



House of Commons

ODPM: Housing, Planning,  
Local Government and the  
Regions Committee

---

# Postal Voting

---

**Seventh Report of Session 2003–04**

*HC 400–I*





House of Commons  
ODPM: Housing, Planning,  
Local Government and the  
Regions Committee

---

# Postal Voting

---

## Seventh Report of Session 2003–04

***HC 400–I***

*Report, together with formal minutes*

*Ordered by The House of Commons  
to be printed on 11 May 2004*

## The ODPM: Housing, Planning, Local Government and the Regions Committee

The ODPM: Housing, Planning, Local Government and the Regions Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Deputy Prime Minister and its associated bodies.

### Current membership

Andrew Bennett MP (*Labour, Denton and Reddish*) (Chairman)

Sir Paul Beresford MP (*Conservative, Mole Valley*)

Mr Clive Betts MP (*Labour, Sheffield Attercliffe*)

Mr Graham Brady MP (*Conservative, Altrincham & Sale West*)

Mr David Clelland MP (*Labour, Tyne Bridge*)

Mr John Cummings MP (*Labour, Easington*)

Mrs Eleanor Laing MP (*Conservative, Epping Forest*)

Chris Mole MP (*Labour, Ipswich*)

Mr Bill O' Brien MP (*Labour, Normanton*)

Christine Russell MP (*Labour, City of Chester*)

Mr Adrian Sanders (*Liberal Democrat, Torbay*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at [www.parliament.uk/parliamentary\\_committees/odpm.cfm](http://www.parliament.uk/parliamentary_committees/odpm.cfm). A list of Reports of the Committee in the present Parliament is at the back of this volume.

### Committee staff

The current staff of the Committee are Kate Emms (Clerk), Libby Preston (Second Clerk), Ben Kochan (Committee Specialist), Haidee Brockway (Committee Specialist), Ian Hook (Committee Assistant), Ian Blair (Chief Office Clerk) and Emma Carey (Secretary).

### Contacts

All correspondence should be addressed to the Clerk of the ODPM: Housing, Planning, Local Government and the Regions Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 1353; the Committee's email address is [odpmcom@parliament.uk](mailto:odpmcom@parliament.uk)

# Contents

---

<b>Report</b>	<i>Page</i>
<b>Summary</b>	<b>3</b>
<b>1 Introduction</b>	<b>5</b>
<b>2 Background - Voting by post</b>	<b>7</b>
Procedure for voting by post in a traditional election	7
Procedure for voting in an all-postal election pilot	7
<b>3 Extension of all-postal voting</b>	<b>8</b>
<b>4 The impact of all-postal voting</b>	<b>10</b>
<b>5 Electoral Security</b>	<b>16</b>
Identity verification	16
Declaration of identity	19
Individual voter registration	25
Investigation of Electoral Fraud	28
Police powers	30
Punishing electoral offences	31
National database of electoral offences	32
Undue Influence	32
<b>6 Access</b>	<b>37</b>
Assistance for disabled voters	38
Delivery points	40
<b>7 Electoral Materials</b>	<b>45</b>
<b>8 Polling progress information</b>	<b>49</b>
<b>9 Infrastructure of Elections</b>	<b>54</b>
Cost	54
Insurance and Indemnity	57
The Postal Service	60
Publicity	64
Timing of elections	66
<b>10 Armed Forces Personnel</b>	<b>68</b>
<b>Conclusions and recommendations</b>	<b>71</b>
<b>Formal Minutes</b>	<b>77</b>
<b>Witnesses</b>	<b>78</b>
<b>List of supplementary written evidence</b>	<b>80</b>

**Reports from the ODPM Committee since 2002**

## Summary

The Government's programme of electoral modernisation has developed against a background of declining voter turnout. In the June 2001 General Election, turnout was the lowest recorded since the advent of universal adult suffrage; only 59.4% of the 44,403,238 registered voters chose to vote, compared with 71.4% in the 1997 General Election.<sup>1</sup> Voting by post was first introduced after World War One in order to allow service personnel stationed overseas to vote at the December 1918 General Election. Until 2000 the facility was only available to limited groups, for example, those who would be absent from the area, or who had a physical disability. In 1999 a Home Office Working Party on Electoral Procedures undertook a review of how electoral procedures might be changed to increase voter turnout. The Working Party recommended the introduction of electoral pilot schemes as a means of testing innovative voting procedures.

All-postal voting pilots have been the most popular pilot; eighty all-postal pilots have taken place in England and Wales, and four in Scotland.<sup>2</sup> Under an all-postal voting pilot, the entire electorate, whether or not they have applied to vote by post, is issued with a postal vote; there are no 'traditional' polling stations, although there may be staffed points for the completion and receipt of votes. As a result, polling is not confined to one day. The largest pilot to date will take place in 2004 when elections for local councils and the European Parliament will be combined on 10 June. Voters in the East Midlands, North East, North West and Yorkshire and the Humber regions, making up 30% of the electorate, will only be able to vote by post. This large scale pilot will answer crucial questions about the scalability, costs and security of all-postal elections. After June the Government must make a firm decision as to whether to extend all-postal voting.

Evidence shows that all-postal voting has had a positive effect, increasing turnout by an average of 15% in all but three of the pilot areas. Gateshead, South Tyneside and Sunderland more than doubled their voter turnout. It has been suggested that higher turnouts are the result of increased incidences of electoral fraud, or "personation". The independent elections "watchdog", the Electoral Commission, has evaluated each of the all-postal pilots, and although no hard evidence of greater fraud has been found, the Committee believes that steps should be taken to ensure the risk of fraud is not increased with the extension of all-postal voting. We recommend:

- Introduction of individual voter registration: Each voter's signature and a numeric individual identifier should be required to join the electoral register. A witnessed declaration of identity could be replaced with a voter-signed declaration requiring completion of the numeric individual identifier. This identifier should be verified electronically as standard practice;
- Increased resources to allow Electoral Officers to verify a sample of signatures on

<sup>1</sup> The Electoral Commission, *Election 2001: The Official Result*, July 2001, Preface

<sup>2</sup> Ev 2, HC 400-II [Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions]

returned ballot papers;

- Establishment of a national database to record allegations of electoral offences;
- Dissemination of information and guidance to police forces on electoral offences; and provision of search and arrest powers to the police to aid investigations of allegations of electoral offences; and
- More rigorous prosecution of allegations of electoral offences, and harsher penalties for those convicted.

The Government must also develop better systems to help those who may be unable to vote by post as a result of disability or literacy problems. We recommend assisted delivery points, and home assistance should be available throughout the polling period to offer impartial advice and assistance. Tactile voting devices should be redesigned to include candidates' names and political parties in Braille; and ballot material should be regulated to prevent overly complex designs.

All-postal elections rely on the reliability and security of the postal service. The Government must ensure that the Royal Mail's audit trail is rigorous and transparent. We recommend that the independent regulator, the Postal Services Commission (Postcomm), sets targets which require that the Royal Mail deliver 100% of ballot papers securely and accurately. Postcomm and the Electoral Commission should verify completion of this target through use of "seeded" ballot papers.

However, the Government must not rely on changes in the electoral system to increase voter turnout, they must also ensure engagement of electors in politics.

# 1 Introduction

---

1. The Government's programme of electoral modernisation has developed against a background of declining voter turnout. In the June 2001 General Election, turnout was the lowest recorded since the advent of universal adult suffrage; only 59.4% of the 44,403,238 registered voters chose to vote, compared with 71.4% in the 1997 General Election.<sup>3</sup> Other recent elections have produced lower results. UK turnout for the 1999 European Parliamentary elections was just 24%: average turnout at local elections is just 30%.<sup>4</sup> The decline in voting is most marked among young voters, three out of four 18-24 year olds did not vote in the 2001 General Election.<sup>5</sup> With such low voter participation, the outcome of an election may not accurately reflect the will of the electorate. The Government is therefore trying to increase voter turnout, and has conducted a review of electoral procedures in an attempt to "make elections more accessible and more efficient, whilst maintaining or increasing the security of the electoral process."<sup>6</sup> This report considers one approach adopted by the Government to make elections more accessible – postal voting.

2. Voting by post was first introduced after World War One in order to allow service personnel stationed overseas to vote at the December 1918 General Election. Until 2000 the facility was only available to limited groups, for example, those who would be absent from the area, or who had a physical disability. In 1999 a Home Office Working Party on Electoral Procedures undertook a review of how electoral procedures might be changed to increase voter turnout. The Working Party recommended the introduction of electoral pilot schemes as a means of testing innovative voting procedures. This recommendation was enacted as section 10 of the Representation of the People Act 2000, under which local authorities in England and Wales may apply for permission to run pilot schemes at particular local government elections. The Act gives the Secretary of State discretion, subject to prior consultation with the Electoral Commission, to approve such schemes.<sup>7</sup> The Electoral Commission is an independent body that was set up by the UK Parliament in November 2000. It is tasked with increasing public confidence in the democratic process within the United Kingdom - and encouraging electors to take part - by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties. It is also required to report on and evaluate each electoral pilot scheme.

3. The Representation of the People Act 2000 also made provision for postal votes to be made available on demand to any elector in Great Britain. It extended to the whole electorate the right to apply to vote by post either at every election (whether parliamentary or local), for a pre-determined period (for example a set number of years), or at a particular election.

4. Since 2000 approximately 100 local authorities have taken part in 150 electoral pilots, of which 62 have tried out variants of postal voting.<sup>8</sup> All-postal voting pilots have been the

<sup>3</sup> The Electoral Commission, *Election 2001: The Official Result*, July 2001, Preface

<sup>4</sup> The Electoral Commission, *Election 2001: The Official Result*, July 2001, p4-5

<sup>5</sup> The Electoral Commission, *Election 2001: The Official Result*, July 2001, p4-5

<sup>6</sup> Ev 2, H 400-II [Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions]

<sup>7</sup> In Scotland, pilot schemes may be approved under Section 5 of the Scottish Local Government (Elections) Act 2002.

<sup>8</sup> Ev 1, HC 400-II [Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions]

most popular pilot; eighty all-postal pilots have taken place in England and Wales and four in Scotland.<sup>9</sup> Under an all-postal voting pilot, the entire electorate, whether or not they have applied to vote by post, is issued with a postal vote; there are no 'traditional' polling stations, although there may be staffed points for the completion and receipt of votes. As a result, polling is not confined to one day. The largest pilot to date will take place in 2004 when elections for local councils and the European Parliament will be combined on 10 June. Voters in the East Midlands, North East, North West and Yorkshire and the Humber regions, making up 30% of the electorate, will only be able to vote by post.

5. The Committee resolved to conduct an inquiry into postal voting, exploring in particular the following issues:

- electoral fraud
- public perceptions
- impact on turnout
- administration and cost
- access and disability issues
- voter choice

6. A press notice announcing the inquiry and requesting evidence was published on 15 January 2004. A wide range of organisations responded, and we received 47 submissions of evidence and a number of useful background papers. We held 3 evidence sessions on the 9, 16 and 17 March 2004 and took evidence from 31 witnesses including the Rt. Hon Nick Raynsford MP, Minister of State for Local and Regional Government, Office of the Deputy Prime Minister; and Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs. We appreciate the time spent and efforts made by all who submitted evidence and gave oral evidence to the inquiry. We are particularly grateful to Simon Atkinson, Research Director of MORI Social Research Institute, who briefed us on the work MORI had completed for the Electoral Commission on public perceptions of postal voting. We also wish to thank our specialist advisors David Godfrey and Colin Rallings, whose advice and guidance was of great assistance.

---

<sup>9</sup> Ev 2, HC 400-II [Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions]

## 2 Background - Voting by post

---

### Procedure for voting by post in a traditional election

7. To vote by post in a traditional election, an elector must apply in writing, giving certain details including their full name, the address at which they are registered as an elector, the address to which any ballot paper is to be sent, and specifying (if relevant) the election to which the application refers. A ballot paper and a declaration of identity are sent to registered postal voters after 5pm on the eleventh day before the date of poll. The ballot paper, ballot paper envelope and the declaration of identity each bear the same number so that the vote and the voter may be tallied up. The declaration of identity has to be signed by the voter and a witness who knows the elector. The voter then places the ballot paper in the envelope provided and this envelope is placed together with the signed declaration in a second 'covering' envelope and returned to the Returning Officer.

8. Once the Returning Officer receives the covering envelope, it is opened, the declaration of identity is checked for validity, and the number on the declaration of identity is matched to the one on the envelope containing the postal ballot paper. If the numbers tally, the ballot paper envelope is stored, and opened later, under supervision, and placed in the postal ballot box for inclusion in the count, which takes place after the close of poll.

### Procedure for voting in an all-postal election pilot

9. In an all-postal election each registered elector automatically receives a ballot paper through the post. Ballot papers are sent out as soon as possible after nominations have closed and the ballot papers have been printed. This is usually about 15 days before the poll. As with traditional elections the ballot paper, ballot paper envelope and declaration of identity (if in use) are numbered identically (or barcoded for increased security) so that the vote and the voter may be tallied up. The Returning Officer's procedure upon receipt of the ballot envelope is the same as that for a traditional election, with the addition, in the June 2004 pilots, that incoming declarations of identity will be scanned (typically on a daily basis) to provide 'polling progress information' for political parties on who has voted.

10. Pilot schemes have enabled Returning Officers to experiment with different security measures. Some pilots, for example, continued to use a traditional declaration of identity, while others used a simpler 'security statement', which did not require a witness to verify the voter's signature. Some dispensed with any form of declaration. Many pilots made provision for delivery points; places where people could either return their postal ballots in person, or fill them out with help from suitably qualified persons. The number and opening hours of these points varied between different pilots.

11. In voting by post the voter takes responsibility for ensuring that they have voted secretly; in contrast to a conventional election where a voter is provided with a place within a polling station to mark their paper in private. Thus although more convenient, postal voting does place increased responsibility upon the voter.

