailable. We regularly explore options for new premises, particularly in areas where there is new housing development or the provision of additional community facilities. We also seek the help of the local Ward and County Councillors when we need to explore alternatives.
- 3.2 There are 82 polling districts and places/stations within the Arun District. Appendix 1 lists the full schedule of current polling districts, polling places and polling stations that it is intended will be used for the European Parliamentary election in May 2014. It includes the latest changes considered at the last meeting in the Hotham Ward [BHOT1] and North Bersted [BNB2].
- 3.3 **The Sub-Committee is recommended to support the use of the polling stations listed in Appendix 1 for the European Elections to be held on 22 May 2014.**

4.0 TIMETABLE AND PROCESS FOR 2013/15 REVIEW

- 4.1 We have based our plans on the Electoral Commission's guidance for conducting the review of polling districts, polling places and polling stations.
- 4.2 The length of the review process is not prescribed, provided all the steps required by the legislation can be undertaken within it. However, the time allocated for consultation must be sufficient to enable interested persons and groups to read and understand the proposals and allow for information gathering.
- 4.3 Appendix 2 sets out the proposed timetable for the review. The consultation phase started on 1 October 2013 and will run until 31 July 2014 to allow all parties to consider current arrangements, to be tested out at the European election in May next year; and to provide feedback with any proposals for change or improvements.
- 4.4 We will also be seeking views from the general public through notices on the Council's website, at local libraries, post offices and parish offices and notices boards; and through a survey with candidates and agents as part of the "wash up" from the European Election on 22 May 2014.
- 4.5 A final report will then be presented to the Sub-Committee on 18 September 2014 [a new date in the Calendar] and recommendations made to the Full Council Meeting on 5 November 2014 to complete the review by the deadline of 31 January 2015.
- 4.6 This timetable will also allow the necessary changes from the electoral review of Arun District Council to be incorporated into the Register of Electors when it is published on 1 December 2014, ahead of the District & Parish elections in May 2015.

5.0 CONCLUSIONS

- 5.1 The proposed timetable and approach to this review will enable the statutory requirements of the legislation to be met. The timing of the review also works to ensure that the boundary changes following the electoral review of Arun District Council, plus the consequential parish warding changes, can be considered and any necessary changes to current arrangements made.
- 5.2 In view of previous concerns raised by the Sub-Committee, an issue Members may wish to discuss at a future meeting is the number of polling stations currently in use across the Arun District. This can be included in the work programme if this is an area the Sub-Committee would like to explore.
- 5.3 The Committee is requested to support the report's recommendations.

Background Papers: Electoral Commission Guidance Reviews of polling districts,
polling places and polling stations
Report to the Electoral Review Sub-Committee 14 August 2013

Contact: Liz Fatcher ext. 37610

ARUN DISTRICT COUNCIL
SCHEDULE OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS
[1st Stage Report – Electoral Review Sub-Committee 29 October 2013]

Polling District Letters	Name of Polling District	Description of Polling District	Polling Place	Current Polling Station	Electorate at 1 Oct 2013	Comments from consultees	Returning Officer's Comments [at 1 Oct 2013]	Recommendation
APOL	Poling	Parish meeting of Poling	Poling	Fairplace Barn Poling Street Poling BN18 9PS	150		Disabled access has now been provided at the Barn with the help of the owner and Parish Meeting Chairman. This was trialled in May 2013 and the trial will continue into May 2014.	No change
AANG 1	Angmering North No. 1	Parish of Angmering	Angmering	St Margaret's Church Hall Arundel Road Angmering BN16 4JS	1938		No change	No change
AANG 2	Angmering North No. 2	Parish of Angmering	Angmering	Angmering Village Hall Station Road Angmering BN16 4HY	1702		No change	No change
AANGS	Angmering South	Parish of Angmering	East Preston	East Preston Fire Station North Lane East Preston BN16 1DA	795		No change	No change
AANGB G	Angmering Bramley Green	Parish of Angmering	Angmering	Angmering Community Centre Foxwood Avenue BN16 4FU	1476		No change	No change

N.B Please note any Boundary Changes cannot be shown until the recommendations on the electoral review of Arun District Council have been confirmed by Parliament.

Appendix 1

ARUN DISTRICT COUNCIL
SCHEDULE OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS
[1st Stage Report – Electoral Review Sub-Committee 29 October 2013]

Polling District Letters	Name of Polling District	Description of Polling District	Polling Place	Current Polling Station	Electorate at 1 Oct 2013	Comments from consultees	Returning Officer's Comments [at 1 Oct 2013]	Recommendation
AARU1	Arundel No. 1	Town of Arundel	Arundel	Arundel Lido Queen Street Arundel BN18 9JG	1220		No change	No change
AARU2	Arundel No. 2	Town of Arundel	Arundel	Lounge at Warwick Court Torton Hill Road Arundel BN18 9JQ	1628		No change	No change
ASOU	South Stoke	Parish Meeting of South Stoke	Arundel	Arundel Lido Queen Street Arundel BN18 9JG	39		No change	No change
ABUR	Burpham	Parish Meeting of Burpham	Burpham	Burpham Village Hall Burpham Arundel BN18 9RR	147		No change	No change
AWAR	Warningcamp	Parish Meeting of Warningcamp	Warningcamp/ Arundel	Arundel Lido Queen Street Arundel BN18 9JG	122		We have used Arundel Lido since 2012 following the loss of the Arundel Youth Hostel and no other suitable premises being identified in the polling district area. No adverse feedback has been received to this arrangement.	No change

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AHOU	Houghton	Parish Meeting of Houghton	Amberley	George & Dragon Public House Houghton BN18 9LW	71		We have used these premises since 2012 instead of the former location at the Amberley Museum. No adverse feedback has been received to this change.	No change
ALYM	Lyminster	Parish of Lyminster	Lyminster	The Bell Tower Room Lyminster Church Lyminster Road, Lyminster BN17 7QJ	304		No change	No change
AALD	Aldingbourne	Parish of Aldingbourne	Aldingbourne	Aldingbourne Community Centre Olivers Meadow Westergate PO20 3YA	2966		No change	No change
ABAR	Barnham	Parish of Barnham	Barnham	Barnham Community Hall Murrells Field Yapton Road Barnham PO22 0AY	1047		The former Parish Hall was demolished in May 2013 and the new premises will be used for the 1 st time in May 2014. We will be seeking feedback on its suitability	??
AEAS	Eastergate	Parish of Eastergate	Eastergate	Eastergate Parish Hall Barnham Road Eastergate PO20 3RP	2781		No change	No change

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APAT	Patching	Parish of Patching	Clapham	Clapham and Patching Village Hall Clapham BN13 3UT	220		No change	No change
AFIN	Findon	Parish of Findon	Findon	The Village Hall High Street Findon BN14 0TA	1630		No change	No change
ACLA	Clapham	Parish of Clapham	Clapham	Clapham and Patching Village Hall Clapham BN13 3UT	262		No change	No change
AMAH	Madehurst	Parish Meeting of Madehurst	Slindon	Coronation Hall Slindon Arundel BN18 0QT	95		No change	No change
ASLI	Slindon	Parish of Slindon	Slindon	Coronation Hall Slindon Arundel BN18 0QT	435		No change	No change
AWAL1	Walberton No. 1	Walberton and Binsted Ward of the Parish of Walberton	Walberton	Walberton Pavilion The Playing Field The Street Walberton BN18 0PH	1258		No change	No change
AWAL2	Walberton No. 2	Fontwell Ward of the Parish of Walberton	Walberton	The Weighing Room Fontwell Park Racecourse Fontwell Avenue Fontwell BN18 0SX	535		No change	No change
BALDE1	Aldwick East No. 1	Aldwick East Ward of the Parish of Aldwick	Aldwick	Mosse Hall St Richards Way Aldwick PO21 3BD	1197		No change	No change

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BALDE2	Aldwick East No. 2	Aldwick East Ward of the Parish of Aldwick	Aldwick	West Meads Hall The Precinct West Meads Aldwick PO21 5SB	1811		No change	No change
BALDE3	Aldwick East No. 3	Aldwick East Ward of the Parish of Aldwick	Aldwick	St Wilfred's Hall Ellasdale Road Aldwick PO21 2SG	1297		No change	No change
BALDE4	Aldwick West St Richards	St Richards Ward of the Parish of Aldwick	Aldwick	The Mosse Hall St Richards Way Aldwick PO21 3BD	1132		No change	No change
BALDE1	Aldwick West No. 1	Aldwick West Ward of the Parish of Aldwick	Aldwick	Willowhale Community Centre Pryors Lane Aldwick PO21 4SF	2482		No change	No change
BALDW2	Aldwick West No. 2	Aldwick West Ward of the Parish of Aldwick	Aldwick	Aldwick Baptist Church Gossamer Lane Aldwick PO21 3DD	573		No change	No change
BBB1	Bersted Brooks No. 1	Bersted Brooks Ward of the Parish of Bersted	Bersted	Riverside Caravan Centre Shripney Road Bognor Regis PO22 9NE	168		No change	No change

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BBB2	Bersted Brooks No. 2	Bersted Brooks Ward of the Parish of Bersted	Bersted	Bersted Green Learning Centre Hazel Road Bersted PO22 9DZ	1039		No change	No change
BFELE1	Felpham East No. 1	Felpham East Ward of the Parish of Felpham	Felpham	Methodist Church Hall Felpham Way Felpham PO22 8QL	1746		No change	No change
BFELE2	Felpham East No. 2	Felpham East Ward of the Parish of Felpham	Felpham	Methodist Church Hall Felpham Way Felpham PO22 8QL	2202		No change	No change
BFELW1	Felpham West No. 1	Felpham West Ward of the Parish of Felpham	Felpham	St. Mary's Centre Off Grassmere Parade Felpham Road Felpham PO22 7NU	2095		No change	No change
BFELW2	Felpham West No. 2	Felpham West Ward of the Parish of Felpham	Felpham	Downview Primary School Wroxham Way Felpham PO22 8ER	2000		No change	No change
BHOE	Hoe Lane	Hoe Lane Ward of the Parish of Yapton	Felpham	Methodist Church Hall Felpham Way Felpham PO22 8QL	93		No change	No change

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BHOT1	Bognor Regis Hotham No. 1	Hotham Ward of Bognor Regis Town	Bognor Regis	Laburnam Centre Lyon Street Bognor Regis PO21 1UX	1803		The Centre will be trialled for the election in May 2014 following a request from the governors of the former premises – Edward Bryant School – that an alternative venue be found due to the disruption to the term timetable from the required school closure.	Trial: Laburnum Centre Lyon Street Bognor Regis PO21 1UX
BHOT2	Bognor Regis Hotham No.2	Hotham Ward of Bognor Regis Town	Bognor Regis	Assembly Hall University of Chichester Bognor Regis Campus Upper Bognor Road Bognor Regis PO21 1HR	2067		We have tried a number of locations in this polling district and the University campus remains the best option.	No change
BMAR1	Bognor Regis Marine No. 1	Marine Ward of Bognor Regis	Bognor Regis	St. Wilfrids Hall Ellasdale Road Bognor Regis PO21 2SG	1649		No change	No change
BMAR2	Bognor Regis Marine No. 2	Marine Ward of Bognor Regis	Bognor Regis	Methodist Church Hall High Street Bognor Regis PO21 1 ST	1878		No change	No change

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BORC1	Bognor Regis Orchard No. 1	Orchard Ward of Bognor Regis	Bognor Regis	Bognor Regis Youth Club Westloats Lane Bognor Regis PO21 5JZ	773		No change	No change
BORC2	Bognor Regis Orchard No. 2	Orchard Ward of Bognor Regis	Bognor Regis	South Bersted Church Hall Bersted Street Bognor Regis PO22 9QZ	1610		No change	No change
BORC3	Bognor Regis Orchard No. 3	Orchard Ward of the Town of Bognor Regis	Bognor Regis	Jeneses Community Arts Centre Linden Road Bognor Regis PO21 2AS	1565		These premises were trialled in May 2013 following the closure of the Royal British Legion. Good feedback overall, although there was an issue with the location of the room provided by the Centre. This has been resolved and we will review any further feedback from use in 2014	No change
BPEV1	Bognor Regis Pevensey No. 1	Orchard Ward of Bognor Regis	Bognor Regis	Baptist Church Hall 73 Victoria Drive Bognor Regis PO21 2TD	1925		No change	No change

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[1st Stage Report – Electoral Review Sub-Committee 29 October 2013]

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BPEV2	Bognor Regis Pevensey No. 2	Pevensey Ward of Bognor Regis	Bognor Regis	The Arena Westloats Lane Bognor Regis PO21 5JD	2021		These premises were trialled in May 2013 and positive feedback was received. It did require additional signing to be introduced and this will be kept under review in 2014	No change
BMID1	Middleton-on-Sea No. 1	Parish of Middleton-on-Sea	Middleton-on-Sea	Scout Headquarters Shrubbs Field Shrubbs Drive Middleton-on-Sea PO22 7SX	2069		No change	No change
BMID2	Middleton-on-Sea No. 2	Parish of Middleton-on-Sea	Middleton-on-Sea	St Nicholas Church Hall Elmer Road Middleton-on-Sea PO22 6EH	2137		No change	No change
BNB1	North Bersted No. 1	Parish of Bersted	Bersted	Jubilee Hall Community Centre Chalcroft Lane Bersted PO21 5TU	2086		No change	No change

N.B Please note any Boundary Changes cannot be shown until the recommendations on the electoral review of Arun District Council have been confirmed by Parliament.

Appendix 1

ARUN DISTRICT COUNCIL
SCHEDULE OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS
[1st Stage Report – Electoral Review Sub-Committee 29 October 2013]

Polling District Letters	Name of Polling District	Description of Polling District	Polling Place	Current Polling Station	Electorate at 1 Oct 2013	Comments from consultees	Returning Officer's Comments [at 1 Oct 2013]	Recommendation
BNB2	North Bersted No. 2	Parish of Bersted	Bersted	Holy Cross Parish Church Chichester Road North Bersted Bognor Regis PO21 5AU	2129		These premises will be trialled for May 2014 following a review of the former premises at the Youth & Community Centre due to their poor condition and the ability to confirm bookings in future.	Trial: Holy Cross Parish Church Chichester Road North Bersted PO21 5AU
BNB3	North Bersted No. 3	Bersted North Ward of the Parish of Bersted	Bersted	Barton's Infant School Romney Broadwalk Bersted PO22 9BH	745		No change	No change
BPAG1	Pagham No. 1	Parish of Pagham	Pagham	Pagham United Reformed Church Hall Pagham Road Pagham PO21 4NJ	2556		No change	No change
BPAG2	Pagham No. 2	Parish of Pagham	Pagham	Pagham Church Centre Nyetimber Lane Pagham PO21 3JT	2509		No change	No change

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ARUN DISTRICT COUNCIL
SCHEDULE OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS
[1st Stage Report – Electoral Review Sub-Committee 29 October 2013]

Polling District Letters	Name of Polling District	Description of Polling District	Polling Place	Current Polling Station	Electorate at 1 Oct 2013	Comments from consultees	Returning Officer's Comments [at 1 Oct 2013]	Recommendation
BROS	Rose Green	Rose Green Ward of the Parish of Aldwick	Aldwick	Aldwick Baptist Church Hall Gossamer Lane Aldwick PO21 3DD	1287		No change	No change
BHR	Shripney	Bersted North Ward of the Parish of Bersted	Shripney	The Lavender Room Rear of the Robin Hood Shripney Road Bognor Regis PO22 9PA	273		No change	No change
BBEA1	Littlehampton Beach No. 1	Beach Ward of Littlehampton Town	Littlehampton	Sportsdome Littlehampton Swimming & Sports Centre [LSSC] Sea Road Littlehampton BN16 2NA	2281		No change	No change
BBEA2	Littlehampton Beach No. 2	Beach Ward of Littlehampton Town	Littlehampton	Parkside Evangelical Church Hall St. Floras Road Littlehampton BN17 6BD	1497		No change	No change
BBRO1	Littlehampton Brookfield No. 1	Brookfield Ward of Littlehampton Town	Littlehampton	Southfields Jubilee Centre Southfields Road Littlehampton BN17 6AF	855		No change	No change

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[1st Stage Report – Electoral Review Sub-Committee 29 October 2013]

Polling District Letters	Name of Polling District	Description of Polling District	Polling Place	Current Polling Station	Electorate at 1 Oct 2013	Comments from consultees	Returning Officer's Comments [at 1 Oct 2013]	Recommendation
BBRO2	Littlehampton Brookfield No. 2	Brookfield Ward of Littlehampton Town	Littlehampton	Southfields Jubilee Centre Southfields Road Littlehampton BN17 6AF	1903		No change	No change
BBRO3	Littlehampton Brookfield No. 3	Brookfield Ward of the Town of Littlehampton	Littlehampton	Summerlea Primary School Windsor Drive Rustington BN16 3SW	992		No change	No change
BHAM1	Littlehampton Ham No. 1	Ham Ward of Littlehampton Town	Littlehampton	St James Church Hall East Ham Road Littlehampton BN17 7AW	1937		No change	No change
BHAM2	Littlehampton Ham No. 2	Ham Ward of Littlehampton Town	Littlehampton	The Keystone Centre Eldon Way Littlehampton BN17 7HE	1858		Issues have been raised about the lighting at this premises. Improvement works are planned and subject to these being completed by January 2014, the premises will be used for the May election	No change, subject to review of improvements to the Centre in January 2014

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ARUN DISTRICT COUNCIL
SCHEDULE OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS
[1st Stage Report – Electoral Review Sub-Committee 29 October 2013]

Polling District Letters	Name of Polling District	Description of Polling District	Polling Place	Current Polling Station	Electorate at 1 Oct 2013	Comments from consultees	Returning Officer's Comments [at 1 Oct 2013]	Recommendation
BRIV1	Littlehampton River No. 1	River Ward of Littlehampton Town	Littlehampton	St Catherine's Parish Centre St Catherine's Road Littlehampton BN17 5JH	2149		We were unable to use the main hall for the May 2013 election which we were not aware of until the day before the election. The keyholder is aware that the booking must be maintained in the main hall for future elections.	No change
BRIV2	Littlehampton River No. 2	River Ward of Littlehampton Town	Littlehampton	Flintstone Centre East Street Littlehampton BN17 6AW	1491		No change	No change
BRIV3	Littlehampton River No. 3	River Ward of the Town of Littlehampton	Littlehampton	Southfields Jubilee Centre Southfields Road Littlehampton BN17 6AF	426		No change	No change
BWIC1	Littlehampton Wick No. 1	Wick with Toddington Ward of Littlehampton Town	Littlehampton	Wick Church Hall All Saints Wick Street Littlehampton BN17 7JJ	2391		No change	No change
BWIC2	Littlehampton Wick No. 2	Wick with Toddington Ward of Littlehampton Town	Littlehampton	Six Bells Public House Lyminster Road Littlehampton BN17 7PS	580		No change	No change

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Appendix 1

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[1st Stage Report – Electoral Review Sub-Committee 29 October 2013]

Polling District Letters	Name of Polling District	Description of Polling District	Polling Place	Current Polling Station	Electorate at 1 Oct 2013	Comments from consultees	Returning Officer's Comments [at 1 Oct 2013]	Recommendation
BWIC3	Littlehampton Wick No. 3	Wick with Toddington Ward of Littlehampton Town	Littlehampton	Wick Church Hall Wick Street Littlehampton BN17 7JJ	1644		No change	No change
BWIC4	Littlehampton Wick No. 4	Wick with Toddington Ward of the Town of Littlehampton	Littlehampton	Trading Post The Body Shop Worthing Road Littlehampton BN17 6LS	252		No change	No change
BYAP	Yapton	Yapton Village Ward of the Parish of Yapton	Yapton	Yapton and Ford Village Hall Main Road Yapton BN18 0ET	2768		No change	No change
BFOR	Ford	Parish of Ford	Yapton	Yapton and Ford Village Hall Main Road Yapton BN18 0ET	887		No change	No change
BCLI	Climping	Parish of Climping	Climping	St Mary at Climping Church Hall Climping BN17 5RB	717		No change	No change
WEP1	East Preston No. 1	Parish of East Preston	East Preston	The Warren Room East Preston Village Hall Sea Road East Preston BN16 1LP	2626		No change	No change

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Appendix 1

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[1st Stage Report – Electoral Review Sub-Committee 29 October 2013]

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WEP2	East Preston No. 2	Parish of East Preston	East Preston	East Preston Children and Family Centre St Mary's Drive East Preston BN16 1JB	2444		No change	No change
WKIN	Kingston	Parish of Kingston	East Preston	East Preston Children and Family Centre St Mary's Drive East Preston BN16 1JB	572		No change	No change
WWP1	West Preston	West Preston Ward of the Parish of Rustington	Rustington	The Booker Hall Rustington Nursing Home Station Road Rustington BN16 3AY	503		No change	No change
WFER1	Ferring No. 1	Parish of Ferring	Ferring	Glebelands Community Centre Greystoke Road Ferring BN12 5JL	1596		No change	No change
WFER2	Ferring No. 2	Parish of Ferring	Ferring	Glebelands Community Centre Greystoke Road Ferring BN12 5JL	2407		No change	No change
WRUSE 1	Rustington East No. 1	Rustington East Ward of the Parish of Rustington	Rustington	WRVS Centre Broadmark Lane Rustington BN16 2NW	2510		No change	No change

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WRUSE 2	Rustington East No. 2	Rustington East Ward of the Parish of Rustington	Rustington	Georgian Gardens CP School Guildford Road Rustington BN16 3JB	1943		No change	No change
WRUSW 1	Rustington West No. 1	Rustington West Ward of the Parish of Rustington	Rustington	Methodist Church Hall Claigmar Road Rustington BN16 2NL	1114		No change	No change
WRUSW 2	Rustington West No. 2	Rustington West Ward of the Parish of Rustington	Rustington	St. Andrews Church Hall Holmes Lane Rustington BN16 2PY	2277		No change	No change
WRUSW 3	Rustington West No. 3	Rustington West Ward of the Parish of Rustington	Rustington	The Woodlands Centre Woodlands Avenue Rustington BN16 3HB	1877		No change	No change
WRUSW 4	Rustington West No. 4	Rustington North Ward of the Parish of Rustington	Rustington	Summerlea Primary School Windsor Drive Rustington BN16 3SW	1422		No change	No change

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Review of Polling District, Polling Places and Polling Stations 2013-15		
Task	Action By	Completed On
1. Publish Notice of Review		
Publish Notice of Review to ADC Website, Council Offices, Library and Post Offices and Parish Council Noticeboards.	1st October 2013	1st October 2013
Send Review Notice to MP's , Cllrs, EROs of Worthing & Adur & Horsham Councils, Disability Groups.	9th October 2013	9th October 2013
2. First Stage Report		
First Stage report for Electoral Review Sub Committee	For Meeting on 29th October 2013	
3. Consultation		
Consultation - Seek views of MP's , Cllrs, EROs of Worthing & Adur & Horsham Councils, Disability Groups and residents	31st July 2014	
Collate feedback from European Elections	1st June 2014	
Visit Polling stations when necessary using Evaluation Checklist	31st July 2014	
4. Concluding the Review		
All consultation material produced and reviewed	31st July 2014	
4.1 Second Stage Reports		
Report proposals to Electoral Sub Committee	18th September 2014	
Report proposals from Electoral Sub Committee to Full Council	5th November 2014	
5. Conclusion - Publish Results of Review		
Details of agreed proposals be made available to the public	1st January 2015	

Standing for election in the UK

Consultation paper

September 2013

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Foreword

The Electoral Commission has a statutory duty to keep under review the legal framework governing elections in the UK and report on our conclusions to the UK Government. In 2003, shortly after our establishment, we conducted a wide ranging review that included consideration of a range of issues around standing for election. A number of our recommendations for change were subsequently implemented by the then Government. It now feels right, a decade on, to reappraise the system and to consider what changes may be necessary to further modernise the process.

In June this year, we published the conclusions of our comprehensive review of the regulatory framework: *A regulatory review of the UK's party and election finance laws: Recommendations for change*. This was focused on drawing lessons from our experience as the regulator, and also captured insights from political parties with experience of dealing with the rules. We are also working closely with and in support of the UK Law Commissions' review of electoral law.

This consultation on standing for election complements the regulatory review and is intended to prompt debate on how the system might be streamlined, improved and better administered from the perspective of those seeking elected office. We hope it will also usefully inform the electoral law reform considerations of the UK Law Commissions. In particular, we are keen to consider how the rules around standing for election can be better standardised wherever possible and look at the impact this could have on simplifying the system. We have aimed to highlight those areas where we feel there may be inconsistencies or inefficiencies, but we also invite views on areas that we may have overlooked and any options for change related to these.

We would therefore welcome views from all involved in the system, from those who stand for election, to the agents and parties that support them, the electors that vote for them and those that manage elections. Once we have considered the responses we receive, we will report to the relevant Governments in the UK setting out any recommendations for change that we have identified.

We look forward to hearing your views.

Yours faithfully



Jenny Watson
Chair

Summary of consultation questions

Qualifications

The Commission invites comments on the following:

- Are the current qualifications still relevant, understandable and practical?
- Are there any other qualifications that candidates should meet?
- Should qualifications for candidature vary depending on the nature of the election being contested?