### 3 Extension of all-postal voting

---

12. Postal voting is popular. Twice as many people chose to vote by post in the 2001 General Election as in 1997, constituting 5.2% of votes cast compared to 2.3%.<sup>10</sup> In Southampton, an area which has not piloted all-postal voting, the number of postal votes rose to 26,000 from only 2,000 in 1997. Yet MORI research suggests that nationally only 52% of people know that they can choose to vote by post.<sup>11</sup> As awareness of on-demand postal voting increases, it is expected that more people will choose to vote by post. In areas where all-postal pilots are not taking place, and for elections not subject to pilot orders, this may lead to a “dual” electoral system, where half the electorate vote by post and half at a polling station. Malcolm Dumper of the Association of Electoral Administrators is concerned that running such a system would be resource hungry and costly, with the need for two teams of extra staff; one team of casual labour for clerking the polling stations, and another more highly trained team to manage the postal vote process for the whole election period.<sup>12</sup>

13. The Government appears to view the June 2004 all-postal pilots as a cut-off point after which decisions about the mechanics of future elections will be made. It states its objectives for June are to:

- build on the experience gained in previous pilot schemes, especially those in 2002 and 2003;
- test the ‘scalability’ of new voting methods. European Parliamentary regions are considerably larger than any previous pilot electoral areas. Pilot schemes will be able to explore the technical robustness and the costs of new voting methods on a larger scale;
- test new voting methods in elections using systems other than first-past-the-post;
- continue to raise awareness of new voting methods, and to test their acceptability to a larger number of people in a wider set of circumstances.<sup>13</sup>

The Electoral Commission will evaluate the June all-postal pilots, and the results are expected to help the Government develop a ‘road map’ to achievement of a multi-channelled General Election after 2006.<sup>14</sup> There is less clarity as to whether the Government intends to extend all-postal voting to other areas for future non-parliamentary elections.

14. Increasing numbers of areas are choosing to participate in pilot schemes; 34 councils held all-postal pilots in 2003, compared to 13 in 2002. Pilots are also becoming much larger; the combined European Parliament and local authority elections in June 2004 will cover 30% of the electorate. The current situation is a half-way house, with most areas

---

<sup>10</sup> Ev 3, HC 400-II [Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions]

<sup>11</sup> MORI presentation to the Committee on 9<sup>th</sup> March 2004.

<sup>12</sup> Q39-40, HC 400-III [Malcolm Dumper, Association of Electoral Administrators]

<sup>13</sup> Ev 4, HC 400-II [Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions]

<sup>14</sup> Ev 3, HC 400-II [Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions]

operating a dual electoral system, part postal and part conventional voting; and other areas operating only postal voting systems.

15. **The Government has been right to trial all-postal voting through a series of pilot schemes. The June 2004 all-postal elections will be on a large scale and will build on previous experience, and test the robustness of the all-postal system. Provided that the Electoral Commission’s evaluation of the June 2004 pilots is positive, we recommend that the Government does not hold any more pilot schemes. The June elections should answer the crucial questions about the scalability, cost and security of the all-postal system, and the Government will learn no more from holding further pilots. The Government must make a firm decision whether to extend all-postal voting after evaluation of the June elections.**

16. **During the course of our inquiry, the European Parliamentary and Local Elections Pilots Bill, which makes provision for all-postal voting in four regions in the June combined elections, has been considered and passed into law. The pilots are not in themselves the focus of our inquiry. We are however concerned by the Government’s poor management of the arrangements for the pilots. The regulations which set out the legislation in detail were only published on Tuesday 27 April, nearly four weeks after the Bill received Royal Assent; and despite the Minister, Chris Leslie MP, telling us in oral evidence on 17 March that the drafting of the regulations was “in hand”<sup>15</sup> and that the regulations would be published “as soon as absolutely possible”<sup>16</sup>. The 30 April was the last possible day for Returning Officers to post notice of polls for the June elections. Leaving publication of the Orders until such a late stage in the process is deeply unsatisfactory. For any future all-postal elections, including the regional referendums expected in the autumn of 2004, the Government must make more timely preparations, and ensure tighter control of the process.**

---

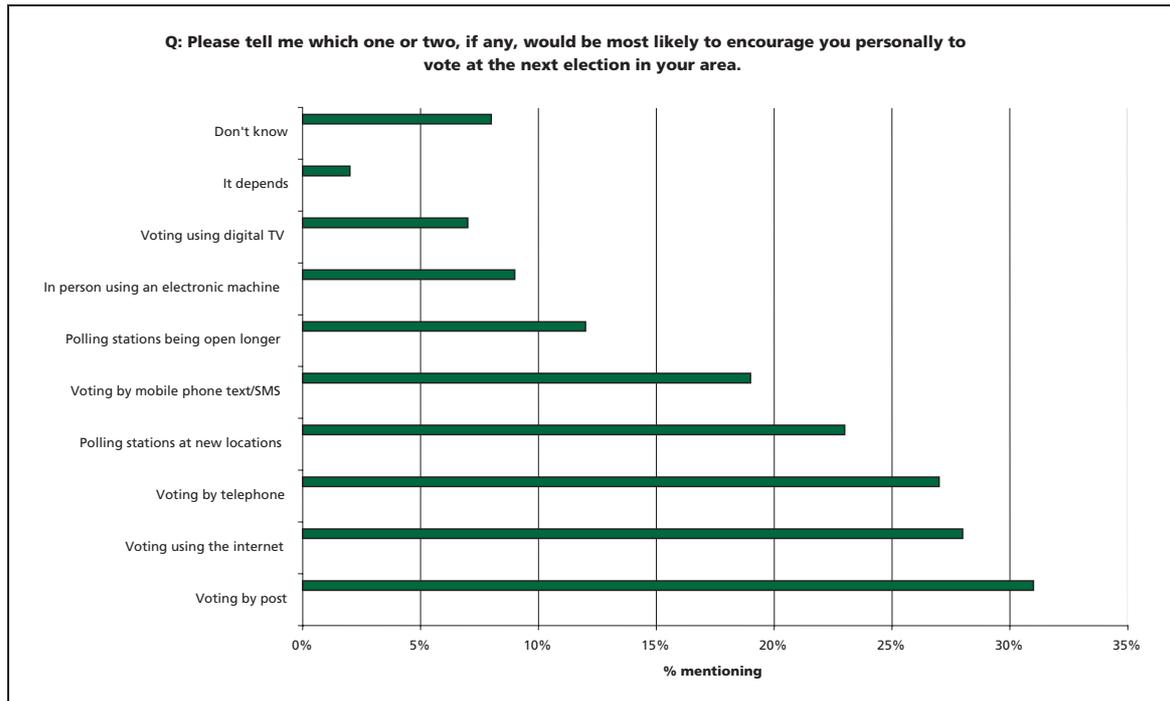
<sup>15</sup> Q386, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

<sup>16</sup> Q385, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

## 4 The impact of all-postal voting

17. In the introduction to this report we highlighted that elector turnouts at recent elections have been very low. The Government has introduced alternative electoral processes in an effort to increase turnout. MORI conducted research in May 2003 with members of the public to ascertain what might encourage them to vote. 31% mentioned voting by post, as Figure One demonstrates:

**Figure One:** Which voting method would encourage people to vote?



Base: 1,500 UK adults 18+, 2<sup>nd</sup> – 11th May 2003

Source: MORI

18. Sam Younger, Chairman of the Electoral Commission, believes that it is vital to engage young people in electoral issues. MORI conducted research for the Electoral Commission to try and understand why there had been such a low turnout. Of the people surveyed, they found that 53%, mostly young people, wanted to replace the polling station with alternative methods of voting; 34%, mainly older people, were against change.<sup>17</sup> Sam Younger was concerned: “Part of what that says to me is that we are in danger, if we do not look at adapting the system, of having a system that may still be just about all right now, but if you look at the way lifestyles and people develop is not necessarily going to be appropriate in the coming years.”<sup>18</sup>

19. Evidence shows that all-postal voting has had a positive effect, increasing turnout significantly in all but three pilot areas, as Table One demonstrates. Gavin Barwell, Operations Director of the Conservative Party, estimated that all-postal voting had

<sup>17</sup> Q19, HC 400-III [Sam Younger, Chairman, Electoral Commission]

<sup>18</sup> Q19, HC 400-III [Sam Younger, Chairman, Electoral Commission]

increased turnout by an average of 15% during the last pilots.<sup>19</sup> Sam Younger, Chairman of the Electoral Commission, agreed: “If you look at the 2003 electoral pilots in the local elections in England, the average turnout across all the local elections was, broadly speaking, just over 34 per cent; the average turnout in the all-postals in that same time was around 49 per cent. There is about a 15 per cent difference.”<sup>20</sup> Some areas experienced a much greater difference including Gateshead, South Tyneside and Sunderland where turnout more than doubled.

**Table One:** All-Postal Voter Turnout

The areas where all-postal voting did not produce a higher turnout are shown in *italics*; the areas shown in **bold** are those where the higher turnout produced by initial use of an all-postal pilot was not sustained in subsequent all-postal elections.

Authority	All-postal Turnout (%)	Turnout at last comparable election (%)
<b>May Local Elections 2000</b>		
Bolton Metropolitan Borough Council	39	25.6
Doncaster Borough Council	45	24.5
Gateshead Metropolitan Borough Council	54	24.5
Norwich City Council	31.5	19.7
Stevenage Borough Council	43.5	32.5
Swindon Borough Council	29.6	18.9
Wigan Metropolitan Borough Council	26.1	17.6
<b>May Local Elections 2002</b>		
Chorley Borough Council	61.5	32.58
Crawley Borough Council	30.1	18.6
Gateshead Metropolitan Borough Council	57.4	29.6
<i>London Borough of Greenwich</i>	29.9	32.2
<i>London Borough of Hackney</i>	31.9	34.7
London Borough of Havering	45	37.5
North Tyneside Council (incl. mayoral)	42.4	36
<i>North West Leicestershire District Council</i>	33.5	38
Preston Borough Council	33.9	28.6
South Tyneside Metropolitan Borough Council	54.7	27
Stevenage Borough Council	52.9	29
Stratford-on-Avon District Council	42.4	40.8
Trafford Metropolitan Borough	52.9	33.2
<b>May Local Elections 2003</b>		
Blackpool Borough Council	50.4	29
Blyth Valley Borough Council	52	27
Bolton Metropolitan Borough Council	42	32
Brighton & Hove City Council	45.9	38
Chesterfield Borough Council	51.6	35
Copeland Borough Council	55.7	39
Corby Borough Council	43	31
Darlington Borough Council	51.5	34
Derwentside District Council, Chester-le-Street District Council & Wear Valley District Council (Joint Pilot)	52.4	31
Doncaster Metropolitan Borough Council	47	29
East Staffordshire Borough Council	44.9	34
<b>Gateshead Metropolitan Borough Council</b>	<b>54.6</b>	<b>57</b>

<sup>19</sup> Q344, HC 400-III [Gavin Barwell, Operations Director, Conservative Party]

<sup>20</sup> Q4, HC 400-III [Sam Younger, Chairman, Electoral Commission]

12 Postal Voting

Guildford Borough Council	54	37
Herefordshire Council	61	38
Hyndburn Borough Council	51.4	36
Kings Lynn & West Norfolk Borough Council	47.6	36
Lincoln City Council	47.3	26
Newcastle City Council	49.8	32
North Lincolnshire Council	51.2	33
North Shropshire District Council	47	33
Redcar & Cleveland Borough Council	51.5	37
Rotherham Metropolitan Borough Council	51.3	27
Rushcliffe Borough Council	54	40
Salford City Council	41	25
Sedgefield Borough Council	44.1	30
St Edmundsbury Borough Council	38.5	38
St Helens Metropolitan Borough Council	48	26
<b>Stevenage Borough Council</b>	<b>52.2</b>	<b>53</b>
Stockton-on-Tees Borough Council	52	31
Sunderland City Council	46.5	22
<b>Trafford Metropolitan Borough Council</b>	<b>52.4</b>	<b>53</b>
Telford & Wrekin Council	48.6	28
Wansbeck District Council	50.2	32
<b>By- Elections* 2002</b>		
Kerrier District Council	35	
Eden District Council	37	
Stirling Council	63.2	
West Wiltshire District Council	56	
Monmouthshire County Council	38.8	
Aberdeenshire Council	51	
Scottish Borders Council	65.8	
Trafford Metropolitan Borough Council	53	
<b>By-Elections* 2003</b>		
Doncaster Borough Council	46.5	
King's Lynn & West Norfolk Borough Council (Tilney All Saints)	50	
King's Lynn & West Norfolk Borough Council (West Dereham)	54.4	
Durham City Council	46.4	
Telford & Wrekin Borough Council (Nedge Ward)	36	
Telford & Wrekin Borough Council (Ketley Oakengates Ward)	43.4	
Chester-Le-Street District Council	60.4	
Cumbria County Council	44.4	
London Borough of Lewisham	24.7	
Newcastle City Council	48	
<b>By-Elections* 2004</b>		
Herefordshire Council	52	
North Kesteven District Council	45	
South Ayrshire Council	63	
Mid-Bedfordshire District Council	43.1	
Telford & Wrekin (Haygate and Newport North)	55	
Doncaster (Mexborough Ward)	45.5	
King's Lynn & West Norfolk (Heacham)	45.5	
Wear Valley	40%	
<b>Mayoral Elections* 2002</b>		
London Borough of Hackney (incl. simultaneous local by-election)	31.9	
Stoke on Trent City Council	24.1	

\* Due to the nature of by-elections and mayoral elections, comparable figures are not available.

Source: Ev 6-7, HC 400-II (Updated from subsequent correspondence) [Office of the Deputy Prime Minister: Housing, Planning, Local Government]

20. The increased turnout apparently generated by all-postal elections is treated with suspicion by some, including the Electoral Reform Society and Lord Greaves, who questions the legitimacy of some of the returned ballot papers:

The Electoral Reform Society: “We note that some local government electoral pilots achieved very significant increases in turnout through all postal voting. However these turnouts were particular high where declarations of identity were not used: while we have no evidence that this was the result of electoral fraud rather than increased voter convenience, we do not recommend the use of postal voting without the safeguard of the declaration of identity.”<sup>21</sup>

Lord Greaves: “It is quite clear in the pilots which have taken place that the number of ballot papers which have been returned has increased substantially in almost all cases, and there is no dispute about that obviously. There is some dispute about who has returned all those ballot papers. Just because a ballot paper has been returned does not mean that that voter has returned it.”<sup>22</sup>

21. The Metropolitan Police Special Branch argue that increased turnout will make it harder for people to commit fraud:

“It is going to be quite useful if turnout increases, because if you have a higher turnout you are obviously going to make it harder for the fraudsman to get those few extra votes that can make a decision go his way or her way. I think, also, that if the turnout increases you are starting to get more ownership of the system by the electorate. If, for argument's sake, you have a constituency where the turnout is 25 per cent, you could then say that 75 per cent of the people could not give a damn about it. That might not necessarily be the case but a large proportion of people will not necessarily care whether there is any fraud. As in many cases, we are not going to solve these offences without the support of the community that we try to serve.”<sup>23</sup>

Evaluation of all previous all-postal pilots by the Electoral Commission found no significant evidence that increased turnout was a result of fraud. It is more likely that increased turnout reflects increased convenience and awareness of the election, partly because of the publicity generated by the pilot.

22. The assertion that publicity may cause increased turnout worries some who believe that if all-postal voting becomes the norm, it will generate less media interest and less publicity, meaning voter turnout may drop again. Indeed, experience of all-postal voting in Western Australia suggests this could happen; Figure Two shows postal voting turnout over three elections by size of community, in all communities with a population of 1,000 or more, turnout was less at the third election than at the first.

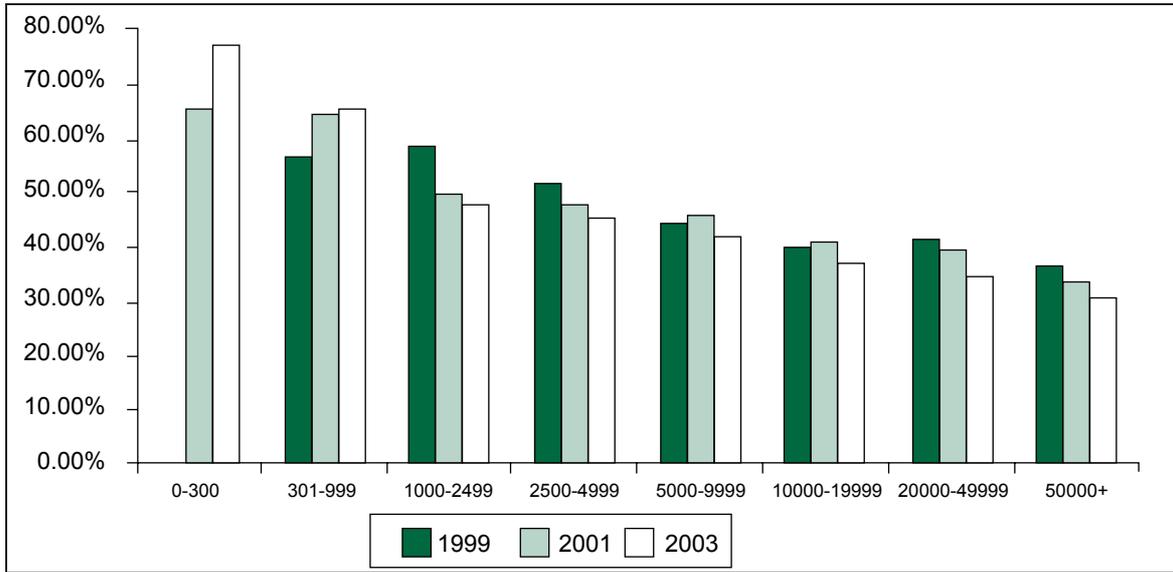
---

<sup>21</sup> Ev 64, HC 400-III [Electoral Reform Society]

<sup>22</sup> Q339, HC 400-III [Lord Greaves, Liberal Democrat Member of the House of Lords]

<sup>23</sup> Q207, HC 400-III [Representative A, Metropolitan Police Special Branch]

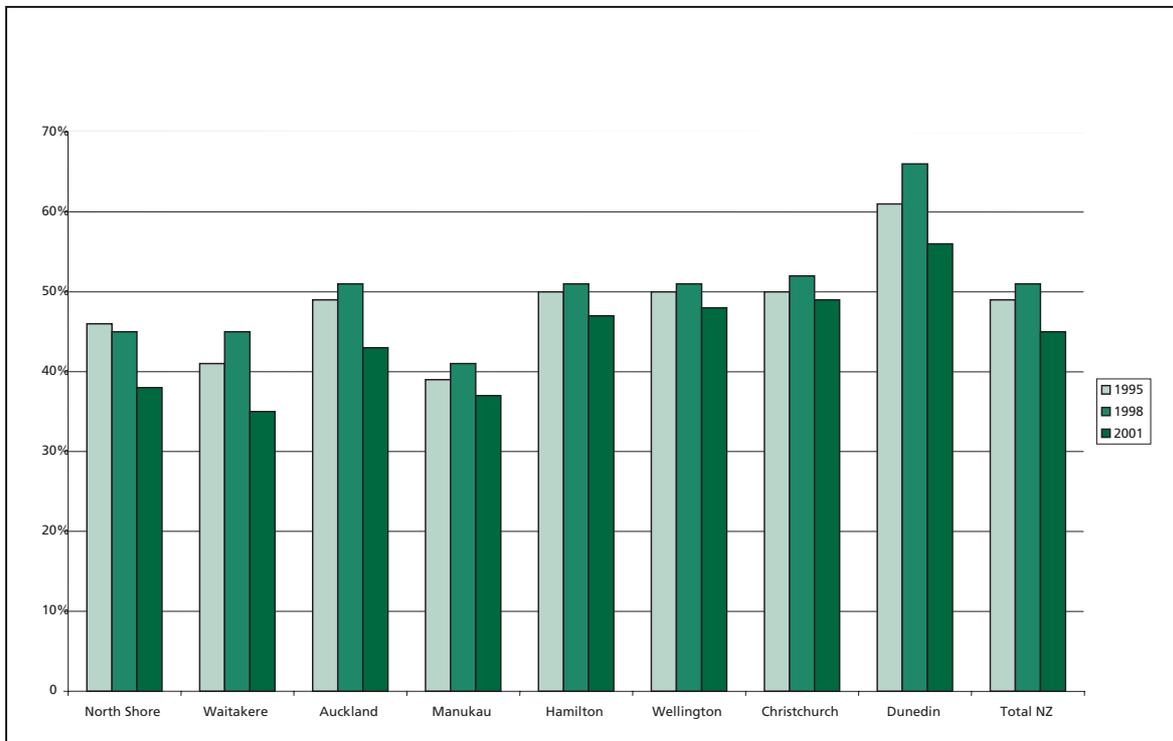
**Figure Two:** Postal election participation over three all-postal elections in Western Australia by size of elector base.



Source: Western Australia Electoral Commission, [Local Government Postal Elections Report] December 2003, p 36

Evidence from New Zealand all-postal local authority elections shows a similar pattern - turnout at the third election is invariably lower than at the first:

**Figure Three:** Percentage of voter turnouts at local authority elections in New Zealand in 1995, 1998 and 2001



Source: The Councils of Auckland, Christchurch, Dunedin, Hamilton, Manukau, North Shore, Waitakere and Wellington, Quality of Life in New Zealand's Eight Largest Cities 2003, p 156.

However, Gateshead Metropolitan Borough Council has conducted three all-postal pilots in 2000, 2002 and 2003; although turnout was reduced in the third election (by 2.4%), it was still over double the turnout before the introduction of all-postal voting.

**23. The Government must engage electors in politics, and not rely on changes in the electoral system to increase voter turnout. However it is vital to ensure that voter inconvenience is ruled out as a contributing factor to low turnouts in elections. In all but three pilots all-postal voting has produced higher turnouts than in the preceding comparable elections, suggesting that for significant numbers of voters it has removed an obstacle which prevented them voting. Increased turnouts must be sustained; experience from Western Australia and New Zealand suggests that turnouts at all-postal elections may drop once the novelty wears off; the Government must be alert to this possibility.**

## 5 Electoral Security

---

### Identity verification

24. Evidence that we received highlighted that some people are concerned that all-postal voting will lead to increased incidences of electoral fraud, in particular ‘personation’, where a ballot paper is completed and returned by someone other than the elector. Lord Greaves, a Liberal Democrat Member of the House of Lords, and Richard Price QC, of the HS Chapman Society, are particularly concerned:

Lord Greaves: “I think that the level of what I would call benign fraud, not political parties or candidates rigging the election but people voting for other members of their family because they think it is a good thing to do, which is clearly against the law and wrong, is probably a lot higher than people imagine.”<sup>24</sup>

Richard Price: “I think our major concern with all-postal voting is the susceptibility of the system to widespread electoral fraud for the simple reason that you throw out into an electoral area, however big it may be, all the ballot papers for everybody on the register, and inevitably a significant proportion of the people on the register, even with a rolling register, will have disappeared, they will have moved away, they will be on holiday, and therefore there will be, who knows, 10 per cent, 20 per cent in some areas, perhaps more, of ballot papers just floating about with nobody to pick them up, except perhaps unscrupulous people, who find them in places where they are delivered, such as old people’s homes, university halls of residence, wherever it may be, and a whole wad of ballot papers are there for the grabbing. And I am afraid to say that there are unscrupulous people out there who would take advantage of that.”<sup>25</sup>

25. Some witnesses have suggested that houses in multiple occupation present the greatest security threat to postal voting. The Green Party is particularly concerned about the frequently high-turnover of electors in such properties:

“As there is no requirement to remove yourself from the Electoral Register when you leave an address, a great many ballot papers were sent out to departed voters. A majority of these are in HMOs (most with a single letterbox) where there is a high tenant turnover, and consequently these papers are available to anyone unscrupulous enough to make use of them. The risk in this situation is far greater than with personal voting, and with very little chance of the discovery of any fraud.”<sup>26</sup>

Malcolm Dumper, Executive Director of the Association of Electoral Administrators holds a similar view:

“A significant concern from my perspective, being a practitioner, would be the delivery of postal votes to houses in multiple occupation. [...]. You do not know whether it is actually going to go to the person who is named as the recipient on the

---

<sup>24</sup> Q361, HC 400-III [Lord Greaves, Liberal Democrat Member of the House of Lords]

<sup>25</sup> Q154, HC 400-III [Richard Price QC OBE, Management Committee, HS Chapman Society]

<sup>26</sup> Ev 79, HC 400-III [The Green Party]

postal vote envelope. If you take my own local authority, for example, where we have two or three wards that have a high student population, 20,000 spread over two or three wards, many of these in houses in multiple occupation, at times 16 postal vote envelopes going through one letterbox, it is very difficult to know whether the recipient is actually going to get that.”<sup>27</sup>

26. Chris Leslie MP, Parliamentary Under-Secretary at the Department for Constitutional Affairs, believes that measures can be taken to ensure the security of postal votes delivered to houses in multiple occupation:

“In some of the pilots that have already taken place we have learned quite a few lessons. That is one of the benefits of piloting. In Brighton and Hove the returning officers there had a particular team that went around to large establishments, student accommodation, houses in multiple occupation and so forth, hand delivering, making sure that they identified the particular voter if they were available and so forth, and that was a much more proactive measure of getting the ballot paper to the person in houses in multiple occupation. We have suggested that regional returning officers look at that best practice and take that up and that is something that we have put in the policy paper circulated to the returning officers so that there is good practice there that can be followed and built upon.”<sup>28</sup>

Sam Younger of the Electoral Commission agrees;

“I would certainly share the confidence that the individual regional returning officers and returning officers and their staff are looking hard at how they best cope with this problem. I think Malcolm [Dumper of the Association of Electoral Administrators] would probably say there is a resource problem here in how you do it. Because actually there is certainly a way of operating effectively with homes of multiple occupation if you actually do, as it were, physical delivery on behalf of the electoral officer yourself; the question is issues of scale in that.”<sup>29</sup>

Peter Viggers MP, responding on 19 April 2004 to oral questions in the House of Commons on behalf of the Speaker’s Committee on the Electoral Commission stated that:

“The security of postal ballot paper delivery, including delivery to houses in multiple occupation, has been discussed by the Commission on several occasions. Those have included meetings with the Parliamentary Parties Panel, the Local Government Association and the regional returning officers for the European parliamentary elections. [...]. In order to minimise the risk of fraud in relation to postal votes, the commission is developing a series of tools for use by local administrators, including best practice guidance on delivery to multiple occupation households. The guidance is planned for publication later this year and will take on board the experience of the pilot schemes planned for June.”<sup>30</sup>

---

<sup>27</sup> Q22, HC 400-III [Malcolm Dumper, Chief Executive, Association of Electoral Administrators]

<sup>28</sup> Q422, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

<sup>29</sup> Q24, HC 400-III [Sam Younger, Chairman, Electoral Commission]

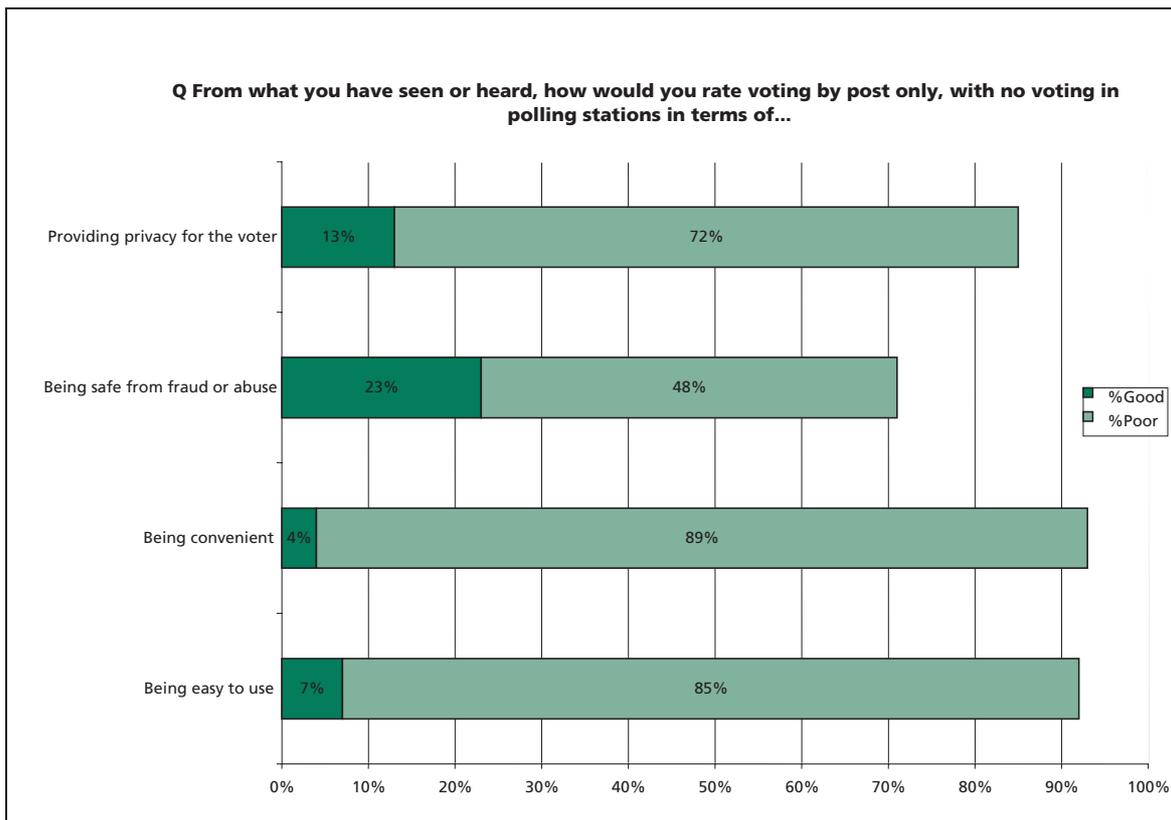
<sup>30</sup> HC Deb, 19 April 2004, col 15, [Commons Chamber]