Please provide any evidence and further information supporting your views.

Disqualifications

The Commission invites comments on the following:

- Should there be a common disqualification policy for all elections in the UK?
- When should disqualification legislation take effect: when candidates are nominated or when they are elected?
- Should rules on disqualification be set in legislation or left to the discretion of the organisation a person works for, or holds a public appointment with?
- If you have been a candidate, do you think the advice on disqualification is clear/easily accessible to you?
- Should a candidate who stands nominated but who subsequently discovers they are disqualified, be able to withdraw before the election? If so, how should the process work?

Please provide any evidence and further information to support your views

Disqualification under the Representation of the People Act 1981 (RPA 1981)

The Commission invites comments on the following:

- Do you consider that the RPA 1981 special provisions relating to candidate nominations should be repealed or amended in any way?
- Do you consider that the Elected Authorities (Northern Ireland) Act 1989 relating to local elections in Northern Ireland should be repealed or amended? If so, in what way?

Please provide any evidence and further information to support your views.

Subscribers

The Commission invites comments on the following issues and would welcome further suggestions:

- Does the subscriber system used at elections in the UK serve a useful purpose? If so, what and how?
- Would abolishing the requirement for subscribers be likely to result in an unmanageable increase in the number of 'frivolous' candidates standing for election? If that is a concern, are there better ways of effectively discouraging this?
- Does the subscriber system create additional hurdles for independents which might result in their non-participation in elections?
- What is the value of candidates of political parties registered with the Electoral Commission under PPERA continuing to be asked for their nomination papers to be subscribed?
- Is there any value in continuing to ask independent candidates to have their nomination papers subscribed? If so, how many subscribers should there be? Should the numbers vary depending on the nature and type of election?
- Should there be a direct correlation between the number of subscribers and the deposit required for nomination? Should the number of subscribers be increased if the deposit is abolished?
- Should potential candidates be given a choice of using subscribers or paying a deposit?

Please provide any evidence and further information to support your views.

Deposits

The Commission invites comments on the following issues and would welcome other suggestions.

- Is a deposits system a useful deterrent against candidates standing for election for commercial purposes and not expecting to be elected?
- Do you think that a deposits system either deters or disadvantages independents or candidates from smaller parties from standing for election?
- Do you consider that the advantages of a deposit system are outweighed by the disadvantages?
- Should the deposit required at an election be the same for all candidates or be varied for independent candidates and/or by the size of the political party? Do you think this would encourage greater participation?
- Would reducing the threshold for forfeiture encourage wider participation?
- What alternative methods of payment should be available for paying a deposit? Should all Returning Officers be obliged to offer a range of alternatives?

Please provide any evidence or further information to support your views.

Independent candidates

We invite comments on the following and would welcome other suggestions

- Are there ways in which independent candidates could be allowed to use a six word description without undermining the regulatory regime for political parties?
- If so, how could descriptions for independents be administered in a proportionate way?
- What opportunities (other than descriptions) could be used by independents to communicate what they stand for to the electorate?

Please provide any evidence or further information to support your views.

Candidate mailings

The Commission invites comments on the following issues and would welcome further suggestions.

- Should the practice of sending free candidate mailings to all registered voters/ households be continued for all Parliamentary/Assembly elections in the UK?
- Should there be consistent practice with candidate mailings in the UK or should practice depend on the nature and type of the election being contested?
- Should greater use be made of on-line candidate addresses or co-ordinated booklets containing this information rather than each elector being sent a separate address from a large number of candidates?
- Should legislation be changed to allow for greater flexibility with candidate mailings in circumstances where elections are combined?

Please provide any evidence or further information to support your views.

Party election broadcasts

- Is there any evidence to suggest that regional broadcasts could be workable at elections other than the London elections?
- What criteria would be appropriate to ensure independents could have access to broadcasts, while preventing the likelihood of spurious candidates from standing?

Please provide any evidence or further information to support your views.

Access to the electoral register

The Commission invites comments on the following issues and would welcome further suggestions:

- Should independent candidates have the same access to the register as political parties? What are your reasons for this?
- Would the current safeguards regarding the misuse of electors' personal data be adequate if access was extended?

Please provide any evidence or further information to support your views.

Emblems

We welcome any suggestions you may have with regard to independent candidates and use of emblems, taking into consideration the aims of the regulatory regime

- Are there ways in which independent candidates can use an emblem without undermining the regulatory regime?
- If so, how might the use of emblems be administered in a proportionate way?

Please provide any evidence or further information to support your views.

Free use of rooms

- Is the availability of free rooms still an entitlement that candidates support or have modern communications techniques replaced the need for it?
- Do you think the entitlement needs to be clarified to explain what is available and on what basis?

Please provide any evidence or further information to support your views

Alphabetical listing

The Commission invites comments on the following issue and would welcome further suggestions:

- Does the alphabetical listing of candidates and/or parties on the ballot papers favour certain candidates especially in multi seat constituencies?

Please provide any evidence or further information to support your views.

Positive abstention

- Should the ballot paper include an option for positive abstention and what should be the implication of this for the election if this receives a majority of the votes cast?

Please provide any evidence or further information to support your views

Photographs on ballot papers

The Commission invites comments on the following issues and would welcome further suggestions:

- Do you think there is a case for introducing coloured photographs on ballot papers to distinguish candidates?
- How would this improve things from the voters' perspective?
- Can you foresee any problems with using photographs on ballot papers?

Please provide any evidence or further information to support your views.

Submitting nomination papers

The Commission invites comments on the following issues and would welcome further suggestions:

- Should more flexible arrangements be introduced for the receipt of all nomination papers? Should the Returning Officer have discretion to allow receipt by fax, email, or through an online portal or mobile phone app?
- Should the delivery of nomination papers be standardised for all elections in the UK?

Please provide any evidence or further information to support your views.

Objections to nominations

The Commission invites comments on the following issues and would welcome further suggestions:

- Should the objections procedure used in respect of nominations be revised and replaced with a more consistent and transparent scheme? How do you think this should work in practice?
- Are the timeframes set for objections sufficient to meet the needs of candidates and electoral administrators?

Please provide any evidence or further information to support your views.

1 Introduction

Our role

1.1 The Electoral Commission is an independent body which reports directly to the UK Parliament. We regulate political party and election finance and set standards for well-run elections. We also have a statutory responsibility to keep the electoral system under review and report to the Government on any changes we feel may be necessary.

1.2 We are committed to the UK's strong tradition of free elections and we work to protect and promote democracy. We put voters first by working to support a healthy democracy, where elections and referendums are run on the basis of our principles of:

- **Trust:** people should be able to **trust** the way our elections and our political finance system work.
- **Participation:** it should be straightforward for people to participate in our elections and our political finance system, whether voting or campaigning and people should be confident that their vote counts.
- **No undue influence:** there should be no undue influence in the way our elections and political finance system work.

Purpose of the consultation

1.3 The purpose of this consultation is to obtain views on potential changes to the legislation on, or the procedures around, standing for election in the UK. In particular it aims to:

- identify and evaluate the strengths and weaknesses of the current procedures used in standing for election
- review the current legislative provisions and highlight differences and inconsistencies
- consider candidate entitlements when standing for election
- consider regulatory aspects of the Political Parties, Elections and Referendums Act 2000 associated with standing for election
- consider nomination procedures used in other jurisdictions in order to identify alternatives and/or areas of good practice
- make recommendations for improving, modernising and simplifying the procedures used for those wishing to stand for election in the UK

Scope

1.4 This consultation focuses on issues and concerns related to standing for election that fall within the Commission's remit, specifically where we have a statutory duty to review and recommend change to the Secretary of State.

1.5 The focus of the consultation is on the issues that relate to:

- being a candidate
- candidate entitlements when standing for election
- procedural issues

1.6 There are a number of areas that fall within our remit that have not been included in this consultation due to the fact that they have recently been considered elsewhere. For instance, we recently conducted a separate review identifying improvements to our party and election finance regulatory and legal framework. That review assessed the Political Parties, Elections and Referendum Act 2000 (PPERA) and the relevant parts of the Representation of the People Act 1983 (RPA 1983). The report on our recommendations to make the system more effective and proportionate, and reduce unnecessary burdens, can be found on our website¹.

1.7 There are also barriers to standing for election that fall outside our remit and this consultation is confined to those issues described in paragraph 1.4. This means that issues such as financial assistance to support candidates seeking election are not included².

1.8 The knowledge and experience of those that have been regulated, and those administering the rules, are vital to any legislative or procedural changes that might be required for future elections.

1.9 The Commission would like to get as broad a range of views as possible to inform this stage of the review. In particular we would like to hear from those with direct experience of standing for election: party political and independent candidates, both successful and unsuccessful from across the UK, and election administrators. We would welcome as detailed views as possible on the questions throughout the consultation, along with any supporting evidence that you can provide.

¹ Electoral Commission, *A regulatory review of the UK's party and election finance laws: Recommendations for change*, (June 2013)
http://www.electoralcommission.org.uk/__data/assets/pdf_file/0003/155874/PEF-Regulatory-Review-2013.pdf

² For example, the UK Government is currently piloting a funding scheme under its Access to Elected Office Strategy which helps those with a disability to stand for elected office and pays for costs related to their disability

1.10 We would be grateful if you could return any responses in writing to the contact details outlined below, either by post, fax or e-mail.

Caralyn Morton
 The Electoral Commission
 28-32 Alfred Street
 Belfast
 BT2 8EN
 Tel: 028 9089 4020
 Fax: 028 9089 4026
 Email: info@electoralcommission.org.uk

1.11 The deadline for responses to this consultation is **18 December 2013**. Although we may take into account responses received after this date, we cannot guarantee that we will be able to do so.

1.12 If you anticipate any difficulties responding to this consultation, please do not hesitate to contact us. We will be happy to meet individuals and groups who wish to express their views to us in person, and this may also provide an option for those who are pressed for time in responding.

1.13 To assist us to analyse the results of this consultation, it will be helpful for respondents to make clear in what capacity or on whose behalf their response is submitted. We may therefore contact respondents for further information as to the status of their submission if it is not immediately clear in the response. In addition, we may wish to publish or make available for inspection responses to this consultation paper.

1.14 Following our consideration of the responses we receive, we aim to publish our final proposals and present these to Government in March 2014.

Background

1.15 In 2003 we published the report, *Standing for election in the United Kingdom*³, which reviewed a number of issues relating to seeking elected office, including the timetable for submission of nomination papers, the perceived unfairness expressed by some independent candidates and the requirement for deposits and subscribers.

1.16 As part of the review we consulted widely and sought stakeholder views on how the procedures could be improved for the benefit of candidates, political parties and those administering elections. We made a number of recommendations aimed at simplifying and modernising the process.

1.17 A number of our recommendations were taken forward by the UK Government through the Electoral Administration Act 2006. These included

³ *Standing for election in the United Kingdom – Report and recommendations* – no hyperlink available as report archived

allowing candidates to use their commonly used name on ballot papers, introducing new provisions about the nature and number of descriptions that candidates standing on behalf of political parties could use on ballot papers and extending the deadline for the registration of political parties wishing to contest elections. Other recommendations, including reducing the threshold for deposit forfeiture from 5% to 2% of valid votes cast in an election were not progressed as the Bill made its way through the UK Parliament.

1.18 A decade on from our last review and following the subsequent changes this led to, however, there remains dissatisfaction and confusion about certain aspects of the procedures involved in standing for election. These range from inconsistencies across the different jurisdictions of the UK to the lack of clarity about the required qualifications to stand as a candidate.

1.19 Recent elections have highlighted a number of new and recurring themes that suggest a review of the procedures is timely, including:

- the value of continuing with a deposit and subscriber system generally.
- the rationale for having both a deposit and subscriber system for candidates of registered political parties.
- requiring subscribers for some elections and not others.
- requiring different numbers of subscribers for different elections.
- applying different qualification and disqualifications rules for different electoral contests.
- having different candidate entitlements including candidate mailings, the free use of rooms and party election broadcasts for different elections.
- the treatment of independent candidates with regard to access to electoral registers and the prohibition of emblems and descriptions on ballot papers.
- the role of the Returning Officer (RO) in determining the validity of a nomination paper.

2 Being a candidate

Qualifications

2.1 In order to be eligible to stand for election in the UK, a person must meet a pre-determined set of qualifications. To participate in UK Parliamentary elections a candidate must:

- be at least 18 years of age
- either be a British or Irish citizen or a citizen of a Commonwealth country and either not require leave to enter or remain in the UK or have indefinite leave to remain in the UK

2.2 With the exception that citizens from other EU member states can also stand, these pre-determined qualifications are also in place for candidates in elections to the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

2.3 In recent years some changes have been made to the qualification rules for UK Parliamentary elections including reducing the age of candidature to 18 from 21, removing clergy ineligibility and allowing certain peers to stand for election.