Sam Younger added that the Electoral Commission have recommended that Returning Officers have the ability to ‘opt out’ of all-postal voting schemes if they have a large number of multiple occupation properties within their area;

“Indeed, I think it is fair to say, just to note, that, on the recommendation we made to say that all-postal voting should become the norm, we put a caveat to say that it was open to a returning officer not to do so, given good reasons, and I think one reason might be if you were in a ward, for example, in an area of a local authority that had a very, very high quotient of, say, student population in multiple residences. That might be one reason. I would not want to belittle the importance of the problem, but I think there are ways around it, but part of the way round it rests on the proper funding of electoral operations and I think it is fair to say that we have, as it were, underfunded our democratic processes in the past and I hope we do not do so in the future.”<sup>31</sup>

27. MORI research for the Electoral Commission demonstrates that members of the public are not convinced that all-postal voting is safe from fraud and abuse, as highlighted in Figure Four:

**Figure Four:** Public perceptions of postal voting



Base: Micro Survey – All respondents who live in all postal pilot area (2,243)

Source: MORI

<sup>31</sup> Q24, HC 400-III [Sam Younger, Chairman, Electoral Commission]

28. Despite these concerns, several witnesses told us that in their opinions, all-postal voting posed no greater security risk than conventional polling stations:

Sam Younger, Chairman, Electoral Commission: “[...] the dangers cannot be eliminated entirely - because I do not think attempts to defraud the system will ever be eliminated entirely: they were there in the conventional system - but can be coped with.”<sup>32</sup>

John Pitt, Corporate Director, Wakefield Council: “On a general issue around the security of elections, I think everybody involved in elections takes the issue of security extremely seriously, but, from a personal point of view, having been involved in elections now in three local authorities, I have found very, very few examples, if any serious examples, of misuse of the electoral system. I am aware that there are some and it does not mean we are blasé about it, but the issues surrounding security are perhaps less than a lot of people would think, and certainly, in terms of security, of course, traditional voting is not the most secure form of elections.”<sup>33</sup>

Peter Watt, Head of Constitutional and Legal Unit, the Labour Party: “On the whole we do not think that postal voting is any more or less secure or prone to fraud than traditional forms of voting which themselves have an element of postal voting in them.”<sup>34</sup>

29. However Sam Younger, Chairman of the Electoral Commission, recognises that the public may need reassurance:

“[...] when we look at all-postal voting or, indeed, any other method, I think we have to recognise that there are, as it were, the objective issues that are empirically based that need to be addressed. There is also a public confidence issue - which is not necessarily exactly the same thing - that needs to be addressed. We need to make sure there are measures in place, in a sense, to over-ensure.”<sup>35</sup>

One of the measures aimed at ensuring security and preventing personation is use of a declaration of identity.

### ***Declaration of identity***

30. A postal voter at a conventional election is required to sign a ‘declaration of identity’ which must be witnessed with a second signature. If this declaration is not correctly completed, the ballot paper will be rejected. Past elections have revealed reluctance by electors to sign a document accompanying their ballot paper (in the same way that they object to a numbered ballot paper being issued). In Newcastle-upon-Tyne last year, over 6,000 out of 100,000 valid ballot papers were rejected because the elector had failed to sign

---

<sup>32</sup> Q31, HC 400-III [Sam Younger, Chairman, Electoral Commission]

<sup>33</sup> Q68, HC 400-III [John Pitt, Corporate Director, Wakefield Council]

<sup>34</sup> Q346, HC 400-III [Peter Watt, Head of Constitutional and Legal Unit, Labour Party]

<sup>35</sup> Q37, HC 400-III [Sam Younger, Chairman, Electoral Commission]

the declaration properly.<sup>36</sup> Malcolm Dumper, Executive Director of the Association of Electoral Administrators told us:

“It is difficult to give you a percentage but the highest number of votes that are rejected at any election is because the declaration of identity has not been completed properly, and that is wrong when the ballot paper has been completed accurately. The person has clearly made their choice but the failure, first, to understand the process by the completion of the declaration of identity and, secondly, the need to get a third party involved does in fact invalidate a number of votes.”<sup>37</sup>

31. Scope, the pan-disability organisation, has conducted detailed evaluations of local and national elections for over a decade as part of their Polls Apart campaign for accessible democracy. Ruth Scott, Scope’s Campaigns Manager, explained what their research had revealed about witnessed declarations of identity:

“We feel that it adds an unnecessary additional layer of complexity to the voting process and does not add significantly to the security of the ballot. It is particularly problematic for disabled people and people who live alone or who are isolated. We have had a number of people responding to our surveys who said that they just could not find anybody who could verify who they were, which is not a reason why somebody should not be able to vote. We also think that making the system any more complicated than it already is when this matter as it stands is already very complicated for a number of disabled people, adding to that does not help. In fact actually providing a witness, having to have a real ballot witnessed does actually mean that many disabled people are going to have to show their ballot paper to somebody else which I think brings it then into some of the issues around coercion which we are also very concerned about in terms of postal voting.”<sup>38</sup>

Scope are particularly worried about the ability of disabled voters to complete declarations of identity:

“[...] systems which require voters’ signatures may be problematic for disabled people with co-ordination and other impairments. Those disabled people who live alone may experience greater problems than non-disabled people in securing witness signatures for declarations of identity forms. It is vital that in devising anti-fraud procedures that the needs of disabled voters are taken into account and that such systems do not inadvertently prevent disabled voters from exercising their democratic rights.”<sup>39</sup>

32. The Metropolitan Police Special Branch are concerned that for those living alone, the need for a witnessed declaration of identity may make them more susceptible to pressure to vote in a particular way, or vote ‘farming’:

“[...] it could well be argued that those living alone or those who are infirm may well be susceptible to undue influence from the canvasser at the very moment they mark

<sup>36</sup> Q74-79, HC 400-III [Bill Crawford, Electoral Officer, Sunderland City Council]

<sup>37</sup> Q23, HC 400-III [Malcolm Dumper, Executive Director, Association of Electoral Administrators]

<sup>38</sup> Q220, HC 400-III [Ruth Scott, Campaigns Manager, Scope]

<sup>39</sup> Ev 18, HC 400-II [Scope]

their ballot paper in the casting of their vote. This may be more applicable to those living alone, given the fact that, along with their ballot paper, they are required to submit a “Declaration of Identity” that must be signed and witnessed by another person. It should be acknowledged that those who live alone and require a witness in these circumstances may sometimes be present with the canvasser who arranged their postal vote whilst they mark the ballot paper.”<sup>40</sup>

33. The Electoral Reform Society is also unconvinced that a witnessed declaration of identity adds much security to the voting process. They call for a security system based on the voter, with spot-checks to ensure reliability:

“[...] if you do have a witness's signature, that can equally be a squiggle against which there is nothing you can check the witness's signature. For that reason, we would not advocate going for a system in which you do need to have a witness's signature. That is why we think it is much more important to move to a system where the voter does not need to go to somebody else - for some voters that might be difficult - but where the voter can give some information that gives confirmation that it is the person to whom the vote was issued. But that is why we need to change the system of registration, so that it is possible to make a check and that spot-checks are done.”<sup>41</sup>

34. The Electoral Commission takes a similar view. In oral evidence Sam Younger, Chairman, told us:

“We very much support the notion of dispensing with the witness signature on the declaration of identity, partly because people often fill it in wrongly; secondly, because, [...], very few electoral registration officers actually check that signature when it comes in, so it is not really an effective fraud check anyway; and, thirdly, we believe it is positively more dangerous to security to invite a third party into an individual's casting of the vote.”<sup>42</sup>

35. However the HS Chapman Society is extremely concerned by the proposal to dispense with the witnessed declaration of identity:

“The abolition of the requirement for a witness who knows the voter to verify the identity of the voter with a signature and an address is a passport to fraud which is made worse if a simple cross is allowed as a valid signature see *Edgell –v- Glover 2003*.”<sup>43</sup>

Lord Greaves, Liberal Democrat Member of the House of Lords, agreed, arguing that declarations of identity provide a vital security check:

“I spent two weeks the summer before last sat in the town hall checking declarations of identity for four wards where we believed there had been massive postal vote fraud taking place. I have no doubt that was taking place at that time. The reason that we were able to really identify and prove to ourselves (although the Police seemed

---

<sup>40</sup> Ev 51, HC 400-II [Metropolitan Police Special Branch]

<sup>41</sup> Q168, HC 400-III [Ken Ritchie, Chief Executive, Electoral Reform Society]

<sup>42</sup> Q23, HC 400-III [Sam Younger, Chairman, Electoral Commission]

<sup>43</sup> Ev 28, HC 400-II [HS Chapman Society]

unable to investigate this properly) was that we were able to check these declarations of identity and we were able then to follow them back to the voters to find out exactly what had happened. We discovered that the voters had indeed signed the form and had it witnessed but they had never seen the ballot papers, and in other cases we were able to identify situations where certain individuals had witnessed over 100 postal votes each and many of those the electors, when we went back to them, said they had never seen. You can go back and do the forensic work on these things and find out exactly what happened and it is a very, very useful thing to happen, obviously not in every case but when you think there is serious fraud taking place it is a very useful thing.”<sup>44</sup>

Councillor Suzanne Fletcher held a similar view:

“There was no declaration of identity in the Stockton on Tees pilot and I feel that was a significant factor in people filling in other peoples' ballot papers, and I do feel there does need to be a witness declaration of identity.”<sup>45</sup>

36. The Electoral Commission’s evaluation of pilot schemes has however led them to recommend “that the present declaration of identity should be replaced with simpler and more effective declaration, without a witness requirement, but not abandoned altogether.”<sup>46</sup> This re-styled declaration has been termed a ‘security statement’, a form which the voter signs to confirm their identity.

37. This simpler system also comes in for criticism. Scope argue that many voters do not have the ability to complete forms without assistance. They estimate that 24% of adults in England have low, lower or very low literacy levels<sup>47</sup> and 1.5 million people have a learning impairment.<sup>48</sup> Their research suggests that such voters may be daunted by such forms:

“There were also major issues surrounding the relative complexity of postal voting as compared with polling stations where it is possible for voters to seek advice and help if they encounter difficulties. Filling in forms can be extremely daunting for people who find it hard to write or read official documents. One respondent told us “couldn’t understand...very complicated” (disabled voter Middlesbrough).”<sup>49</sup>

Others question what security a voter’s signature offers without a signature to compare it to. Local authorities hold no database of signatures except possibly for the signed ‘A’ form completed for Electoral Registration. Even with this form, without individual voter registration, only one signature per household is required so signatures cannot readily be cross-checked. Consequently, as Sam Younger suggested, few signatures on declarations of identity are checked unless a complaint is made. In this situation the Returning Officer would contact the elector (with or without the original ballot paper) to confirm that they had voted and the ballot paper was how they marked it.

---

<sup>44</sup> Q351, HC 400-III [Lord Greaves, Liberal Democrat Member of the House of Lords]

<sup>45</sup> Q277, HC 400-III [Councillor Suzanne Fletcher MBE, Stockton on Tees Borough Council]

<sup>46</sup> The Electoral Commission, *Absent voting in Great Britain*, March 2003, Executive Summary

<sup>47</sup> Ev16, HC 400-II [Scope]

<sup>48</sup> Ev16, HC 400-II [Scope]

<sup>49</sup> Ev16, HC 400-II [Scope]

38. Despite the reactive nature of the verification process, the Electoral Reform Society believe the requirement for a signature still acts as a deterrent to potential electoral fraudsters:

“You may argue - we would certainly argue - that a declaration of identity, where there is not a mechanism for checking the signature against another signature that is held against the register, is rather meaningless, but nevertheless it is a bit of a deterrent.”<sup>50</sup>

Sam Younger argues that signature verification will only highlight potential fraud if conducted pro-actively, and this will require funding:

“[...] if we are to take seriously the checking of the incoming postal vote - the checking against the signature, the follow-up of possible occasions where the signature does not appear to the electoral registration officer to match - we must make sure - and whether this requires legislation or not I think is a question for the future - that electoral services, which have been traditionally in many parts of the country underfunded, are underpinned in a way that actually enables them to carry out the job.”<sup>51</sup>

39. The Scottish National Party suggest that technology could be used to make verification of signatures easier, and more routine:

“With increased use of technology, the signatures of an application for a postal vote could be scanned and used as a checking mechanism at the point of ballot paper return. A mixture of spot checks and random sample audits would create more safeguards against electoral fraud.”<sup>52</sup>

40. All-postal pilots have trialled several identification methods; the traditional witnessed declaration of identity, a security statement signed only by the elector, and no signatures required at all. The Metropolitan Police Special Branch do not think such a varied approach is helpful and argue for a consistent system:

“I notice in the pilots that have been held over the last year/year and a half there have been different approaches to this. In some cases it was continued with a witness identity system and in at least one there was a declaration of identity without a witness. I understand that the feelings were favouring the latter. I also know the Electoral Commission have asked us for help in trying to analyse ways of making these declarations as foolproof as possible. A lot of work still needs to be done on that in terms of signatures and forgeries. At the end of the day you have to come up with a system, trial it, and then agree a common system for everybody, because we certainly would not like to have to approach every inquiry and find there were different ways of declaring identities and identifying witnesses and identities. That would not be helpful at all.”<sup>53</sup>

---

<sup>50</sup> Q161, HC 400-III [Ken Ritchie, Chief Executive, Electoral Reform Society]

<sup>51</sup> Q21, HC 400-III [Sam Younger, Chairman, Electoral Commission]

<sup>52</sup> Ev 75, HC 400-III [Scottish National Party]

<sup>53</sup> Q200, HC 400-III [Representative A, Metropolitan Police Special Branch]

41. The Electoral Commission's evaluation of the different systems used in the pilots found that:

“[...] in terms of ease of use and convenience there has been very much a positive response from voters [to all-postal voting], although it has also been clear that the simplicity of use is related to the simplicity of the declarations one is required to make. When voters have been asked in those areas which have piloted no declaration of identity at all, that is the easiest to use for voters. The ones that have required a counter-signature get less high marks on that. Our view is that actually requiring no signature at all, although being easy to use for the voter, is a step too far in terms of taking a leg away from the security stool, but that the witness signature does not add sufficiently to the security in order to be something that is worth doing against the potential voter confusion.”<sup>54</sup>

42. The Government had hoped to implement the Electoral Commission's recommendation to replace the witnessed declaration of identity with a simpler voter-signed security statement for the June elections. However security concerns raised in the House of Lords during debate on the European Parliamentary and Local Elections (Pilots) Bill forced the Government to reinstate the requirement for a witnessed declaration of identity. The Minister told us in oral evidence:

“[...] the House of Lords insisted on retaining the declaration of identity, in other words where a witnessed signature has to verify the identity of the person casting their vote, the government decided that we need to concede on that particular point and we conceded amendments that were approved in the House of Commons last night. The June local and European elections will now have that witnessed signature declaration of identity within them. We did that reluctantly because of course that was against the advice of the Electoral Commission. [...]. We do not feel that having that declaration of identity brings overriding harm to the general principle of all postal voting so we felt that was a concession we could put in. We will have to look at it again for future elections because the advice from the Electoral Commission is that if an individual is likely to fraudulently sign their own ballot paper then it does not take a massive step for them to also sign the counter signature as well. It may even be an inhibition to the fairest possible voting system in that it forces an individual to disclose to a third party that they intend to cast their vote. They have to share with another person the fact that they are intending to return a ballot paper by having a requirement for a counter signature. If an individual can cast their vote on their own without sharing that with somebody else then the Electoral Commission advise that would be a better arrangement. For the time being we will continue with that declaration of identity which is the current practice in the normal postal voting on demand arrangements.”<sup>55</sup>

---

<sup>54</sup> Q29, HC 400-III [Sam Younger, Chairman, Electoral Commission]

<sup>55</sup> Q404, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

### *Individual voter registration*

43. We received a lot of evidence calling for the implementation of individual voter registration. The current electoral register is based on households, and only one signature from a household is required to join the register. Witnesses, such as the Electoral Reform Society, believe that individual registration, requiring a signature from each elector, would make voter-signed declarations of identity much more valuable as security checks:

“[...] changes are needed in the electoral registration process to provide information for the validation of declarations of identity. This could be achieved by a shift to individual registration, in which each elector must provide a signature, rather than the present system in which one signature per household is considered sufficient.”<sup>56</sup>

44. The Electoral Commission believe that individual registration must be implemented before all-postal voting is extended across the country. Sam Younger, Chairman of the Commission, told us;

“Individual registration, to me, is the key. I think it is fair to say we have been pressing government since we made the recommendation just about a year ago to say that we would see that as the priority now: to get that underpinning registration, to get individual registration on the road, because that is the critical part of giving comfort in the roll-out of all-postal voting.”<sup>57</sup>

45. The Electoral Reform Society, HS Chapman Society and the Electoral Commission would like to see personal identifiers required as part of the individual registration process:

The Electoral Reform Society: “A further change could be to include dates of birth on the electoral register (but not on copies available for public inspection) and to require postal voters to give a date of birth on their declarations of identity.”<sup>58</sup>

HS Chapman Society: “If you are going to introduce all-postal voting it would seem to us in the Society - and I think it would also seem to the Electoral Commission - that you have to link this to individual registration of voters, which is, we think, absolutely fundamental to starting to have a secure system. The whole concept of individual registration with proof of identity and some form of individual number, be it an NHS number or National Insurance number, whatever it may be, at least starts you off on the right lines.”<sup>59</sup>

The Electoral Commission: “There are two key underpinning measures that are not there yet, have not been there in the pilots, which we believe are vital if the roll out of all-postal voting on the wider scale is to be robust. The absolutely critical one, there is a move from household to individual registration, with personal identifiers, including the individual voter's signature, against which a return postal vote can be checked.”<sup>60</sup>

---

<sup>56</sup> Ev 63, HC 400-III [Electoral Reform Society]

<sup>57</sup> Q27, HC 400-III [Sam Younger, Chairman, Electoral Commission]

<sup>58</sup> Ev 63, HC 400-III [Electoral Reform Society]

<sup>59</sup> Q162, HC 400-III [Richard Price QC OBE, Management Committee, HS Chapman Society]

<sup>60</sup> Q21, HC 400-III [Sam Younger, Chairman, Electoral Commission]

46. There appears to be little opposition to the move to individual voter registration. The Political Parties we took evidence from, are in favour:

The Scottish National Party: “Making people vote and encouraging them to vote is what is so important, and I think it is more important for people to engage with the democratic process because they want to and of their own volition, and one of the ways is by individual registration.”<sup>61</sup>

The Conservative Party: “I think that we would favour a move to individual registration. Certainly we would have concerns about the extension of all postal voting without addressing some of the issues to do with security and confidentiality that we have concerns about at the moment so, yes, I think there would be greater security if you had individual registration.”<sup>62</sup>

The Liberal Democrats: “[...] we are very keen if there is to be a major extension of postal voting that individual registration is something that has to come in first. We agree with the Electoral Commission on this.”<sup>63</sup>

The Labour Party: “[...] the Labour Party is in favour of individual registration. We have some concerns about how quickly it is brought in. If it is brought in too rapidly we will lose people off the register in the early stages which will be of concern.”<sup>64</sup>

47. The Electoral Commission warn that although the move to individual registration is in their view critical, the process will need careful management:

“[...] it is a messy business moving forward into different methods of voting. It takes a fair bit of time not just to get the primary legislation on the statute book that would bring individual registration but also to implement it, because one would want to implement it in a way that did not instantly mean large numbers of people off the electoral roll. We have some lessons we can learn on a move from household to individual registration because it is exactly what happened in Northern Ireland after the passage of the Electoral Fraud Act in 2002, so there is some experience to go on in that.”<sup>65</sup>

48. The Electoral Commission believe that the transition to individual voting will provide a valuable opportunity to implement new practices to maintain and ensure the accuracy of the electoral register:

“I think we are well aware that if we move to individual registration, or assuming we do, particularly, but even with our existing system of registration, we actually need to do some cleverer operations, it seems to me, in making sure we have the right people on the register. Relying on an annual canvass and rolling registration, I think we would all accept is not enough. There needs to be a greater concentration on it,

---

<sup>61</sup> Q314, HC 400-III [Grant Thoms, Head of Campaign Unit, Scottish National Party]

<sup>62</sup> Q343, HC 400-III [Gavin Barwell, Operations Director, Conservative Party]

<sup>63</sup> Q346, HC 400-III [Lord Greaves, Liberal Democrat Member of the House of Lords]

<sup>64</sup> Q346, HC 400-III [Peter Watt, Head of Constitutional and Legal Unit, Labour Party]

<sup>65</sup> Q21, HC 400-III [Sam Younger, Chairman, Electoral Commission]

because the starting point of all this is the fullest and cleanest possible electoral register and I think there is more that could be done in that area.”<sup>66</sup>

The Government argue that the electoral register is the most accurate it has ever been. The Minister, Chris Leslie MP told us:

“We have the best electoral registers that we have ever had in this country - more accurate, more up to date than ever before. They do reflect up to date population changes. Electoral Registration Officers have had powers to canvass not just by post but in person and have made sure that they are as accurate as possible, so I do not think there is any sense that the register is a particular issue.”<sup>67</sup>

49. The Government appear to be in favour of the Electoral Commission’s recommendation for individual voter registration, although they have made slow progress in implementing the change:

“The one area where the Electoral Commission recognises that we cannot act, we would like to, but we cannot act without new legislation is to move towards a system of individual registration. That is something that we have been considering but the Commission recognise that requires primary legislation and there was no way that could be done in time for June.”<sup>68</sup>

**50. The Committee recognises that the move to individual voter registration is complex and must be managed carefully to avoid electors ‘falling off’ the electoral register. However, the move to individual registration is critical to the extension of all-postal voting. We recommend that the Government seeks to introduce a bill at the earliest opportunity to secure the necessary legislation. The Government should consider working with the Office of National Statistics to utilise the next census period to implement the change. Each elector’s signature, and a standard individual identifier, such as date of birth or national insurance number, should be required as part of the move to individual voter registration. Following the implementation of individual voter registration we recommend that the witnessed declaration of identity should be replaced with a voter-signed declaration. This declaration should also require completion of an individual identifier. This numeric based individual identifier will facilitate a computerised identity check on each returned ballot paper. Should this check fail, the voter’s signature should be compared with the signature held on the electoral register. In addition, each Returning Officer should signature check a sample of returned papers, and contact each of the sampled voters for additional verification. Additional Government funding should be made available to ensure Returning Officers have the necessary resources to implement these recommendations, and a significant expansion of canvassing for individual registration.**

---

<sup>66</sup> Q26, HC 400-III [Sam Younger, Chairman, Electoral Commission]

<sup>67</sup> Q414, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

<sup>68</sup> Q 373, HC 400-III [Rt Hon Nick Raynsford MP, Minister of State, Local and Regional Government, ODPM]

## Investigation of Electoral Fraud

### *Police investigations*

51. Police investigations into allegations of electoral fraud offences are specialist in their nature and execution. A number of offences associated with electoral matters are identified by current legislation:

- Voting using a postal vote knowing that one is subject to a legal incapacity to vote.
- Voting in person knowing that a postal vote has already been granted.
- Personation (aiding abetting, counselling or procuring) by post as an elector or by proxy when:
  - Voting in person or by post as some other person, whether as an elector or as a proxy, and whether that other person is living or dead or is a fictitious person: or
  - When knowing or having reasonable grounds for supposing that one's appointment as proxy is no longer in force.
- Undue influence.<sup>69</sup>

52. The Police cannot undertake any investigation into allegations of such offences until a report has been submitted to the Crown Prosecution Service (CPS), or, in the case of offences contrary to the Political Parties, Elections and Referendums Act 2000 (PPERA), to the Electoral Commission. The CPS must assess whether offences may have been committed, and whether to proceed. The CPS view is that proceedings for major infringements will normally be in the public interest, although recognising that these are relatively infrequent. Proceedings for minor infringements may not be in the public interest if:

- The offence is of a technical nature which does not infringe the spirit of the legislation;
- The offence was committed as a result of a genuine mistake or misunderstanding;
- The offence could not have influenced the result of the election process; or
- The offender has remedied any breach of the law.<sup>70</sup>

53. The requirement to refer allegations to the CPS before any police investigation can commence means inquiries may be subject to a delay. The Metropolitan Police Special Branch told us that in some cases this delay had been as long as several months. They are concerned that this may be critical at an early stage of an investigation where it is necessary to secure and preserve evidence.<sup>71</sup>

---

<sup>69</sup> Ev 51, HC 400-II [Metropolitan Police Special Branch]

<sup>70</sup> Ev 49, HC 400-II [Metropolitan Police Special Branch]

<sup>71</sup> Ev 49, HC 400-II [Metropolitan Police Special Branch]

54. Investigation of electoral offences does not generally attract a high degree of prioritisation within the police. Responsibility is usually allocated to general CID offices or fraud squads. Only the Metropolitan Police Special Branch have a specialist Prosecutions Unit (MPSB SPU), set up three years ago, to investigate offences contrary to the Representation of the Peoples Act 1983 (RPA) and allied legislation within London. Investigation of electoral fraud is not laid down as a core Special Branch activity but the Commissioner believes electoral fraud amounts to an attempt to undermine democracy and should therefore be investigated.<sup>72</sup> The pro-active approach of the Metropolitan Police is welcomed by Sam Younger, Chairman of the Electoral Commission:

“[...] it is not something that has always happened - that there is a real focus in the police on following up allegations of fraud. Malcolm [Dumper, of the Association of Electoral Administrators] would know more of this than me, but I think historically the police have preferred to leave politics alone as far as is possible.”<sup>73</sup>

It may not however be the ‘politics’ that deter other police forces, but the nature of the offences. Electoral offences are not straight forward to investigate:

“The RPA is pretty complicated for us to investigate. The number of offences in there are simply crazy [...]”<sup>74</sup>

Nor are they commonly encountered:

“It may, for example, only be a local unit, so the experience of those cases is often very, very limited indeed, especially, of course, because the incidence of actual fraud, as far as we know, is not particularly heavy compared with other offences.”<sup>75</sup>

55. The lack of experience in investigating offences may be partly caused by the lack of complaints reported to the police. Lord Greaves believes that in some communities language and cultural barriers make it difficult for electors to report complaints; and the police will not investigate allegations made by third parties:

“[...] they [the police] are only prepared to go forward with complaints if the individual elector whose vote has been stolen allegedly makes an individual complaint and they will not do it on the allegation of third parties such as political parties, and I think that is a serious difficulty.”<sup>76</sup>

Grant Thoms of the Scottish National Party believes that electors are often unaware that electoral offences are criminal offences which fall under the remit of the police:

“If you look at the review of elections, particularly in 1997-2001, the police certainly in Scotland said at one point that no electoral offences had been committed in total, never mind for postal voting, and part of what came out of that process was that nobody understood how to report electoral offences. There were lots of stories going

---

<sup>72</sup> Ev 48-52, HC 400-II [Metropolitan Police Special Branch]

<sup>73</sup> Q37, HC 400-III [Sam Younger, Chairman, Electoral Commission]

<sup>74</sup> Q206, HC 400-III [Representative A, Metropolitan Police Special Branch]

<sup>75</sup> Q186, HC 400-III [Representative A, Metropolitan Police Special Branch]

<sup>76</sup> Q364, HC 400-III [Lord Greaves, Liberal Democrat Member of the House of Lords]

through all the parties about what had happened, but it was very difficult to make a very clear case and know who to report it to. A lot of people think the returning officers have the power to investigate and do not understand the police do, and out of that process for the 2003 elections in Scotland there was new guidance given to the police on how to record it, and we were then able to advise our activists, candidates and agents on how to record it, and for the first time we had formal complaints made over a number of issues to the police. Some of them are still being investigated so we cannot even tell you what the outcome is.”<sup>77</sup>

### **Police powers**

56. As we have highlighted in this report, there is concern from some groups that all-postal voting will result in increased incidences of electoral fraud. Although there is no significant evidence to suggest this, the Metropolitan Police Special Branch are keen to ensure they have the necessary powers to investigate alleged electoral offences. They argue that search and arrest powers would help:

“Only under limited circumstances may a police constable arrest an individual for corrupt or illegal practices. Such an occasion would only arise if a presiding officer suspected that a case of Personation had occurred. In such instances a presiding officer at a polling station may direct a constable to arrest, although this is limited to the immediate area of the polling station itself. The current legislation carries with it no power of search. Given that the offences, other than that mentioned above, are not arrestable, police do not benefit from the powers of search after arrest as provided by the Police and Criminal Evidence Act 1984 (PACE). A power of search would be desirable to police in the investigation of offences under RPA and possibly PPERA. With particular regard to postal voting, circumstances can be envisaged where a suspect may be in possession of material that has been used in the commission of an offence at an address. These might include documents relating to false identities and other documents or even electronic data that may relate to the fraudulent acquisition of votes. In such a case police will be unable to secure this evidence because of the lack of a power of search. The alternative to providing police with a power to apply for a search warrant would be to provide a power of arrest to offences against the Act(s). It is also worthy of note that in the investigation of electoral offences police must rely on the goodwill of a suspect in coming to a police station to answer questions relating to such offences, unless there are grounds to arrest for other specific matters. Police currently have no power to compel a suspect to attend an interview. Therefore, a power of arrest would have the dual benefit of providing police with a power of search under PACE and to oblige suspects to attend interview.”<sup>78</sup>