2.4 Citizens of other EU member states can stand for election to the European Parliament if their home address is in the UK. They must also obtain a certificate⁴ from the authorities in their home country to state that they have not been deprived of the right to stand as a candidate in that country and the relevant authority does not know of any disqualifications in relation to the candidate.

2.5 Candidates at local government elections in the UK must also be at least 18 years old and a British, Irish, eligible Commonwealth citizen or a citizen of another EU member state. In addition, they must meet at least one of the following four criteria:

- The candidate is registered as a local government elector for the local authority area. In England and Wales the person elected must continue to be registered for the duration of the post.
- Has occupied as owner or tenant any land or other premises in the local authority area during the whole of the 12 months before the day of nomination and on polling day. The polling day stipulation does not apply in Scotland or Northern Ireland.

⁴ The UK Government is planning to give effect to an EU Directive which will change the process for how the certificate can be obtained.

- Their main or only place of work during the 12 months prior to the day of nomination and also on polling day has been in the local authority area. The polling day stipulation does not apply in Scotland or Northern Ireland.
- Has lived in the local authority area during the whole of the 12 months before the day of nomination and also on polling day. The polling day stipulation does not apply in Scotland or Northern Ireland.

The Commission invites comments on the following:

- Are the current qualifications still relevant, understandable and practical?
- Are there any other qualifications that candidates should meet?
- Should qualifications for candidature vary depending on the nature of the election being contested?

Please provide any evidence and further information supporting your views.

Disqualifications

2.6 The following individuals are disqualified from standing for election to the UK Parliament:

- someone who is the subject of a Bankruptcy Restrictions Order in England or a Debt Restrictions Order in Wales
- someone who has had their estate sequestrated in Scotland and remains undischarged
- someone who has been adjudged bankrupt in Northern Ireland and remains undischarged
- a convicted prisoner who is serving a prison sentence of more than 12 months
- civil servants
- members of police forces/services
- members of the armed forces
- government-nominated directors of commercial companies
- judges

- members of the legislatures of any country or territory outside the Commonwealth
- people found guilty of certain electoral offences (corrupt or illegal practices)
- peers who sit and can vote in the House of Lords
- Bishops of the Church of England who are entitled to sit and vote in the House of Lords.

2.7 A full list of disqualified offices is set out in the House of Commons Disqualification Act 1975 (as amended). Similar disqualification legislation applies to the devolved legislatures in Scotland, Wales and Northern Ireland, and to the European Parliament. For Police and Crime Commissioners in England and Wales the disqualifications criteria also includes conviction for an imprisonable offence, including spent convictions and where no prison time was served.

2.8 Different disqualifications apply to candidates standing in local elections. These include:

- holding a politically restricted post
- being sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before the day of nomination
- being disqualified as part of a decision by the First-Tier Tribunal in England and Wales or by the Standards Commission for Scotland
- being disqualified as part of a decision of the Accounts Commission for Scotland or under the Audit Commission Act 1998
- In England, Wales and Northern Ireland being employed by the local authority or holding a paid office under the authority (including joint boards or committees)
- In Scotland, being in receipt of a severance payment under the Local Governance (Scotland) Act 2004
- The disqualifications outlined above in respect of bankruptcy restrictions for UK Parliamentary elections also apply to local elections in the UK

2.9 The disqualifying posts for each type of election are set out in either primary or secondary legislation, or sometimes in both. The general principle behind disqualifying posts is that there should not be a conflict of interest between the appointed post and the elected post. New legislation has to be passed prior to each election to take account of changes to public bodies and

offices. This is time consuming and repetitive for legislators and may not be necessary. An alternative would be to have a list of disqualifying posts maintained by each institution (or by a collective body or government department in the case of local elections) and published before each election to that body. Some disqualifying posts, such as judges and members of the armed forces, could remain over time in primary legislation.

2.10 The disqualifying posts vary between institutions. We are not aware of any clear rationale for which posts count as disqualifying offices for election to a particular body. For example, there is no obvious reason why employment in the State Pathology Service for Northern Ireland should prevent that person being a member of the Scottish Parliament. Clear rationale for disqualification such as a conflict of interest between the elected body and a person's employment or appointment should be established to help potential candidates understand when they might be disqualified and seek further information.

2.11 The courts have found that a candidate for election must not be disqualified both at the time of nomination and the time of election⁵. In its guidance to candidates and agents the Electoral Commission has advised that a person holding a disqualifying post would have had to resign from their position and have served any notice period at the time of the candidate's nomination. Issues around disqualification were not identified by stakeholders as being significant during the Commission's 2002 review. Since then a number of issues have arisen either before the submission of nomination papers or after results have been declared.

2.12 In 2004, the rules for local government elections in Scotland were changed so that an employee of a local authority could stand for election to that authority and would only have to resign their employment if they were elected.

Wales

2.13 The most significant of the post-election issues occurred in Wales following the 2011 election to the National Assembly for Wales. It transpired after the election that two individuals who were returned as Assembly members were found to be ineligible to stand. Offices they held had disqualified them from seeking election to the National Assembly for Wales, making them ineligible to stand. The following is a brief summary of what occurred.

2.14 Two Welsh Liberal Democrat candidates, John Dixon and Aled Roberts, were returned as Regional Assembly Members in the elections in South Wales Central and North Wales respectively. A short time later they were notified by the National Assembly for Wales that they had not been validly elected, as both were members of bodies listed under the National Assembly for Wales (Disqualification) Order 2010. Mr Dixon was a member of the Care

⁵ Harford v Linskey 1899 1QB852; Harrison v Gupta QBD M/314/06

Council for Wales and Mr Roberts a member of the Valuation Tribunal for Wales.

2.15 At the time of nomination both had signed 'Consent to Nomination' forms, indicating that to the best of their knowledge and belief they were not disqualified from membership of the Assembly. It is an offence for a person to knowingly make a false statement as to their qualification for election.

2.16 The police investigated both cases following a formal complaint. However the Crown Prosecution Service (CPS) did not seek prosecution in either case. The Presiding Officer of the National Assembly for Wales then requested an investigation, which was conducted by the Assembly's Commissioner for Standards.

2.17 The Commissioner's report concluded that Aled Roberts had taken all reasonable steps to ensure that he was eligible to stand for election, but was supplied inaccurate information in the Welsh language version of guidance on the Electoral Commission's website. That information would have led him to believe he was eligible to stand. The report concluded that John Dixon read the Commission's English version of the guidance (which contained no errors) but did not check the Disqualification Order and its applicability to him. He believed he was eligible to be a member of the Assembly.

2.18 Both resigned their membership of the bodies that disqualified them from membership of the Assembly. The Government of Wales Act 2006 makes provision for the National Assembly for Wales to disregard an Assembly Member's disqualification, if they are elected and then subsequently found to be disqualified.⁶ Motions to reinstate John Dixon and Aled Roberts were tabled by the Liberal Democrat Group within the National Assembly for Wales prior to the conclusion of the Commissioner's investigation.

2.19 Following the publication of the Commissioner's report the Welsh Liberal Democrats withdrew the motion to disregard John Dixon's disqualification, and the Regional Returning Officer in South Wales Central proceeded to fill the regional vacancy. The Assembly voted to disregard the disqualification of Aled Roberts and he continued in his role as an Assembly Member.

Northern Ireland

2.20 The issue of disqualification also arose after the Northern Ireland Assembly election in 2003. After this election the Electoral Commission received a submission from the Northern Ireland Human Rights Commission highlighting a number of issues about the administration of the election. In respect of nominations the Human Rights Commission suggested that it would be preferable if a person holding a disqualifying post was free to stand for election and only if successful have to resign from their position or stand down from their public appointment.

⁶ Section 17, Sub-section 3, Government of Wales Act 2006. Similar provisions also exist in the Northern Ireland Act 1998 (s.37 (2)), and the Scotland Act 1998 (s. 16 (4)).

2.21 In our statutory report on the election we recommended to the Secretary of State for Northern Ireland that the review of the Assembly Disqualification Act 1975 be completed. An Assembly Committee had reviewed the Act in 2002 and had made recommendations to the Secretary of State for Northern Ireland. However, the review was not completed because the Assembly was suspended in late 2002.

Police and Crime Commissioner elections

2.22 Disqualification was also an issue at the Police and Crime Commissioner (PCC) elections in November 2012. Given the sensitivity of the role, Parliament decided to make the disqualification provisions stricter, particularly around the issue of past offences. Consequently the disqualifications rules were much more stringent than for other elections. It meant that anyone ever convicted of an imprisonable offence (even if they did not serve a prison sentence or the conviction had been spent) was disqualified from standing.

2.23 The unusual nature of the disqualification led to confusion among potential candidates about whether or not they could stand for election, with some parties and candidates unaware of the disqualification rules around offences committed years earlier. Several prospective candidates found that they were ineligible and were forced to withdraw: one high profile prospective candidate decided not to stand and another discovered they were disqualified after the deadline for withdrawal of nominations. There also appeared to be a lack of clarity about the process to follow in circumstances where a disqualified candidate did not withdraw by the deadline.

2.24 PCCs become disqualified from remaining in their post “upon becoming” a member of the House of Commons, the European Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly. Equally members of these parliaments and assemblies may stand for election as PCC, but must resign their seat if they are elected and wish to take up the post of PCC.

2.25 This contrasts with the position for other elections that was noted by the Northern Ireland Human Rights Commission above. The rules for local elections in Scotland are clearer on this point and could be adapted for other types of elections if a disqualification due to holding certain posts was only to apply if the candidate was successfully elected.

The Commission invites comments on the following:

- Should there be a common disqualification policy for all elections in the UK?
- When should disqualification legislation take effect: when candidates are nominated or when they are elected?
- Should rules on disqualification be set in legislation or left to the discretion of the organisation a person works for, or holds a public appointment with?

- If you have been a candidate, do you think the advice on disqualification is clear/easily accessible to you?
- Should a candidate who stands nominated but who subsequently discovers they are disqualified, be able to withdraw before the election? If so, how should the process work?

Please provide any evidence and further information to support your views

Disqualification under the Representation of the People Act 1981 (RPA 1981)

2.26 Under the RPA 1981 a person is disqualified from membership of the House of Commons if they are serving a prison term of more than a year and are detained in the UK, the Republic of Ireland, the Channel Islands or the Isle of Man, or are unlawfully at large. This disqualification has also been read across to elections to the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly and the European Parliament.

2.27 The RPA 1981 was introduced following the election of Bobby Sands to the UK Parliament as MP for Fermanagh and South Tyrone following a hunger strike at the Maze prison in Northern Ireland in 1981. The Act was primarily intended to stop prisoners in Northern Ireland from standing for election to highlight their campaign for 'political status' as a result of the conflict in Northern Ireland. The provisions⁷ require a Returning Officer in the UK if it appears that a person nominated might be disqualified to publish a notice enabling objections to the nomination.

2.28 When we asked for views on this issue in 2002 we suggested that the legislation may no longer be necessary given the changed political circumstances in Northern Ireland. A number of respondents to the consultation expressed the view that the Act was generally unworkable unless a candidate was a 'notorious' prisoner or gave his or her address as a prison. Given the political consensus in Northern Ireland, there may now be a case for removing this legislation from the statute books.

2.29 The Elected Authorities (Northern Ireland) Act 1989 requires candidates standing for local elections to sign a specific declaration against terrorism. However there are no similar provisions applying to candidates standing for election to the UK Parliament or the Northern Ireland Assembly.

The Commission invites comments on the following:

⁷ RPA 1983 Schedule 1 r15(1)

- Do you consider that the RPA 1981 special provisions relating to candidate nominations should be repealed or amended in any way?
- Do you consider that the Elected Authorities (Northern Ireland) Act 1989 relating to local elections in Northern Ireland should be repealed or amended? If so, in what way?

Please provide any evidence and further information to support your views.

Subscribers

2.30 A subscriber system is intended to ensure that all those who present themselves as candidates for public office do so in a serious and responsible manner. At some elections candidates wishing to appear on the ballot paper must collect a specified number of signatures in support of their nomination. In the UK all candidates, regardless of whether they are affiliated to a political party or stand as an independent, must follow the same rules.

2.31 The requirement for subscribers to support nominations for candidates standing for election to the UK Parliament dates back to the Ballot Act 1872. The Act states that "every nomination paper must be signed by two registered electors: a proposer and seconder, and by eight other registered electors assenting to the nomination". This requirement still exists for the UK Parliament and for some other elections in the UK. The most recently established elections for Police and Crime Commissioners (PCC) in England and Wales held in November 2012 replicated this approach and required nomination papers to be subscribed.