“We would like to have a power of arrest and search. For example, if somebody, especially some of the ultra right parties, are in a street trying to get proxy votes, people to sign them, we would like to have the power of arrest, and therefore search

---

<sup>77</sup> Q313, HC 400-III [Grant Thoms, Head of Campaigns Unit, Scottish National Party]

<sup>78</sup> Ev 50, HC 400-II [Metropolitan Police Special Branch]

as well - to search their vehicle perhaps - which at the moment is not available and therefore we have to rely on other powers to overcome that.”<sup>79</sup>

They believe more time to investigate allegations would also help. Under current legislation there is a one-year time limit on prosecutions for electoral offences. However initial allegations may not immediately follow the conclusion of an election and can sometimes be several months afterwards. A witness from the Metropolitan Police Special Branch told us:

“The normal time limit for investigation of election offences is 12 months and I think there is probably a case for extending that time up to maybe two years. Of course, that would mean that witnesses may be interfered with at a later stage of the investigation, so I would argue for the time limit to be extended after the 12 months should there be a requirement for it.”<sup>80</sup>

One police witness also believed the Police should have powers to judge whether investigation of a minor offence would be in the ‘public interest’; i.e. whether a case is significant enough to report to the Crown Prosecution Service:

“[...] the Crown Prosecution [Service] have the power to direct the investigation, we have to take everything seriously before we can put any form of evidence before the Crown Prosecution Service. I would say all offences are taken seriously. In fact, I personally would welcome in the Special Branch for the police to have discretion in very minor technical offences, as long as no further serious illegal or corrupt practices are revealed, for us to make a decision at an early stage - if it is purely a technical offence - to say we are not going to take this any further because it does not serve the public interest.”<sup>81</sup>

### ***Punishing electoral offences***

57. The Metropolitan Police told us that they were disappointed with the punishments that had been awarded for electoral offences:

“[...]. The Crown Prosecution Service and courts always err on the side of caution. If they can give verbal warnings or they can give perhaps cautions, then they will go for that. All the time since I have been in the unit investigating this crime, there has only been one incident where anybody has actually received a term of imprisonment.”<sup>82</sup>

Representative A added:

“I think you need to bear in mind that in some of these cases we have had some quite large conspiracies and people have actually been charged with conspiracy to defraud and not just specific electoral offences, and even in those cases the courts have still

---

<sup>79</sup> Q192, HC 400-III [Representative B, Metropolitan Police Special Branch]

<sup>80</sup> Q189, HC 400-III [Representative B, Metropolitan Police Special Branch]

<sup>81</sup> Q197, HC 400-III [Representative B, Metropolitan Police Special Branch]

<sup>82</sup> Q208, HC 400-III [Representative B, Metropolitan Police Special Branch]

not really regarded them as sufficiently serious. [...] I certainly have had personal evidence of the judiciary not fully understanding the legislation.”<sup>83</sup>

### ***National database of electoral offences***

58. Currently only the CPS have any oversight of the national picture concerning electoral fraud because all allegations have to be reported to them before investigation. However, in its report on Absent Voting, the Electoral Commission called for a national database to record electoral fraud. The Metropolitan Police Special Branch support this recommendation:

“The police, as you know, will often come together in a variety of fora to discuss items of general interest. I think this is something that ought to be addressed nationally. I am not saying it is a huge, serious issue but it is something that is a specialised issue that deserves a bit of wider coverage. There are often techniques about which we can learn from each other, for example, and, yes, a database of previous offences would often be quite useful, bearing in mind that the offences themselves are not necessarily recordable and therefore do not necessarily appear on the police national computer.”<sup>84</sup>

Representative A added:

“I would be looking if possible for a database enabling us actually to analyse the addresses that are being used in common, maybe across whole electoral borders, across counties, which are being used for the manipulation of votes in this way. In this modern age I think it should be possible at least to create something.”<sup>85</sup>

### ***Undue Influence***

59. Undue influence, where a voter is pressured into voting a particular way, is one of the hardest electoral offences for the police to investigate. Undue influence can take place in several situations;

- In elderly peoples homes/hospitals;
- In the home under parental or other family pressure;
- In the community, including pressure from Trade Unions and religious organisations; and
- Excessive or undue political pressure from campaigners and candidates.

In each of these cases the person seeking to influence the vote may offer assistance in the completion of the declaration of identity, often acting as the required witness to the voter’s signature, thus ensuring they are present when the elector completes their vote; offer to collect a completed postal vote for onward transmission to the Returning Officer; or even

<sup>83</sup> Q209, HC 400-III [Representative A, Metropolitan Police Special Branch]

<sup>84</sup> Q187, HC 400-III [Representative A, Metropolitan Police Special Branch]

<sup>85</sup> Q193, HC 400-III [Representative A, Metropolitan Police Special Branch]

suggest the voter arranges to have their ballot papers sent to a central place where they can come and complete their vote at a later time.<sup>86</sup>

60. The difficulty for the police is that whilst some of the above activities are ‘unethical’, they are not illegal. Under current legislation an elector may opt for a postal vote to be sent to an address other than the address listed on the electoral roll. So in a conventional election a canvasser can persuade an elector to sign a form to apply for a postal vote, the advantage to the elector being that the canvasser will arrange this for them. The postal votes are, on request, sent to the candidate’s election office. The canvasser duly takes the postal ballot to the elector who then casts their vote and the canvasser passes this with other “harvested” votes to the Returning Officer. The Metropolitan Police Special Branch told us:

“I cannot say we have come across many cases like that. We do have one case which is currently awaiting trial at crown court, so I can only talk in general terms, but that involved an inner London borough where a representative of a candidate was approaching residents on an estate, explaining the postal ballot system to them and getting them to sign the form. The ballot was redirected to the party HQ and on the day of voting, this particular individual would turn up and literally stand over your shoulder while you voted, which personally I think is unethical, if anything. Whilst the actual sending of the ballot paper to party HQ is not illegal, it does obviously raise concerns about harvesting and farming of ballot papers.”<sup>87</sup>

They added:

“The elderly and infirm are particularly susceptible to this type of activity. Although not in itself an offence, it could well be argued that those living alone or those who are infirm may well be susceptible to undue influence from the canvasser at the very moment they mark their ballot paper in the casting of their vote.” [...] “Whilst not in itself illegal, there must be serious ethical concerns over such a practice by parties. [...] should an allegation be received involving these circumstances, an investigation into a breach of confidentiality or undue influence will pose particular problems to police concerning the corroboration of evidence. We believe that the option for an elector to have their postal vote sent to an address other than that shown on the electoral roll should be removed, or the “harvesting” of votes by parties outlawed.”<sup>88</sup>

61. However Roger Morris, an experienced Returning Officer does not believe such activity is common:

“I have to say, my experience over 30 years with all the principal political parties is that they are much more concerned with getting the vote out and complying with the rules. It is not my experience that there is much that you could call a deliberate attempt to subvert the requirements. Of course the possibility exists and one has to be on guard, but very often the publicity that, perhaps, some candidates think they

---

<sup>86</sup> Ev 12, HC 400-II [Association of Electoral Administrators]

<sup>87</sup> Q203, HC 400-III [Representative C, Metropolitan Police Special Branch]

<sup>88</sup> Ev 51, HC 400-II [Metropolitan Police Special Branch]

can achieve outweighs their sense of judgment on occasions. It is relatively small scale and I think we are on guard for it.”<sup>89</sup>

Councillor Sir Jeremy Beecham, Chairman of the Local Government Association, shares this view. He has more worries about the influence of groups within the community:

“[...] there are some concerns, not necessarily about [political] parties but about other organisations, in one case a London borough suggested that everyone brought their votes to a religious organisation, a Christian organisation, and cast their votes together. That should be discouraged.”<sup>90</sup>

62. There is concern that such incidents will increase under all-postal voting. The Metropolitan Police Special Branch believe the complexities of the all-postal voting process may force people to seek assistance from others in the community, especially in communities with language barriers:

“I think there are dangers with certain of the communities in inner cities. These are often people who do not fully understand the nature of the system - and I am not just talking about people who are visibly ethnic minority community members; they may well be indigenous members of the community. But the process is pretty complicated. [...] there will be people who look to their elders and advisers for assistance, and all it takes is for one of these people to be rather corrupt and you have a problem, a major problem. We had this in north London about four years ago where a very close-knit community was attacked by just a couple of people really and that actually caused quite a lot of community tension.”<sup>91</sup>

Richard Price QC OBE of the HS Chapman Society shares this view. He believes the all-postal system is inherently flawed because voters will be open to undue influence from all types of groups:

“[...] I do not think it is restricted to party agents. I think it is restricted to anybody who is involved in a pressure group of whatever sort. It could be a community pressure group, it could be a trade union pressure group, it could be any sort of pressure group you like to name, and if you have the all-postal vote system then the opportunity for them to do something that they should not be doing is greater than it would otherwise be.”<sup>92</sup>

Roger Morris however disagrees;

“In my experience, most of the people who want to do something with an individual vote are not really into “farming” or trying to change the result of the election; they have some personal interest perhaps based on getting themselves on the register for credit reasons or other things of that sort. Their aim is less to do with the voting outcome than their personal interests.”<sup>93</sup>

---

<sup>89</sup> Q88, HC 400-III [Roger Morris, East Midlands Regional Returning Officer, European Parliamentary elections]

<sup>90</sup> Q135, HC 400-III [Councillor Sir Jeremy Beecham, Chairman, Local Government Association]

<sup>91</sup> Q206, HC 400-III [Representative A, Metropolitan Police Special Branch]

<sup>92</sup> Q173, HC 400-III [Richard Price QC OBE, Management Committee HS Chapman Society]

<sup>93</sup> Q56, HC 400-III [Roger Morris, East Midlands Regional Returning Officer, European Parliamentary elections]

63. It is the personal interest of voters that worries Ken Ritchie of the Electoral Reform Society. He believes all-postal voting systems may lead to creation of a market in votes:

“[...] if you can demonstrate to somebody how you are voting then your vote becomes almost a saleable commodity. There is no point in somebody bribing me on how to vote if I can then go into the privacy of a polling booth and double-cross them and take the money but cast my vote in the way that I would have wanted. But if somebody can actually see how I am using my vote, then that is something that makes bribery worthwhile.”<sup>94</sup>

Sarah Birch and Robert Watt, academics specialising in electoral systems also believe this could happen:

“If individuals can be expected to find benefit in voting in their own interest, they will find even more benefit in seeking to alter the choices of numerous other voters. And other self-seeking individuals would undoubtedly have to be offered only relatively modest rewards in order to tip the cost-benefit ratio in favour of accepting immediate gain in exchange for their votes. The public nature of open voting can thus be expected to create a market in votes. But this market will function effectively only if ‘buyers’ have a means of verifying that votes have been cast as requested. In obstructing the verification process, the secret ballot goes a long way towards blocking the exchange of votes for immediate rewards by preventing voters from selling the power they exercise over their choice.”<sup>95</sup>

This is obviously something the Government, Electoral Commission, and police will have to consider carefully. However it should be remembered that outright bribery is illegal, and potentially easier to investigate by the police if money or goods have changed hands. Few candidates or voters are likely to consider such activity.

**64. The Committee does not believe that all-postal voting poses any greater security risk than conventional voting. However, we believe that the investigation and prosecution of electoral offences needs to improve in order to increase public confidence in the system. We therefore strongly support the Electoral Commission’s report on Absent Voting which recommends;**

- **Inter-agency cooperation to develop and disseminate information and guidance to local police forces in relation to electoral offences;**
  - **Development of a protocol in liaison with prosecution authorities, the Association of Chief Police Officers (ACPO), the Society of Local Authority Chief Executives (SOLACE), and the Association of Electoral Administrators (AEA) setting out clearly the respective roles of the Returning Officer, the police and the Crown Prosecution Service in pursuing allegations of fraud;**
  - **Identification of best practice in relation to the handling of postal vote applications and postal ballots by representatives of political parties and development of a Code of Practice in conjunction with political parties;**
- 

<sup>94</sup> Q156, HC 400-III [Ken Ritchie, Chief Executive, Electoral Reform Society]

<sup>95</sup> Sarah Birch and Rob Watt, “Remote Electronic Voting: Free, Fair and Secret?”, *Political Quarterly*, vol 75(1) (January 2004), p65

- More publicity for offenders caught and successfully prosecuted for electoral offences;
- Introduction of a new offence of intending fraudulently to apply for a postal (or proxy) vote. The maximum sentence should be a custodial sentence in line with the penalties for personation;
- Redrafting of the law on undue influence to clarify the nature of the offence. It should also become a legal requirement that secrecy warnings are included on postal (and proxy) voting literature;
- Extension of the existing statutory provisions on personation to give the police power of arrest based on 'reasonable suspicion' of personation at any location; and
- Introduction of a new legal provision so that in exceptional circumstances, and where the prosecution has demonstrated all due diligence, the Courts may extend prosecution time limits by up to 12 months.

65. We wish to underline the need for prosecution agencies to rigorously pursue allegations of electoral offences, and for the courts to punish those convicted with harsher penalties. Political parties have a responsibility to demonstrate the security of postal voting, therefore candidates and canvassers who are convicted should be banned from participation in election activity.

66. In addition to the recommendations made by the Electoral Commission, we recommend that the Government consider the case for granting the police search and arrest powers to aid investigations of allegations of electoral offences. We also think it is vital that the Government establish a national database to record allegations of electoral offences. In the response to this report we recommend that the Government outlines the number and nature of all allegations of electoral offences resulting from the June 2004 combined elections.

## 6 Access

---

67. The aim of postal voting is to increase the numbers of electors who participate in elections. However groups such as the Disability Rights Commission, Scope, Mencap and the Royal National Institute of the Blind are concerned that all-postal voting will reduce turnout because it will make it harder for some people to vote. They want a range of voting options to ensure that all electors are able to vote, including the average 13,400 disabled voters in each parliamentary constituency, who make up one sixth of the total electorate.<sup>96</sup>

The Disability Rights Commission: “It is unlikely that a single voting system could be designed which was accessible and easy to use for people with any impairment given the diversity of access requirements. Thus offering a range of options to maximum access and usability standards is inherently more likely to maximise participation and eliminate exclusion.”<sup>97</sup>

Scope: “We draw a sharp distinction, therefore, between offering voters the choice of casting their ballot by post as one of a range of voting options which (subject to some reservations) we broadly support and postal-only elections which effectively disenfranchise many millions of disabled voters and which we strongly oppose.”<sup>98</sup>

Scope Cwmpas Cymru: “Scope Cwmpas Cymru is extremely concerned about all-postal elections. We believe that it will significantly reduce choice for a proportion of disabled people. [...] People with communication or learning impairments will be particularly disenfranchised. [...] we are not against postal voting within a mix of other voting methods. All-postal voting is however not the answer.”<sup>99</sup>

Mencap: “In order to achieve greater participation in the democratic process, it is important that voting systems are inclusive so that disabled and non-disabled voters have an equal opportunity to make political choices. [...] Mencap recommends that a range of methods be adopted simultaneously as no single voting method can suit the needs of all voters.”<sup>100</sup>

Royal National Institute of the Blind (RNIB): “RNIB draws a sharp distinction between pilot schemes that involved multiple options for voting and those that only allow for voting by post. Whilst we accept that some disabled people find voting by post easier RNIB’s evidence suggests that postal voting does not benefit blind and partially sighted voters. The Representation of the People Act 2000 gave all voters the right to vote either in person at a polling station or by post. RNIB believe that an all-postal voting system would go against the spirit of the Representation of the People Act which was designed to encourage voting by offering voters a choice about the method they used to cast their vote.”<sup>101</sup>

---

<sup>96</sup> Ev 16, HC 400-II [Scope]

<sup>97</sup> Ev 22, HC 400-II [Disability Rights Commission]

<sup>98</sup> Ev 16, HC 400-II [Scope]

<sup>99</sup> Ev 45-46, HC 400-II [Scope Cwmpas Cymru]

<sup>100</sup> Ev 44, HC 400-II [Mencap]

<sup>101</sup> Ev 25, HC 400-II [Royal National Institute of the Blind (RNIB)]

68. Roger Morris, the East Midlands Regional Returning Officer, agrees in principle, but highlights that the more methods of voting, the higher the cost:

“It is easy in principle to be in favour of wider choice, but it has to be recognised that managing the different parallel systems required for such choice becomes increasingly costly.”<sup>102</sup>

Sam Younger, Chairman of the Electoral Commission agrees:

“In principle, the more choice you can provide, the better. But there are practical issues involved in it. Our view has been that all-postal voting has real benefits, if it is correctly underpinned, and that is the direction in which we ought to go. Of course, that means that it would be impractical in resource terms - and, frankly, not justifiable - at the same time to have a polling station everywhere a polling station has traditionally been [...]”<sup>103</sup>

John Pitt, Corporate Resources Director of Wakefield Council, believes that every electoral system will cause difficulties for some people, but thinks that arrangements can be made to ensure all electors can vote in all-postal elections:

“All different forms of elections bring with them different disability problems. Obviously, with traditional elections there is a mobility disability issue there, and with postal ballots a sight disability, and so on. Certainly from Wakefield's point of view we will put in place whatever arrangements we can to assist people with disability difficulties to take part in democratic processes.”<sup>104</sup>

Arrangements made by the Government include; tactile voting templates, staffed delivery points, and home assistance to ensure that all electors, including disabled voters, are able to participate in all-postal elections.

## Assistance for disabled voters

69. The Royal National Institute of the Blind estimate that 2 million people in Britain have visual impairments which cannot be corrected by spectacles or contact lenses.<sup>105</sup> For these voters, a tactile voting device is available on request from the Returning Officer. The device is similar to that used in conventional elections as polling stations, it is the same shape as the ballot paper and has Braille numbers which correspond to the candidates' names on the ballot paper. The device is stuck over the ballot paper and guides the voter to the relevant box in which to place their mark. However, none of the candidates' names or political parties are in Braille on the device; as the evidence from Scope highlights, sighted help is therefore still required in order for the blind voter to know who they are voting for. One voter told Scope, “the tactile template was useless. The most crucial information i.e. a tactile template with the candidates' names on it - was not available”.<sup>106</sup>

---

<sup>102</sup> Ev 66, HC 400-III [Roger Morris, East Midlands Regional Returning Officer, European Parliamentary elections]

<sup>103</sup> Q28, HC 400-III [Sam Younger, Chairman, Electoral Commission]

<sup>104</sup> Q84, HC 400-III [John Pitt, Corporate Resources Director, Wakefield Council]

<sup>105</sup> Ev 25, HC 400-II [Royal National Institute of the Blind (RNIB)]

<sup>106</sup> Ev 16, HC 400-II [Scope]

70. Voting information should be available in Braille from councils, as Sir Jeremy Beecham, Chairman of the Local Government Association highlights: “The literature we have distributed in Newcastle, and I think this is true of other pilots, made clear that if people required ballot papers in Braille then contact could be made.”<sup>107</sup> Although Scope argue this is not always easy, one voter “had great difficulty in requesting voting information from the council in Braille – it took five phone calls”.<sup>108</sup> It is in the light of such problems and local disparities that the Electoral Commission has recommended the introduction of national standards for the provision of assistance to disabled voters. They have recommended that the Government should require Returning Officers to comply with these standards; central funding should also be made available.<sup>109</sup>

71. Scope believe that all disabled people should be able to vote independently, and are concerned that voters with visual impairments will be unable to do this in all-postal elections. However, Sir Jeremy Beecham argues that local authorities are making every effort to ensure all electors can vote. He thinks that visually impaired electors will need no extra assistance to that they require when dealing with ordinary written correspondence:

“People who are visually handicap will receive ordinary correspondence as a matter of course and most of it will be written or printed material presumably they will have some help in dealing with that.”<sup>110</sup>

Scope disagree. They argue that the need for outside help to vote compromises the secrecy of the elector’s vote, and makes them more liable to undue influence or coercion:

“Any form of remote voting, including postal ballots, substantially increases the possibility of disabled people being unduly influenced to vote for a particular candidate or party. An advantage of voting at polling stations is that is very difficult to force a person to vote in a particular way. The risk of this type of coercion is much higher under a remote system where people may be put under pressure or have their ballot paper completed by someone else. Many disabled people who need support will access this informally through family, friends or carers. Many disabled people will be comfortable with this situation but some may not. Coercion or undue influence may occur because the views of disabled people are not as valued as those of non-disabled people.”<sup>111</sup>

To address these concerns, Scope argues that:

“[...] local authorities need to create independent voter support structures to ensure that disabled people can request assistance from an impartial person such as a council official.”<sup>112</sup>

---

<sup>107</sup> Q127, HC 400-III [Councillor Sir Jeremy Beecham, Chairman, Local Government Association]

<sup>108</sup> Ev 16, HC 400-II [Scope]

<sup>109</sup> The Electoral Commission, *Funding Electoral Services*, February 2003

<sup>110</sup> Q128, HC 400-III [Councillor Sir Jeremy Beecham, Chairman, Local Government Association]

<sup>111</sup> Ev 18, HC 400-II [Scope]

<sup>112</sup> Ev 18, HC 400-II [Scope]

72. Many pilots have implemented schemes where voters have been able to request a home visit from electoral staff. If voters need assistance in filling in their ballot, or a copy of the tactile voting device, or a copy of a large-print ballot paper, they can request that an electoral official visits them at home. Scope have welcomed the Government's support for this scheme although emphasise the need for officials to be available to voters throughout the election period:

“What we are concerned about obviously is that disabled people have the same opportunity to vote when they like within a three or four-week period of postal voting and if large numbers of disabled people ring up on the last day before the polls close and say, "I need some assistance", we want assurances that they will get that assistance and that nobody is disenfranchised because the assistance they need is not available.”<sup>113</sup>

We were told that some councils will find providing this level of officer support difficult, and others have concerns that the service may be open to exploitation. Assisted delivery points are thought by many to be a more workable solution.

### Delivery points

73. Delivery points have been used in previous pilot schemes, varying in their number, location and facilities. Some have been just secure delivery points where voters can deposit their vote into a box, rather than use the postal system. Others have been more comprehensive and have provided electoral officers to assist voters, and a secure place in which votes can be cast. Some have opened only on polling day; others for part; or all of the electoral period. Generally, there has been one delivery point in each local authority. Sam Younger, Chairman of the Electoral Commission, stresses that the point of all-postal voting is to increase turnout, so for those unable or unwilling to use the postal service, delivery points will ensure they can still vote:

“[...] there is a question for a number of people who either prefer to physically go and cast their vote somewhere, or, alternatively, require some help in doing so, and that is why we have made the proposal - and it is a proposal that has been taken up in the pilots - for staff delivery points in local authority areas that allow people not only physically to put their vote in a box there if that is what they feel more comfortable doing but also to be assisted in doing so. That is an element of it. It is not replicating polling stations in what is essentially an all-postal election but it is ensuring that there is a reasonable degree of choice for people who are not comfortable about sending in a postal vote. One has to see all of this always, it seems to me, against the background - which is the thing I always think it is important to keep in mind - of the benefits, in terms of encouraging more people to fill in their vote, of going in an all-postal direction.”<sup>114</sup>

Other evidence we received also supports delivery points:

---

<sup>113</sup> Q215, HC 400-III [Ruth Scott, Campaigns Manager, Scope]

<sup>114</sup> Q28, HC 400-III [Sam Younger, Chairman, Electoral Commission]

The Conservative Party: “In light of concerns about the reliability of the postal service during an all-postal election, we would support the provision of manned or unmanned delivery points in all-postal elections, especially in the final week. The appropriate number and location will depend on local circumstances. Delivery points should not be used as a means of turning an all-postal election back into a traditional election, but they are appropriate when people want to vote in the last few days before the deadline and there is not time to guarantee delivery. Delivery points can also provide reassurance to a minority of voters who have little confidence in the reliability of the postal service and might not otherwise vote.”<sup>115</sup>

The Local Government Association: “[...] we have to accept that not all voters will want to trust their vote to the post. Staffed delivery points should be available for voters to drop off their vote and to mark their ballot in privacy. This is an important step to gaining public confidence and acceptability for all postal elections. It is important to ensure that those people who do not wish to use the post, are able to vote at a manned delivery point. Voting can be seen by many, particularly the elderly, as an important social and community activity.”<sup>116</sup>

Scope: “We are very clear that disabled people ought to have the same rights as every other person to vote secretly and that means independently and we feel that staffed delivery points are going some way towards providing that, and actually it is about providing assistance to vote rather than actually making the system itself inherently accessible.”<sup>117</sup>

The Scottish National Party told us that delivery points are essential for voters who live in areas with a disrupted or reduced postal service.

74. Although Scope believe delivery points are a practical solution to the needs of some voters within the context of all-postal elections, they argue that the existence of the points highlights the flawed nature of the all-postal voting system:

“I think the issue for us is that in terms of providing staffed delivery points, you have to question whether that is actually for postal voting or not, and as many disabled people have had a long history of being excluded from the democratic process, what we do not want to see, in terms of considering new systems of voting and introducing new systems, is that disabled people again are going to get the worst of both worlds in some ways where they have to vote by post, but then additional systems need to be put in place in order to enable them to vote.”<sup>118</sup>

Scope also question whether delivery points will work if only located one per electoral unit:

“We have got some particular concerns around the proposals for the staffed delivery points in June, largely, that there are not going to be very many of them and there are only plans to have one per local authority area. For some people in the north of England, living in rural areas, this could mean having to travel up to two hours to get

<sup>115</sup> Ev 45, HC 400-II [The Conservative Party]

<sup>116</sup> Ev 67, HC 400-III [Local Government Association]

<sup>117</sup> Q213, HC 400-III [Ruth Scott, Campaigns Manager, Scope]

<sup>118</sup> Q213, HC 400-III [Ruth Scott, Campaigners Manager, Scope]

to somewhere where they can get assistance to vote, which we do not think is acceptable at all. If postal voting is being promoted on the basis of ease and convenience, we do not think that a four-hour round trip in order just to get help to fill in your ballot paper constitutes convenience for many people.”<sup>119</sup>

Michael Green of the National Association of Local Councils is of a similar view;

“We take the position that a number of delivery units would have to be based on a reality that you cannot have one where every polling station previously was but you do not necessarily have to narrow the options down to one ward. I think principle voters can identify sustained communities within themselves and identify where communities would like to have what would be called a delivery point - I do not know why it cannot be called a polling station on polling day, I do not think there is an issue there.”<sup>120</sup>

The distance between delivery points is particularly relevant to the June elections for the European Parliament because a local counting area in a European Parliament region is far larger than a local authority ward; the vast majority of voters would therefore find the points difficult to access. The Government will provide funding for one delivery point for each counting area, but additional points, provided at the discretion of the Returning Officer, have to be funded locally. The opposite will be true for small-scale elections, such as Parish councils, where the delivery point could be equivalent to a polling station, meaning there would be a dual electoral system in operation with all the associated costs.

75. There is also the question of whether there is demand for delivery points. Councillor Sir Jeremy Beecham told us:

“We are in favour of having a delivery point, at least one, in each ward. Not much use was made of those. I have a report on the by-election in Newcastle where the turnout was of the order of over 3,000 and only 20 odd votes were deposited in the ballot box. It is important that that facility should exist particularly for people who remember late in the day they have not voted because it enables them to vote.”<sup>121</sup>

76. The Minister, Chris Leslie MP, believes that delivery points are compatible with all-postal elections:

“I was quite keen to see the use of staffed delivery points, even though these are all postal elections because there are some people, I suspect, a very small minority who for whatever reason want to cast their vote in a secret environment or want to physically hand over their ballot paper. Although that is a very small minority who would not be prepared to use the postal arrangements I felt it was important to give that opportunity. I think we have provided that each local authority area should have at least one staffed delivery point effectively with a secure, safe ballot area where the vote can be marked and cast and deposited in a ballot box in what would in other circumstances seem to be normal conventional arrangements. That is something that

---

<sup>119</sup> Q213, HC 400-III [Ruth Scott, Campaigns Manager, Scope]

<sup>120</sup> Q119, HC 400-III [Michael Green, Policy Officer, National Association of Local Councils]

<sup>121</sup> Q118, HC 400-III [Councillor Sir Jeremy Beecham, Chairman, Local Government Association]

I think gives us a level of protection if for some unforeseen reason people do not feel they would like to cast their vote like that.”<sup>122</sup>

77. The election orders for the European Parliamentary elections state that assisted delivery points should be open for nine days during the election period, from the 1-9 June (excluding Sunday 6 June), at hours determined by the Returning Officer; and on 10 June, polling day, from 7.00am–10.00pm. However in oral evidence the Minister, Chris Leslie, told us that delivery points should only be “Open on the day of the election.”<sup>123</sup> There appears to be some confusion within the Department for Constitutional Affairs as to the extent assisted delivery points should be used.