2.32 At local elections in England, Wales and Northern Ireland subscribers can subscribe as many nomination papers as there are vacancies in a particular ward/division or, in Northern Ireland, in a District Electoral Area (DEA). Once a nomination paper is formally submitted the signatures cannot be withdrawn. If a mistake is made, a full set of papers must be resubmitted and the same names cannot be used again. For this reason many Returning Officers encourage potential candidates to have their nomination papers informally checked prior to formal submission.

2.33 There is some evidence that candidates are unclear about the rules with the result that mistakes are made from time to time. In a local election in England in 2012 a candidate had his nomination papers rejected twice. On the first occasion the papers were deemed invalid as one of the registered electors who had signed his papers had also subscribed another candidate's papers. After resubmitting the papers they were again deemed invalid because the candidate had not submitted a new set of subscribers.

2.34 In the UK there is no direct correlation between the number of subscribers required to stand for election and the size of deposit. Candidates standing for Mayor of London require 330 subscribers (at least 10 from each London Borough and the City of London) and a deposit of £10,000. For PCC

elections 100 subscribers and a deposit of £5,000 are required. No subscribers are required for the European Parliamentary election but a deposit of £5,000 is payable. No subscribers are required at the London Assembly elections, but constituency candidates must pay a deposit of £1,000 and London member candidates (whether as a party list or as an individual candidate) must pay £5,000.

2.35 A total of 10 signatures and a £500 deposit are required for UK Parliamentary elections. For elections to the Scottish Parliament and the National Assembly for Wales, a deposit of £500 must be paid but no subscribers are required. For Northern Ireland Assembly elections 10 subscribers are required plus a £150 deposit.

2.36 For local elections in England, Wales and Northern Ireland all nomination papers must be subscribed by a proposer, seconder and eight subscribers while there are no deposits. No subscribers are required for local elections in Scotland but nomination papers require a single witness. The following table shows the varying number of subscribers required for each election in the UK.

Table 1: Number of subscribers required at elections in the UK

Election	Subscribers
UK Parliament	10
European Parliament	0
Scottish Parliament	0
National Assembly for Wales	1 (candidate can sign)
Northern Ireland Assembly	10
Greater London Authority	Mayor: 330 (10 from each London Borough and 10 from City of London) Constituency and list members: 0
Police and Crime Commissioners	100
Local, Mayoral and Parish elections in England and Wales	Local: 10 Mayoral:30 Parish: 2
Local elections Northern Ireland	10
Local elections Scotland	0

2.37 Altogether 191 candidates were nominated and stood for election as Police and Crime Commissioners in the 41 police areas in England and Wales

in 2012. Of these 54 (28%) were independent candidates. The requirement to obtain a large number of subscribers proved difficult for many. After the elections four in 10 (44%) candidates said it was difficult to get the number of subscribers required to secure their nomination. This percentage increased for independent candidates where 74% either agreed or tended to agree that it was difficult. In contrast 29% of candidates standing on behalf of political parties said they found it difficult to get the required number of signatures. Feedback received from Local Returning Officers after the election confirmed that some candidates had difficulty in completing their nomination papers. In some cases they reported that staff had to spend a considerable amount of time verifying that subscribers were registered electors and that better use could have been made of their time in the run up to polling day.

2.38 There are some anomalies in how the subscriber system has developed for elections in the UK. There is inconsistent practice both within and across the different jurisdictions of the UK. Those who have expressed views to us on this issue previously have suggested that there are too many different subscriber systems in place and the system is in need of modernisation. Others are of the view that the system has stood the test of time and has worked reasonably well and is understood by candidates.

2.39 The requirement for signatures imposes a demand on the resources of both the candidate in securing the signatures and of the Returning Officer in verifying them. The Returning Officer must check that each subscriber is on the electoral register, that their elector number is correct and their address is in the relevant electoral area. This is a more stringent requirement than for candidates, whose address and other details on the nomination form are to be taken at face value by the Returning Officer. In the past, electoral administrators have said that the verification process places an unnecessary administrative burden on staff and is time consuming. After the 2007 Assembly election in Northern Ireland the Chief Electoral Officer said staff had to check and verify over 2,500 signatories within a short space of time and that this was disproportionate to the value of the exercise. Similar concerns were again raised by Police Area Returning Officers after the elections for Police and Crime Commissioners in November 2012.

2.40 In the case of candidates nominated by political parties (registered with the Commission under PPERA) it could be argued that the nomination in itself serves as an indication of sufficient seriousness and is evidence that the candidate likely enjoys the political preference of some potential voters. The nomination process within some political parties can be stringent and can serve as a greater indication of political seriousness than the ability to get 10 individuals to sign a nomination paper. Even for candidates who run as independents, the reality is that the ability to secure 10 signatures as part of the nominations process does not of itself necessarily demonstrate any real electoral support. It could be argued that the requirement is more a measure of a candidate's administrative ability than their electoral support.

2.41 The requirement for compulsory registration of political parties may provide a basis for suggesting that the subscriber system could be abolished for party candidates. Legislation introduced in the Republic of Ireland following

a 2001 High Court case made a distinction between those standing for election as the representative of a registered political party and independent candidates, with only the latter having to find subscribers. As a result, a registered political party candidate wishing to stand for election to the Irish Parliament can self-nominate provided they are in receipt of a certificate of political affiliation, Independent candidates on the other hand must obtain 30 signatures or lodge a deposit of €500 before they can do so. Similar arrangements exist for local government elections, although the number of signatures required falls to 15 with the deposit set at €100.

2.42 In the UK, every registered political party is required to have a Nominating Officer who must approve, or authorise someone else to approve, a person to stand on behalf of that party and enable the candidate to use the party's registered name, descriptions and/or its emblem. Approval from the party, evidenced by verification by their Nominating Officer, would be an alternative to the subscriber system.

2.43 There are no by-elections to the Northern Ireland Assembly or local Councils in Northern Ireland. Instead a system of substitution operates for members elected to the Northern Ireland Assembly and local councils. This means that if an elected representative is deceased or gives up his or her seat the vacancy is filled by the nominating officer of the party selecting a replacement without a by-election taking place. In these circumstances there is no requirement for subscribers. As such the person nominated does not have to demonstrate any electoral support as the subscriber system purports to do. Similar rules apply for independents and for vacancies to the European Parliament with by-elections only held for vacancies to the UK Parliament.

2.44 On the basis of the evidence outlined above it appears that the current subscriber system may no longer serve the purpose for which it was originally intended. It is difficult to defend a system with so many variants and inconsistencies and where there is no clear rationale for these. A degree of harmonisation throughout the UK, but taking into account variances because of electoral systems used, would be beneficial from a candidate, electoral administrator and voter perspective.

The Commission invites comments on the following issues and would welcome further suggestions:

- Does the subscriber system used at elections in the UK serve a useful purpose? If so, what and how?
- Does the subscriber system create additional hurdles for independents which might result in their non-participation in elections?
- What is the value of candidates of political parties registered with the Electoral Commission under PPERA continuing to be asked for their nomination papers to be subscribed?

- Is there any value in continuing to ask independent candidates to have their nomination papers subscribed? If so, how many subscribers should there be? Should the numbers vary depending on the nature and type of election?
- Should there be a direct correlation between the number of subscribers and the deposit required for nomination? Should the number of subscribers be increased if the deposit is abolished?
- Should potential candidates be given a choice of using subscribers or paying a deposit?

Please provide any evidence and further information to support your views.

Deposits

2.45 A system of financial deposits applies to most public elections in the UK. Under a deposit system anyone who wishes to be included on the ballot paper must lodge a specified amount of money with the electoral authorities. If a candidate obtains the required percentage of the vote the deposit is refunded. Different elections have different thresholds as set out in Table 2.

2.46 Deposits are required for most electoral contests in the UK including those for the UK Parliament, European Parliament, Greater London Authority, Mayoral and Police and Crime Commissioners. They are also applicable for candidacy at the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly. Deposits are not required for local elections in the UK. The following table shows the size of deposit required and the threshold of votes necessary for a deposit to be returned.

Table 2: Size of deposit required and threshold of valid votes necessary for return of deposit

Election	Deposit Size	Threshold
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UK Parliament	£500	5%
European Parliament	£5,000	2.5% (for individual or party list) 2.5% of quota in Northern Ireland
Scottish Parliament	£500 for constituency candidates, individual regional candidates or a party's regional list	5% or, in the regional election, if an individual or party list candidate is elected
National Assembly for Wales	£500 for individual or party list	5% (for individual or party list)
Northern Ireland Assembly	£150	25% of the quota STV threshold
Greater London Authority -Mayor -constituency member -individuals and list candidates	£10,000 Mayor £1,000– constituency member £5,000 individual or party list candidate	5% Mayor 5% constituency member 2.5% individual or party list candidate
Mayors elsewhere in the UK	£500	5%
Police and Crime Commissioners	£5,000	5%

2.47 The traditional argument put forward in support of a deposits system is that it is the best available deterrent to put people off standing for election who are not serious in their intent. However, it has been suggested to the Commission in the past that the size of the deposit at some elections acts as a deterrent and inhibits participation by independent candidates and those from smaller registered parties. In feedback to the Commission after the November 2012 PCC elections, almost four in 10 (39%) candidates said it was difficult to raise the £5,000 required to stand; this increased to 58% for independent candidates, compared to 29% for candidates who stood on behalf of a political party.

2.48 There is less evidence of this deterrent effect at elections requiring smaller deposits such as at the UK Parliamentary and those to the devolved institutions in Scotland, Wales and Northern Ireland. In 2008, for example, 26 candidates stood in the 2008 Haltemprice and Howden UK Parliamentary by-election and only three retained their deposit.

2.49 The following table shows the number of deposits lost by a sample of political parties at the 2005 and 2010 UK Parliamentary elections.

Table 3: Number of deposits lost by sample of political parties at the 2005 and 2010 UK Parliamentary elections

	2005	2005	2010	2010

Party	Lost Deposits	Value £	Lost Deposits	Value £
British National Party	85	£42,500	265	£132,500
Conservative Party	5	£2,500	2	£1,000
Democratic Unionist Party	0	0	0	0
English Democrats	24	£12,000	106	£53,000
Green Party (Eng)	163	£81,500	328	£164,000
Independents	165	£82,500	165	£82,500
Labour Party	0	0	5	£2,500
Liberal Democrats	1	£500	0	0
Plaid Cymru	8	£4,000	10	£5000
Scottish Nationalist Party	0	0	0	0
Sinn Fein	4	£2000	4	£2000
UK Independence Party	458	£229,000	458	£229,000
Others	473	£236,500	544	£272,000
Total	1,386	£693,000	1,887	£943,500

2.50 At the last two UK Parliamentary elections the Conservative Party, the Labour Party and the Liberal Democrats lost 13 deposits between them amounting to £6,500. The UK Independence Party (UKIP), the British National Party (BNP), English Democrats, the Green Party (England) and Independents lost 2,217 deposits equating to £1,108,500.

2.51 When the issue of deposits was last considered by the Commission we recommended two options for dealing with them. Our preferred option was to abolish them altogether but we also proposed an alternative option which was to introduce a standard deposit for all elections not exceeding £500 and a reduction in the forfeiture threshold from 5% to 2%. This option was included in the Electoral Administration Bill in 2005 but was not legislated for as there were concerns expressed during Parliamentary debate about the potential for some candidates or political parties to exploit the proposed system for self-promotion rather than a genuine desire to be elected.⁸

2.52 At the time, the House of Commons Library carried out research into the implications of reducing the deposit from 5% to 2% in the context of the 2005 UK Parliamentary election. The findings showed that:

⁸ There are 392 political parties registered to contest elections in the UK, of which 11 parties have representation at Westminster. There are also five independent MPs.

- The main parties would not have been significantly affected by reducing the threshold from 5% to 2%.
- The principal beneficiaries would have been the UKIP, the Green Party (England) and the BNP.
- UKIP would notionally have saved 302 more deposits at the 2% threshold, equivalent to savings of £151,000. The Green Party (England) would have saved 131 deposits equating to £65,000 and the BNP 73 deposits totalling £36,500.

2.53 The extent of the problem that deposits seek to 'solve' is less straightforward to quantify. Deposits are not required for local elections yet there is no evidence that large numbers of non-party candidates have used the absence of a financial deposit as a reason for standing. The number of candidates standing to promote a particular cause or issue and not expecting to be elected is difficult to ascertain, although such candidates appear to be more prevalent at UK Parliamentary by-elections when there is a much greater and more concentrated media attention.

2.54 In 2001 the deposit system was challenged in the Republic of Ireland on the grounds that it impeded the constitutional right of an individual to stand for election. It was suggested that human rights issues relating to freedom of expression may be a relevant factor with regard to deposits. In *Redmond –v- Minister for the Environment and the Attorney General* the High Court in Ireland found in favour of an unemployed elector who successfully argued that his right to stand for election to the Irish Parliament was affected by the level of deposit and the threshold for forfeiture⁹. As a result, candidates standing for Parliament, who are not members of a registered political party, must obtain 30 subscribers to support a nomination or pay a €500 deposit.

2.55 Deposits also raise matters of administrative practice and their value has been questioned by some Returning Officers. In Northern Ireland, for example, the Chief Electoral Officer has questioned the value of collecting a large number of small deposits (£150) from candidates standing for election to the Northern Ireland Assembly. At the 2011 Assembly election £32,700 was collected in deposits from 218 candidates of which £24,300 (162 deposits) were subsequently returned with the balance of £8,400 (56) being paid to HM Treasury. After the 2007 Assembly election the Chief Electoral Officer recommended to Government through the Northern Ireland Office that both deposits and subscribers be abolished for elections in Northern Ireland.

2.56 In 2008 the Northern Ireland Office issued a consultation paper entitled *Improving the administration of elections in Northern Ireland*. Two of the issues on which views were sought were deposits and subscribers. Respondents to the consultation were largely in favour of abolishing the

⁹ In contrast, in 2006 the European Court of Human Rights rejected a challenge against payment of a required deposit to stand as a candidate reasoning that the deposit was an acceptable restriction with the legitimate aim of enhancing the responsibility of candidates and avoiding unreasonable outlay of public funds. See *Sukhovetsky v Ukraine* [2006] ECHR 265

subscriber system but favoured increasing deposits. The Government advised the Commission that it wished to conduct an equality impact assessment on the issue before proceeding, however the matter remains unresolved.

2.57 Currently the law provides that a deposit be paid either by a banker's draft, legal tender or any other manner approved by the Returning Officer. Over recent elections candidates have expressed the view that the system for dealing with deposits should be brought into line with modern banking procedures. This would enable deposits to be paid by debit and credit cards or by using the BACs system, which would in turn enable deposits to be returned to candidates soon after the election provided the necessary threshold was met. The Electoral Administration Act 2006, and other equivalent legislation, changed the law to explicitly enable Returning Officers to accept payment by card or electronic transfer. However, not all of them currently do so. Doing so would help address the potential security implications of large amounts of cash being deposited with Returning Officers prior to the close of nominations.

The Commission invites comments on the following issues and would welcome other suggestions.

- Is a deposits system a useful deterrent against candidates standing for election for commercial purposes and not expecting to be elected?
- Do you think that a deposits system either deters or disadvantages independents or candidates from smaller parties from standing for election?
- Do you consider that the advantages of a deposit system are outweighed by the disadvantages?
- Should the deposit required at an election be the same for all candidates or varied for independent candidates and/or by the size of the political party? Would this encourage greater participation?
- If deposits are retained, should there be a sliding scale depending on the type of election or should there be a maximum deposit regardless of the election being contested, or a standard deposit for all types of elections?
- Would reducing the threshold for forfeiture encourage wider participation?
- What alternative methods of payment should be available for paying a deposit? Should all Returning Officers be obliged to offer a range of alternatives?

Please provide any evidence or further information to support your views.

Candidate descriptions

2.58 The Registration of Political Parties Act 1998 introduced the registration of political parties on a voluntary basis. The Act introduced restrictions on the descriptions candidates were permitted to use on the ballot paper. This followed a number of cases where candidates stood under misleading party names. PPERA consolidated the restrictions by making the registration of parties compulsory and prevented independent candidates from including any description of their beliefs beyond the term 'independent'. Candidates for parish, town and community council elections were exempted from the requirements for registered political parties and continue to be able descriptions of up to six words, even if not standing for a registered party.

2.59 This means that, with the exception of parish, town and community council elections, only registered political parties are permitted to use a description on the ballot paper. Non-party candidates are allowed the word 'Independent' (and/or 'Annibynol' in Wales) only. When the legislation was being debated it was acknowledged that it imposed restrictions on non-registered political parties and independents. However, this was considered necessary to incentivise parties to register with the Electoral Commission.

2.60 PPERA aims, amongst other matters, to :

- Place political parties within the regulatory control of the Electoral Commission and increase transparency with regard to political party finances; and
- Protect the specific identity of registered political parties (party names, descriptions, emblems).

2.61 It became necessary to protect a party's identity following a number of high profile cases where it was thought that the description used by some candidates had the primary objective of confusing the electorate. The Literal Democrats case¹⁰ is probably the best known and resulted in an election petition after the 1994 European Parliamentary election. The election court ruled that the Returning Officer had no power to reject a nomination paper in such circumstances¹¹. The 1997 UK Parliamentary election saw a further spate of candidates using misleading names including New Labour, or Conservatory and Liberal Democrat Top Choice. To curb future activity of this type the Registration of Political Parties Act 1998 was introduced. The restrictions in this Act were tightened further by PPERA (2000) when the compilation and maintenance of the register of political parties passed to the Electoral Commission.

2.62 There are a number of benefits to registering a political party including the ability to register and protect a party name, up to 12 descriptions for use

¹⁰ <http://www.independent.co.uk/news/letter-of-the-law-backs-literal-democrat-1439807.html>

¹¹ *Sanders v Chichester* (1995) 92(3) L.S.G. 37; (1995) 139 S.J.L.B. 15; Times, December 2, 1994

on ballot papers and the use of three emblems. However, these benefits must be balanced against the requirement that registered parties must comply with the reporting requirements set out in the PPERA¹².

2.63 Those that do not register a political party – and therefore can only stand independent candidates – are free from the burdens of the regime, but equally enjoy none of the benefits of registration. In that, they are not permitted to use a description or emblem on the ballot paper. Allowing independent candidates to use a description would therefore remove one of the incentives to register. Regulating independent candidates could also prove challenging. There would be no way of ensuring that candidates standing as independents were not part of a ‘collective’ operating under a shared banner. When PPERA was going through Parliament, concern was raised that such a ‘collective’ could deliberately circumvent the financial reporting rules and be a political party in all but name. This contributed to the decision to restrict the use of descriptions to registered political parties

Independent candidates

2.64 Independents have a long standing place in the political system of the UK. Before the introduction of PPERA candidates were entitled to use a six word description on the ballot paper. Removing the ability for independents to have a description was a deliberate measure to prevent them from enjoying the same advantages of a registered party candidate without being subject to the regulatory demands.

2.65 In our 2003 report *Standing for election in the United Kingdom* we concluded that the current system placed independent candidates at an electoral disadvantage compared to party candidates. We therefore recommended to Government that independent candidates should be permitted to use a definition of no more than six words on the ballot paper but there would need to be a regulatory process to oversee this.

2.66 When we last consulted about this issue many were of the view that PPERA had gone ‘too far’ and had failed to strike the right balance between avoiding confusion for voters and enabling candidates to describe themselves effectively on the ballot paper. The majority of political parties, local authorities and others consulted at the time were generally supportive of liberalising PPERA in relation to independents’ descriptions. Most were in favour of general liberalisation for all elections although others were of the view that it should be restricted to local elections.

2.67 In recent years the number of independent candidates contesting elections has increased. As Table 4 illustrates, although fewer than 10 per cent contest some elections, the percentage was significantly higher for the

¹² Quarterly returns detailing loans and donations and a full statement of accounts annually; there are also reporting rules during the regulated period at UK Parliamentary general elections and other elections

first Police and Crime Commissioner elections in England and Wales, held in 2012. Given the variety of elections held in the UK, there is no evidence to suggest that the number of independent candidates contesting these elections will decrease at future elections. Consequently, the restrictions placed on the use of descriptions would likely impact a greater number of candidates.

2.68 The Commission recently carried out a review of the legal framework for regulating party and election finance¹³. This considered changes that could be made to the regulatory regime to make it more effective, proportionate and to reduce burdens on the regulated community. As part of this review we explored whether independent candidates could use a description without undermining the essence of PPERA – registration, financial reporting and protecting the identity of political parties. The review concluded that a way could not be found of allowing independents to use a six word description. Doing so could undermine one of the incentives for registering as a political party, and would therefore be incompatible with the current regulatory system. We did not examine the issue in further detail because the regulatory review was focussed on improving the current framework rather than looking at wider scale reforms.

2.69 We would welcome your views on how we could retain an effective regulatory framework whilst giving non-party candidates other opportunities to present to the electorate the platform on which they stand. We have identified a number of issues that could have implications for candidates, electoral administrators and the Commission if independents were given the use of a description. These include:

- independents using similar descriptions and causing voter confusion
- duplication of effort with candidates having to contact the Commission and the Returning Officer about a description
- a reluctance by Returning Officers to have discretion in this area (to approve/reject descriptions)
- guaranteeing against independent candidates being a *de facto* party
- inconsistent application of the rules across the UK
- resource implications for electoral administrators and the Commission

2.70 The number of independent candidates standing at recent elections shows that the management of independents' descriptions could represent a sizeable workload.

¹³ Electoral Commission, *A regulatory review of the UK's party and election finance laws: Recommendations for change*, (June 2013), page 18
http://www.electoralcommission.org.uk/__data/assets/pdf_file/0003/155874/PEF-Regulatory-Review-2013.pdf

Table 4: Numer of independent candidates

Election	No. of independent candidates
Police and Crime Commissioner 2012	54 (28%)
National Assembly for Wales 2011	5 (3%)
Scottish Parliament 2011	11 (9%)
Northern Ireland Assembly 2011	15 (7%)
UK Parliamentary 2010	330 (8%)
UK Parliamentary 2005	177 (5%)
UK Parliamentary 2001	137 (4%)

We invite comments on the following and would welcome other suggestions

- Are there ways in which independent candidates could be allowed to use a six word description without undermining the regulatory regime for political parties?
- If so, how could descriptions for independents be administered in a proportionate way?
- What opportunities (other than descriptions) could be used by independents to communicate what they stand for to the electorate?

Please provide any evidence or further information to support your views.

3 Candidate benefits

3.1 There are significant benefits accruing to candidates standing for some elections in the UK. These include, in some instances, a free mailshot of campaign material, the free use of rooms for public meetings and a free copy of the electoral register for the electoral area being contested. Candidates from registered political parties also have the opportunity to have a description and party emblem on the ballot paper. Parties may also qualify for party election broadcast(s) (PEBs) provided certain criteria set by broadcasters is met. The following table summarises the current benefits.

Table 5: Benefits for candidates

Election	Candidate mailings	Free use of rooms	Copy of register	Election broadcasts**

UK Parliament	Yes	Yes*	Yes	Yes
European Parliament	Yes	Yes*	Yes	Yes
Scottish Parliament	Yes	Yes	Yes	Yes
National Assembly for Wales	Yes	Yes	Yes	Yes
Northern Ireland Assembly	Yes	No	Yes	Yes
Greater London Authority	Yes for mayoral candidates No for Assembly candidates	Yes	Yes	Yes
Mayoral elections	Yes	Yes	Yes	No
PCC elections	No	Yes	Yes	No
Local elections England and Wales	No	Yes	Yes	Yes
Local elections Scotland	No	Yes	Yes	Yes
Local elections Northern Ireland	Yes	No	Yes	Yes

*Not applicable in Northern Ireland

**Certain criteria need to be met before PEBs are granted. PEBs are allocated to parties but candidates benefit from these.

Candidate mailings

3.2 Candidates at UK Parliamentary elections have traditionally distributed a written statement of their political views and intentions to every voter in the constituency in which they are standing for election. The recommendation of the 1918 Speaker's Conference was embodied in the Representation of the People Act 1918:

'Any candidate at a parliamentary election shall, subject to regulations of the Postmaster-General, be entitled to send, free of charge for postage, to each registered elector for the constituency, one postal communication containing matter relating to the election only, and not exceeding two ounces in weight.'

3.3 In most elections with large geographic constituencies, candidates are provided with a means of raising awareness among voters that they are standing for election and what their policies are. The provisions for free

candidate mailings are now consolidated into Section 91 of the Representation of the People Act 1983 as amended. Candidates at a UK Parliamentary election, at a European Parliamentary election and those standing for election to the Scottish Parliament, the Northern Ireland Assembly and the National Assembly for Wales may choose whether to send an unaddressed communication to every postal address in the constituency or one addressed communication to each elector.

3.4 In Northern Ireland the same opportunity is afforded to candidates standing for election to local councils but this entitlement is not available in England, Scotland or Wales. Local elections in Northern Ireland are held under the STV voting system and use District Electoral Areas (DEAs) which typically comprise five or six wards. This means that candidates have a much larger geographical area to canvass than their counterparts in England and Wales. Scotland has used STV for local elections since 2007 but the rules currently do not allow for free candidate mailings although the issue has been raised by politicians there from time to time.

3.5 It should be noted that candidates at elections with provision for free candidate mailings are still financially responsible for the design and printing of the election communication and for addressing these. The Royal Mail vets the content of the material before it is printed to ensure it meets standards of decency and is responsible for posting the communications. The name and address of the printer and promoter as well as the person on behalf of whom the material is being published must appear on the election communication. This is often referred to as 'the imprint'. This requirement has the objective of ensuring that 'campaign' material is clearly identifiable, and those responsible for it are contactable.

3.6 At London Mayoral elections the Greater London Returning Officer produces a booklet which includes all the election addresses of the mayoral candidates who want to be included and this is sent to all registered voters in the area. Those who do not want to take part are referenced in the booklet to say they declined to be included. Candidates contribute to the production costs of the booklet, which was £10,000 per candidate at the 2012 elections, but postage is paid for by the Greater London Returning Officer. The primary legislation that made provision for the London Assembly elections did not allow for free mailings for constituency or London-wide candidates.

3.7 Candidates at Mayoral elections in England are also entitled to a free candidate mailing, but may be required by the Returning Officer to contribute to the cost of printing the booklet. The amount of the contribution is decided by the Returning Officer.

3.8 At major elections in the UK candidate mailings comprise a significant proportion of the overall cost of an election. For the 2010 UK Parliamentary election, candidate mailings in England and Wales amounted to approximately £29m out of a total spend of £99m (29%). In Northern Ireland the cost was just over £700k and in Scotland it was just over £2m. In total just over £31m was spent on candidates' free mailings at the 2010 UK Parliamentary election. It is likely that the cost of candidate mailings and the pressure this places on

public finances led the Government to consider adopting an alternative approach for the PCC elections.

3.9 Those standing in PCC elections were not entitled to free candidate mailings and information about candidates was instead made available online or in hard copy on request. This approach marked a significant change from the tradition of providing candidates in most elections with support to help them communicate with voters, such as a publicly funded mailing of a locally distributed booklet with addresses from each candidate. In the run up to the elections the Commission said it was concerned about the Government's proposal to publish candidates' election addresses online. We suggested that this was not the most effective way of ensuring that all voters, especially those who did not have regular internet access, knew about candidates standing in their area.

3.10 Following the low turnout (15.1%) at the PCC elections, we commissioned public opinion research to explore the reasons why people did not vote. The most commonly cited reason for not voting related to a lack of awareness (37%), primarily a lack of information about the elections and not knowing who the candidates were or where to find information about them. In our report on the PCC elections we said that the decision to limit public support to candidates in getting information about themselves to voters, so that candidate information was provided primarily by a website, was a mistake. Lack of information was cited as a reason for not voting in the election by more than five times as many non-voters at the PCC elections than at the May 2012 local elections.

3.11 Similar concerns were raised by candidates. After the election we issued a postal survey to all 191 candidates and 96 responded. Only 3% either agreed or tended to agree that they were satisfied with the Government's arrangements for communicating the views of candidates to voters. There was space on the survey for candidates to add further comments. The most common additional comment related to the absence of a candidate mailshot. Candidates felt strongly that electors were not given sufficient information about the elections and that this had contributed to the low turnout.

3.12 The UK Government said it was difficult to justify the type of mailings used for the UK Parliamentary and European elections and that the estimated cost of £35m¹⁴ could not be justified, although the Commission disagreed with this figure¹⁵. Instead the Government decided to host candidate information on a central website with printed versions available on request via an automated phone line. The law allowed each candidate to have a separate

¹⁴ Postage for election mailings from each PCC candidate to each elector could have cost as much as £35 million in total, and even posting a consolidated booklet to every elector, as happens in mayoral elections, would cost approximately £12 million' Nick Herbert MP, 26 June 2012, Second Delegated Legislation Committee at Col 4

¹⁵ Whilst the Government maintained its position regarding the high potential cost of an election mailing, the Electoral Commission's door drop management supplier suggested that, even being generous with the figures; £9-10 million would be a fairer estimate of the cost.

election address with the content approved by the relevant Police Area Returning Officer. Expenses incurred by a candidate in terms of the hosting and publication of the election address on the website were not considered reportable expenses for the purposes of the election. The law also allowed the Government to take whatever steps were appropriate to promote public awareness of the website and the availability of printed and other versions of election addresses. It also allowed the Electoral Commission to provide information on how to access the website.

3.13 During the public information campaign period the Commission established a helpline that received 23,000 calls. The top three questions raised by voters were 'Why can't I access candidate information yet?' 'Who is standing in my area?' 'Who are the candidates?'

3.14 At the same time the Home Office website, choosemypcc.org.uk, received 1.9 million visits between 5 October and 15 November 2012, with just over 122,000 people ordering printed candidate information. Taken together, and assuming every person who visited the website viewed relevant candidate information, this was equivalent to just 5.6% of the eligible electorate.

3.15 Candidates who responded to our post-election survey also said the public was not given sufficient information about the elections overall or individual candidates and that this may have contributed to low turnout. Candidates were of the view that this mainly related to the absence of a candidate mailshot.

3.16 Some candidates also said that the cost of organising a mail shot for an individual was prohibitive. A number had also been told by voters that they were unhappy voting in an election where they did not have information about all of the candidates. Relying on online information alone was felt to be inadequate and this had disenfranchised certain groups of voters including older people and those without internet access. Candidates were also of the opinion that even those voters with internet access seemed unwilling to access this type of information.

3.17 A number of issues with candidate mailings also arose at the combined Assembly and local government elections in Northern Ireland in 2011. A number of parties were of the view that candidates from the same party, standing for both the Assembly and local government, should have been allowed one election address to cover both. This would have made better use of their limited resources by saving on printing costs and would have given them the option of delivering an Assembly and local government message on the same communication.

3.18 Legislation governing candidate mailings stipulates that an election communication must only contain 'matter relating to the election'. This therefore had the effect of prohibiting candidates from using their entitlement to issue a single election communication covering the Assembly and local government elections.

3.19 In elections to the National Assembly for Wales, one election communication may be sent by each constituency or individual regional candidate or on behalf of a party list of regional candidates, free of charge, to each elector or delivery point (normally a property address) in the relevant constituency or electoral region. In our 2007 report on the Assembly elections¹⁶, we reported that political parties were unclear whether their election leaflets could call on people to vote for party candidates in both the constituency and regional elections. The feedback we received from certain parties and some candidates in 2011 indicated that they were still unclear about whether leaflets could include text such as 'vote twice' for a particular party.¹⁷

The Commission invites comments on the following issues and would welcome further suggestions.

- Should the practice of sending free candidate mailings to all registered voters/ households be continued for all Parliamentary/Assembly elections in the UK?
- Should there be consistent practice with candidate mailings in the UK or should practice depend on the nature and type of the election being contested?
- Should greater use be made of on-line candidate addresses or co-ordinated booklets containing this information rather than each elector being sent a separate address from a large number of candidates?
- Should legislation be changed to allow for greater flexibility with candidate mailings in circumstances where elections are combined?

Please provide any evidence or further information to support your views.

Party election broadcasts

3.20 Party election broadcasts provide an opportunity for political parties to disseminate their message to a potentially large audience at election time. Paid political advertising on TV and radio by political parties is prohibited under law. Under the Broadcasting Act 1990 a legal framework was established for party political broadcasting. However the criteria set for broadcasts is set by the broadcasters themselves.

¹⁶ The Electoral Commission, *The Official Report on the National Assembly for Wales elections 3 May 2007* (July 2007).

¹⁷ The Electoral Commission, *Report on the National Assembly for Wales general election 5 May 2011* (October 2011).

3.21 The eligibility criteria set by the broadcasting authorities ahead of each election typically enable a party that is registered with the Commission to be awarded a party election broadcast (PEB) if they field candidates in at least one sixth of seats, with parties being eligible for more than one broadcast if they can demonstrate evidence of current and/or previous electoral support. For BBC and ITV criteria are set for each nation (i.e. Scotland, Wales, Northern Ireland, England) for all elections, including the UK General Election and European elections. For UK-wide broadcasters that do not split their broadcast signal in this way, such as channels 4 and 5, criteria as set on a UK-wide basis.

3.22 For the London Mayoral election, the BBC's eligibility criteria for party election broadcasts included a requirement that for individual candidates to receive a broadcast they needed to be able to demonstrate substantial current electoral support in London. Under the Ofcom rules, in relation to the Greater London Authority elections, 'major' political parties are offered a broadcast. In addition, under the Ofcom rules, other candidates can qualify for party election broadcasts subject to various criteria, including evidence of past and/or current electoral support.

3.23 Section 11 (3) of the Political Parties, Elections and Referendum Act 2000 (PPERA) specifies that the BBC must have "due regard" to the views of the Electoral Commission when determining policy on PEBs. Section 333 of the Communications Act 2003 places a similar duty on the office of communications (OFCOM).

3.24 PPERA currently precludes independent candidates from eligibility to qualify for PEBs. In our report on the 2012 London Mayoral and Greater London Authority (GLA) elections we said we would discuss with Ofcom ahead of the 2016 GLA election whether there is scope within the current law for introducing more flexibility in the criteria for the allocation of PEBs to enable independent candidates to qualify for them.

3.25 We are pleased that Ofcom in its review of the Rules on Party Political and Referendum Broadcasts agrees that independent candidates should in principle be eligible for a PEB if they meet the qualification criteria set by the broadcasting authorities. We see no reason why an independent candidate at a London mayoral election should be treated differently from a party candidate and believe the current situation is exclusionary and against the principle of participation in elections. In this regard we believe that s37 of PPERA should be amended to allow independents to be given party election broadcasts. We have asked the Government to amend the law at the earliest available opportunity ahead of the 2016 elections.

3.26 Changing the law may not in itself increase access to PEBs for independent candidates at London Mayoral elections – it would just remove any question of a legal barrier to them receiving one - and it is worth noting that the criteria used by the BBC for the 2012 Mayoral election assumed that an independent candidate could receive them (legal issues have been raised subsequently). The difficulty for independent candidates is that they may start an election campaign with a very low profile and any support they are

able to demonstrate will come closer to polling day and after the broadcasts have been awarded. While in some respects this is not a dissimilar problem to the challenges new parties face, a mayoral candidate standing on behalf of a party could benefit from a broadcast on the basis of the number of candidates they were fielding at the election (an option clearly not available to independent candidates).

3.27 The Commission has consistently supported the criteria proposed by the broadcasting authorities because they render the threshold sufficiently high to reduce the risk of non-serious candidates from standing for the benefit of receiving a broadcast (e.g. for commercial gain). Alternative criteria to those in the existing rules, that would oblige the allocation of broadcasts to more independent candidates, would be likely to involve a greater level of judgement by the broadcasters than at present about the support for particular candidates. For example, opinion polls are already often used to assess the support for candidates. It is difficult to see what additional evidence could be used to make such decisions in future and there is a risk that it would therefore involve broadcasters making a judgement about the credibility of candidates. Conversely, the criteria used at the elections in 2012 were relatively inflexible and did not, for example, allow broadcasters to reflect the specific circumstances of the election by awarding a broadcast to the only independent candidate standing (unless they could demonstrate past / current electoral support).

3.28 A separate issue is the regionalisation of broadcasts. Changes in the electoral landscape such as the increase in popularity of regional parties in some areas, for example, may provide a case for enabling a party who is fielding a significant number of candidates in that region to be eligible for a regional broadcast. Mayoral election outside London in major conurbations might also provide an opportunity for broadcasts related to these contests. In both cases this would be far from straightforward, however, as the broadcast footprints of the main BBC and ITV do not map onto electoral boundaries and informal conversations with broadcasters have suggested there would be other workability issues to consider (e.g. how many different broadcasts political parties would need to produce and the associated costs with doing so).

- Is there any evidence to suggest that regional broadcasts could be workable at elections other than the London elections?
- Are there any changes to the current criteria for awarding broadcasts to independent candidates that would reflect the difficulties they have in demonstrating current electoral support, while preventing the likelihood of non-serious candidates from standing?

Please provide any evidence or further information to support your views.

Access to the electoral register

3.29 Outside an election period, political parties and local constituency parties are entitled to the full register at any time on making a written request, irrespective of whether an election has been called or not. Parties require access to the register on an on-going basis to meet the requirements of PPERA to confirm the permissibility of individual donors.

3.30 At election time, once a person becomes an official candidate, both party and independent candidates are entitled to a free copy of the register and the lists of people voting by post or proxy. Strict legal restrictions apply to the use of information in the full register and absent voter lists. A person who has been supplied with a copy of the register must not pass a copy to any other person, must not disclose any information contained in it and must not use it for any purpose other than an electoral one. It can be used to help complete nomination forms, help with an election campaign and check that donations and loans are permissible.

3.31 Independent candidates perceive they are disadvantaged in respect of access to the register. Because they only have access to it after the last day for publication of the notice of election, they have less time to campaign and identify potential subscribers. This is more of a problem when large numbers of subscribers are required such as for elections for Police and Crime Commissioners or for the Great London Authority.

3.32 We have previously recommended that independent candidates should be able to access – for the purpose of completing nomination papers – the full electoral register on the same terms as candidates standing for election on behalf of a registered party. Party candidates are advantaged in that the party they are standing for is entitled to a copy of the register at any time. This would mean that those who have expressed an interest in standing as an independent candidate would have early access to the register that is in force on the last day for publication of notice of election. This is the register independents need to refer to for the purposes of completing their nomination papers and would ensure greater equality of treatment for all candidates. This could work in practice by allowing independent candidates the opportunity of signing a declaration stating that they intend standing as an independent and that they will abide by the legal restrictions on the use of the register.

3.33 There is a potential risk that some people would falsely declare that they intended to be a candidate in order to obtain the register to use for some other purpose. The register may only be used by candidates for electoral purposes, including campaigning, identifying subscribers for their nomination and checking the permissibility of donations. Using information contained in the register for any other reason, or passing it on to other unauthorised people, would be an offence which could be prosecuted.

The Commission invites comments on the following issues and would welcome further suggestions:

- Should independent candidates have the same access to the register as political parties? What are your reasons for this?

- Would the current safeguards regarding the misuse of electors' personal data be adequate if access was extended?

Please provide any evidence or further information to support your views.

Emblems

3.34 PPERA allows political parties to register up to three emblems for use on the ballot paper. Once registered, no other party can use (register) an emblem identical to, or similar, to one already on the register. Further, only candidates that have been authorised to use a description from the party's nominating officer can use an emblem on the ballot paper, which is done by submitting a request to the Returning Officer¹⁸ prior to the close of nominations.

3.35 PPERA also barred independent candidates from using an emblem on the ballot paper. Like descriptions, this was introduced to protect the identity of registered political parties. As part of our regulatory review in 2013¹⁹ we explored whether independent candidates could use an emblem without undermining the essence of PPERA in protecting the identity of political parties. The review concluded that we could not find a method for emblems to be used by non-party candidates within the scope of the current PPERA framework; doing so could undermine one of the incentives for registering as a political party

We welcome any suggestions you may have with regard to independent candidates and use of emblems, taking into consideration the aims of the regulatory regime

- Are there ways in which independent candidates can use an emblem without undermining the regulatory regime?
- If so, how might the use of emblems be administered in a proportionate way?

Please provide any evidence or further information to support your views.

Free use of rooms

¹⁸ The Returning Officer has no discretion, and as long as the emblem is registered and the candidate has authorisation to use a description, the request will be approved

¹⁹

Electoral Commission, *A regulatory review of the UK's party and election finance laws: Recommendations for change*, (June 2013), page 18

http://www.electoralcommission.org.uk/__data/assets/pdf_file/0003/155874/PEF-Regulatory-Review-2013.pdf

3.36 Section 95 of the Representation of People Act 1983²⁰ gives a candidate the right to use certain school rooms or meeting rooms in other premises for public meetings in order to further their candidature at UK Parliamentary, European and local government elections²¹. It allows for the free use of a suitable room at reasonable times, subject to defraying certain expenses such as heating lighting and cleaning and any damage to the building must be paid for.

3.37 Meeting rooms are those where the expense of maintaining them is payable wholly or mainly out of public funds or out of any rate, or by a body whose expenses are so payable. The entitlement to free use of rooms does not extend to candidates standing for election in Northern Ireland.

3.38 In Great Britain electoral registration officers keep a list of all suitable meeting rooms in their area and their availability. The list can be inspected by candidates and agents from the day the notice of election is published until the day before polling day.

3.39 The entitlement to free rooms was used more in the past when candidates campaigned using local public meetings as one of their main channels of communication. Rooms are not requested as much either because candidates have more effective ways of communicating with their prospective voters or awareness of the entitlement is low.

- Is the availability of free rooms still an entitlement that candidates support or have modern communications techniques replaced the need for it?
- Do you think the entitlement needs to be clarified to explain what is available and on what basis?

Please provide any evidence or further information to support your views

²⁰ Also regulation 67 of the European Parliamentary Regulations 1999

²¹ S. 95(8) of the Representation of People Act 1983 dis-applies this right to an election in Northern Ireland.

4 Procedural issues

Alphabetical listing

4.1 The law dictates that the names of candidates appearing on the ballot paper should be placed in alphabetical order by surname. It has been suggested by some that the alphabet based ballot paper order discriminates against those candidates with surnames starting with letters towards the end of the alphabet because they appear lower down the ballot paper.

4.2 In the first local government elections held in Scotland in 2007 under the STV voting system there was a pattern of candidates of a particular party higher up the ballot paper receiving more first preference votes than their counterparts lower down the ballot paper. However in the 2012 local elections this occurred less frequently. There was a suggestion in the press that one candidate changed her surname in order to be placed above her party's other candidate, although this was a surname she used for other professional purposes. STV ballot papers often contain a large number of candidates' names because people are voting in multi seat constituencies.

4.3 In 2003 we recommended in *Voting for Change*²² that legislation be introduced to enable the piloting of alternative listing methods on ballot papers including testing the rotation of names. However the Government did not accept this recommendation.

The Commission invites comments on the following issue and would welcome further suggestions:

- Does the alphabetical listing of candidates and/or parties on the ballot papers favour certain candidates especially in multi seat constituencies?

Please provide any evidence or further information to support your views.

Positive abstention

4.4 In 2003 we examined the issue of positive abstention as part of our 2003 report 'Ballot paper design'²³. At the time we considered a range of evidence for and against the introduction of an option on the ballot paper that would allow electors to vote for a 'none of the above' option at UK elections.

²² Voting for change, An electoral law modernisation programme, *The Electoral Commission*, June 2003

²³ Ballot paper design-Report and recommendations June 2003

4.5 The current electoral system in the UK does not allow electors to register their dissatisfaction with candidates in a positive manner. Some have made the case that the inclusion of an option of positive abstention on the ballot paper could differentiate those voters who opposed all candidates, from those not able or willing to vote.

4.6 Our research at the time suggested that there would be support for positive abstention among some non-voters and that if this support fed through to action, then it could increase turnout and provide a 'barometer' by which political parties and candidates could judge the electorate's satisfaction with the choice on offer.

4.7 However, respondents to the research also raised a number of concerns with the proposal. These included that:

- having such an option could lead voters not to vote for independent candidates or smaller political parties
- electors would not use the opportunity to abstain positively and still spoil their ballot papers
- positive abstention undermined the importance of the democratic process, and that electors should, as a civic duty, choose who is to represent them – many therefore believed that such a change could be justifiable only as part of a compulsory voting system

4.8 We also found that, while positive abstention was reasonable in trade union and other non-statutory elections and ballots, there were fewer examples of it being permitted in elections to democratic state institutions. In particular, there is limited evidence around what the practical implications are if the 'none of the above' option repeatedly receives a majority of the vote.

4.9 It is now a decade since we last considered this issue, during which time, there remains significant concern about the issue of voter turnout at elections. Including an option for positive abstention on the ballot could also impact on those standing for election and how they may look to engage with voters in their constituencies. We would therefore welcome views on whether the case for including an option for positive abstention on the ballot paper has gained greater support.

- Should the ballot paper include an option for positive abstention and what should be the implication of this for the election if this receives a majority of the votes cast?

Please provide any evidence or further information to support your views

Photographs on ballot papers

4.10 Many countries around the world use photographs on ballot papers and new technology has made this process much easier over the last number of years. Those who argue in favour of coloured photographs believe it reduces unnecessary confusion especially where there are candidates with similar names, where there are a lot of independents standing or where there has been limited direct contact or communications with voters.

4.11 When this issue was last considered by the Commission in 2003 we did not reach any definitive view on the merits or otherwise of photographs on ballot papers. However we recommended the introduction of legislation to enable the piloting of photographs in order to assist with research on the matter. The Electoral Administration Act 2006 and the Local Electoral Administration and Registration Services (Scotland) Act 2006 allowed for pilots including photographs on ballot papers but, to date, no such pilots have taken place.

The Commission invites comments on the following issues and would welcome further suggestions:

- Do you think there is a case for introducing coloured photographs on ballot papers to distinguish candidates?
- How would this improve things from the voters' perspective?
- Can you foresee any problems with using photographs on ballot papers?

Please provide any evidence or further information to support your views.

Submitting nomination papers

4.12 The need for a Returning Officer to accept nomination forms at some elections in person has been raised as unnecessary. The current law is dated and does not clearly reflect modern methods of communications. At some elections, including UK Parliamentary elections, nomination papers can only be delivered in person by the candidate, their election agent or the proposer or seconder as shown on the nomination form. However, delivery in person does allow the Returning Officer or his deputy to talk to the relevant individual and it can offer candidates the chance to inspect the nomination papers of other candidates.

The Commission invites comments on the following issues and would welcome further suggestions:

- Should more flexible arrangements be introduced for the receipt of all nomination papers? Should the Returning Officer have discretion to

allow receipt by fax, email, or through an online portal or mobile phone app?

- Should the delivery of nomination papers be standardised for all elections in the UK?

Please provide any evidence or further information to support your views.

Objections to nominations

4.13 Prior to the close of nominations for election to the UK Parliament the following are entitled to raise objections.

- A candidate who is validly nominated
- An election agent of a candidate who is validly nominated
- The proposer or seconder of any candidate who is validly nominated.

4.14 A candidate may also choose one other person to attend their nomination but that person does not have the right to inspect or object to the validity of any nomination paper.

4.15 Objections do not have to be made in writing and must be made at certain times. Nomination papers delivered up until 4pm on the day before the final day for delivery can only be objected to up until 12 noon on the last day for delivery. Nominations delivered on the last day can be objected to on that day until 5pm. If the objection relates to the particulars of a candidate on a nomination paper submitted on the last day, the objection must be made at the time of delivery or immediately afterwards.

4.16 There is one exception and that is where a Returning Officer considers that a candidate may be disqualified under the RPA 1981. In such circumstances a draft statement of persons nominated is published and the deadline for objection becomes 4pm on the date after the close of nominations.

4.17 Outside of these circumstances the Returning Officer has no powers to act on an objection or to consider it in adjudicating a nomination. The Returning Officer's decision that a nomination paper is valid cannot be challenged during the election. The issue can only be challenged by way of an election petition after the election²⁴. Similar rules apply for elections to the devolved institutions in Scotland, Wales and Northern Ireland. Elections for

²⁴ However there is some authority that a Returning Officer's decision that a nomination paper is invalid can be challenged during the election. Schedule 1 rule 12(5) Representation of People Act 1983 stops challenge of the decision that a nomination paper is valid. Arguably it does not prohibit the contrary invalid decision. On this see Scott Baker J comments in R (De Beer) v Balabanoff [2002] EWHC 670 at [36] which acknowledge this possibility, albeit stating that this is an area where the courts would 'be extremely slow to interfere'.

Police and Crime Commissioners in England (outside London) and Wales used similar objections criteria.

4.18 The same procedures do not apply for local government elections in England, Scotland and Wales where candidates and the public can only scrutinise the papers after the close of nominations. However, for local elections in Northern Ireland the law permits the candidate submitting papers, a candidate who has submitted papers, any proposer, seconder or election agent for each candidate to attend and make objections.

4.19 For elections to the UK Parliament there is no clear reason why the right to object is limited to a small group associated with a validly nominated candidate. The electorate has a clear interest in knowing who has been nominated. However, the current system appears to lack accountability and transparency.

4.20 When the objections procedures were raised with stakeholders in 2003 the consensus was that they were not used very often, that they served no useful purpose and should be abolished or revised. Respondents were in agreement that the procedures should be consistent regardless of the election being contested. It was also suggested that objections should have to be made in writing and that the process should be open to scrutiny by all stakeholders.

4.21 In our report *Standing for election in the UK* we recommended that the objections procedure for nominations be replaced with an alternative system that allowed for greater scrutiny and more transparency. However, this recommendation was not taken forward by the UK Government.

The Commission invites comments on the following issues and would welcome further suggestions:

- Should the objections procedure used in respect of nominations be revised and replaced with a more consistent and transparent scheme? How do you think this should work in practice?
- Are the timeframes set for objections sufficient to meet the needs of candidates and electoral administrators?

Please provide any evidence or further information to support your views.