**78. If the Government intends to extend all-postal voting, they must ensure all electors who wish to vote are able to do so. Postal voting will make voting easier for those with mobility problems; however it may make independent voting more difficult for those with visual impairments or literacy problems. The Government has tried to address potential difficulties through provision of tactile voting devices, Braille and large-print voting information, delivery points and home assistance. We are concerned at Scope’s reports that some electors have struggled to obtain Braille voting information; and that others have found the tactile voting device unhelpful. Although the device was successfully used in polling stations, we recommend it is redesigned for all-postal voting use to include candidates’ names and political parties in Braille. For those who require assistance to complete their vote, home visits by electoral officers who can offer impartial advice and assistance, are welcomed. We share the view of Scope that this assistance should be available throughout the electoral period; however we have concerns that this system will not be sustainable should large numbers of people seek assistance. We therefore recommend that in their evaluation of the June combined elections the Electoral Commission evaluate the provision of home assistance considering demand, user perceptions, and the resource impact on local authorities.**

79. The aim of all-postal voting is to increase electoral participation and give electors every opportunity to vote; we therefore welcome the use of assisted delivery points. However we are not satisfied that the Government intends to fund only one assisted delivery point in each local counting area. It would obviously not be cost-effective to replicate the number and location of conventional polling stations; however we believe that in some local authority areas there is a need for more than one delivery point. One option Government should consider is use of mobile libraries, or similar, staffed by electoral officers, as delivery points. We recommend that Government provide central funding if a Returning Officer can offer convincing evidence of the need for additional assisted delivery points.

80. We are disappointed at the apparent confusion of policy within the Department for Constitutional Affairs. The Minister tells us that he wants assisted delivery points only open on polling day, while the Election Orders state that delivery points should be open for nine days. In response to this report we recommend that the Minister urgently clarifies the department’s position. We recommend that delivery points are open for most, if not all, of the polling period; they should provide a secure place for electors to

<sup>122</sup> Q394, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

<sup>123</sup> Q395, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

**cast their vote; and be staffed by electoral officers able to offer impartial assistance. We hope that the Government consider this recommendation in its preparations for the all-postal regional referendums foreseen in the autumn.**

## 7 Electoral Materials

---

81. We received a number of submissions highlighting the complexities of designing and printing ballot papers and associated guidance within the short timeframe after close of nominations, within budget and suitable for use by all voters. The submissions from Grosvenor Print and Design, Royal Mail Group plc, Document Technology Limited, De La Rue Security Products, Electoral Reform Services and DocQwise Business Services, explained the number of complex variables which must be balanced, these included:

- Size of main envelope, and of enclosures
- The number of standard and personalised (addressed to an individual elector) enclosures
- Use of perforated paper
- Use of window envelopes
- Use of colour/coloured paper
- Use of watermarks
- Use of barcodes
- Hand finishing, such as sticky edges
- Production breaks for ward changes

The production process will depend upon what variables are chosen; and whether envelopes can be filled by machine, or whether manual filling is required. The submission from Electoral Reform Services estimated the following filling figures:

- Intelligent mailing machine 2,000 envelopes/hr
- Manual enclosing (experienced) 250 envelopes/hr
- Non-intelligent mailing machine 4,000 envelopes/hr<sup>124</sup>

Each of the submissions stressed that the priority was 100% correct enclosure of materials to ensure the elector's faith in the electoral process.

82. Balancing ease of use for the voter, swift production, security and 100% accuracy is not easy. The submission from Electoral Reform Services explained why the company advocated a perforated ballot paper combining the ballot form and the security statement:

“It is however, in our view, preferable for the voter to seal his ballot paper in a security envelope. How then would it be possible to remove the requirement for this to be personalised? [which is a time/resource cost] This could be achieved by making the inner envelope a window envelope into which the ballot paper is sealed but

---

<sup>124</sup> Ev 41, HC 400-II [Electoral Reform Services]

through which the ballot paper number could be viewed. Therefore, if we are able to combine the ballot paper and security statement into one item separable by a perforation (with a section being used as the address carrier), have a non-personalised security envelope with a window, a return envelope with a window we would have a mailing pack that required no matched items. This approach would require the voter to put two items into envelopes in such a way that barcodes or numbers were visible through windows. This could result in the voting process becoming too complicated and therefore prohibitive. Unfortunately, some voters are not able to follow the process and put the items in the envelopes in the wrong way. If the item to show through the window in the reply envelope is placed incorrectly this could result in the ballot envelope not being returned to the local authority.”<sup>125</sup>

Although this design reduces printing demands, and is secure, it is not simple for voters to use. The precise nature of the last step, of ensuring the ballot papers are in envelopes the right way round, with numbers clearly showing would be difficult for a lot of people, especially those with a visual impairment. Richard Price QC OBE, of the HS Chapman Society, believes that ballot papers designed in such a way are confusing:

“It is undoubtedly confusing. If one looked at the way in which the ballot papers were devised in the all-postal ballot, in one of the cases that we put in our submission to you in fact had one piece of paper which was folded into three: one section was the ballot paper, the middle section was the declaration of identity; and the third section was the address of the voter, all joined together with perforations. As one saw from the court recount, all sorts of voters did a whole series of different things with that piece of paper. When they sent in their postal vote, some sent the whole lot back, including the bit with their name and address on; some tore the address off and sent the declaration of identity back and the ballot paper joined up; others sent them back separately; others chopped the ballot paper up, so it was only half the length that it was on the sheet, making it very difficult in fact to count them when they got to the count. You could see that the voters were all over the place in what they were supposed to do with this one simple three-section form.”<sup>126</sup>

Scope agree with this view:

“We have seen, and some of the pilots have evaluated them, incredibly complicated instructions, unnecessarily complicated instructions as to how to fill in your ballot paper and instructions on how to fold a ballot paper which is more like origami than a postal vote.”<sup>127</sup>

Scope have evidence that more people spoil their ballot paper accidentally when complex instructions and technical language are used on electoral materials. They stress the need for clear documentation using plain English, and diagrams when possible:

“It is important for positive public perception of postal voting that all election material including ballot papers is written in clear and simple language. Most of the

---

<sup>125</sup> Ev 42-43, HC 400-II [Electoral Reform Services]

<sup>126</sup> Q179, HC 400-III [Richard Price QC OBE, Management Committee, HS Chapman Society]

<sup>127</sup> Q217, HC 400-III [Ruth Scott, Campaigns Director, Scope]

2002 postal-only pilot areas detailed instructions on ballot papers in straightforward language with two local authorities consulting with learning disabled people to ensure the process was accessible. The use of pictograms to explain the voting process was also a positive development. Conversely, some areas used overly complex instructions: “the written instructions were only clear because I had staff support” said one respondent.”<sup>128</sup>

83. Three companies that produce electoral materials gave oral evidence to the inquiry. They each had different views as to whether tighter regulations on the format and design of materials would help:

Jon Sanders, Managing Director, Document Technology Limited: “I believe that the [production] systems that are devised must cope with the regulation design. I do not believe there should be wide variation and I do not believe it is necessary.”<sup>129</sup>

Simon Hearn, Head of Ballot Department, Electoral Reform Services: “I think the more there are flexible designs in which to work, it is obviously of benefit, but you need some core parameters. What you are looking at here, the idea is to continue to scale and scale and scale and then you need to be able to make sure that respectable mailing houses and printers are able to do the work that you want them to do and, therefore, you need to be able to be saying, “We believe these designs are scaleable”, as opposed to incorporating very tight designs which might not be scaleable. You are talking here about very high-end security papers and with these sorts of processes, then again the scaleability immediately comes down a bit because it is not something familiar to the print industry, so you are balancing these demands.”<sup>130</sup>

Keith Brown, Director of Business Development, De La Rue Security Products: “I suppose not surprisingly, given what I have already said, I very much favour tight regulation and in almost a very tight specification that as wide a group of suppliers could meet as possible, but I think if you do not have that tight regulation, then, as a member of the general public, how do I know what to look for in a particular ballot paper coming through the post?”<sup>131</sup>

**84. Balancing ease of use, security and production demands in the design of electoral materials is not always easy. We understand that production pressures, caused by the short amount of time between the close of nominations, and beginning of the polling period, drive the need for fewer personalised enclosures. However we are concerned that complex folding arrangements add an additional level of complexity to the voting process, especially for disabled voters. We recommend that the Government introduce tighter regulations on the design of electoral materials to prevent overly complex designs. The regulations should be informed by the Electoral Commission’s evaluation of the June combined elections, including user feedback. Organisations such as Scope and the Royal National Institute of the Blind, who have conducted detailed research on**

---

<sup>128</sup> Ev 18, HC 400-II [Scope]

<sup>129</sup> Q248, HC 400-III [Jon Sanders, Managing Director, Document Technology Limited]

<sup>130</sup> Q248, HC 400-III [Simon Hearn, Head of Ballot Department, Electoral Reform Services]

<sup>131</sup> Q248, HC 400-III [Keith Brown, Director of Business Development, De La Rue Security Products]

**colour use, print font and size, and so on, should also be consulted. Plain English and diagrams should always be used.**

## 8 Polling progress information

---

85. In conventional elections ‘marked’ copies of the electoral register have been made available, after voting has finished, so that candidates and political parties can check for personation, or other fraud, and focus future canvassing efforts. A marked copy merely shows that an elector has attended the polling station; it does not record who they voted for. Returned postal votes have never been included on this register. In two of the all-postal pilots last year, marked copies of the electoral register were made available to candidates during the polling period.

86. Marked registers will also be made available during the polling period for the June combined elections as a result of an amendment to the European Parliamentary and Local Elections (Pilots) Bill. Chris Leslie MP, Parliamentary Under-Secretary of State at the Department for Constitutional Affairs told us:

“In the passage of the bill at the committee stage in the Commons we did introduce an amendment to allow for what is known as polling progress information to be made available to candidates and agents and, of course, also to the electoral administrators themselves so that they can tell effectively who has returned an envelope containing a ballot paper. This is effectively mirroring the arrangements in conventional elections where parties and their agents can sit outside polling stations and see who turns up to vote and that enables campaigning so that candidates in the normal way can then see if they need to chase up persons who they feel need to be aware that there is an election. This is effectively a mirroring of the marked register arrangement into all postal arrangements and this was something that was requested during debate by opposition parties. The Conservative Party suggested that it was necessary, and the Liberal Democrats, even the Scottish National Party, were urging it on the government and in response to the debate that came through in committee stage at report we made that amendment to enable polling progress information to be made available.”<sup>132</sup>

He added:

“[...] it will be for candidates and agents and electoral administrators only to have the data of those people who have had envelopes returned to the returning officer with no more frequency than one list per day of polling numbers and names and no less frequency than twice a week, and we hope that parties and the returning officers will negotiate between them what is the most efficient [...].”<sup>133</sup>

87. However Sam Younger, Chairman of the Electoral Commission, has concerns about potential contravention of human rights and is urging Returning Officers to be cautious in the provision of polling information this year:

“[...] ] we have taken some legal advice on the human rights aspects of this. Though we have not had full time to evaluate it, we wanted to make sure we made that

---

<sup>132</sup> Q409, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

<sup>133</sup> Q410, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

available at the time the debate was going on about the availability of the marked register for the elections in June. There is, I think, in human rights' terms, a clear danger. One can quite see why and quite sympathise with the reasons that for political parties and candidates there is a real advantage in having access to the electoral register on an on-going basis through a campaign, but I do think there are human rights' implications, and we have actually counselled for this year caution in that, pending the conclusion which we should reach later this year in terms of where we should go in the long term. As I say, we have not fully evaluated the legal advice we have had but I do think there is a real question mark. [...] There are two issues, it seems to me. There is the issue, which I think we would all recognise - which I do not think is evidence-based at the moment - that it is possible, obviously, if you have campaigners who have narrowed down the number of people they want to have a go at in terms of saying, "We want you to return your vote," that the pressure on those individuals could be great. That is the theoretical bit of it. The general proposition is that it does open the opportunity for an interference in the privacy of the individual for somebody to go to their house. We have not reached a final conclusion on this but there are clearly dangers that have been pointed to by the legal advice we have been given."<sup>134</sup>

He added:

"[...] the Information Commissioner has made a view very clear that this should not be information made available, certainly contemporaneously, and, indeed, many people would argue it should not be made available even after the election. There is a balance here. And of course we are also looking at something, in terms of the use of the electoral register and so on, that has been a practice for many years in terms of the use of the electoral register and the marked register after an election."<sup>135</sup>

Returning Officers, who will have to provide the polling progress information, are consequently left in an uncertain position. They are entitled to clear guidelines:

Christine Mason, Electoral Services Manager, Wakefield Council: "I think as long as the regulations are drafted properly, and that we are covered and not left in a vulnerable position in terms of electors not having that choice any more, then I do not see a problem with that."<sup>136</sup>

Roger Morris, East Midlands Returning Officer for the European Parliamentary elections: "[...] I think from our point of view, it either is required or it is not. As has just been said by Ms Mason, we simply need some clear instructions. I am sure we can do it effectively in accordance with whatever rules are determined. The issue about whether it should be done, I think, is a matter of policy, and you can take a view on that, but that is not really the approach that we will have when we manage the process that we are given."<sup>137</sup>

---

<sup>134</sup> Q7-8, HC 400-III [Sam Younger, Chairman, Electoral Commission]

<sup>135</sup> Q10, HC 400-III [Sam Younger, Chairman, Electoral Commission]

<sup>136</sup> Q95, HC 400-III [Christine Mason, Electoral Services Manager, Wakefield Council]

<sup>137</sup> Q96, HC 400-III [Roger Morris, East Midlands Regional Returning Officer, European Parliamentary elections]

88. Councillor Sir Jeremy Beecham, Chairman of the Local Government Association, does not foresee any problem with the provision of polling information;

“Most people's experience, obviously the experience of Members of this Committee, is that people are very happy at their polling station to give you their number, very few decline to give you their number, fewer do that than refuse to identify their political preference when you canvas them. I do not think in principle there would be a vast objection [...].”<sup>138</sup>

Sam Younger believes the public would object, and noted that some electors living in areas which released polling information in previous pilots have indeed complained:

“We did have a small number of complaints that came to the Commission on the provision of the marked register to candidates before the close of poll. In focus groups conducted for the Commission - and this always has the health warning of how it is suggested - MORI asked participants for their views on whether political parties should have access to the marked electoral register before the close of poll, and MORI report that most people are instinctively against giving marked registers to political parties. Even if people do not mind personally, opposition remains. That is as far as it goes at the moment and that is what I think we need to investigate further before coming to a conclusion.”<sup>139</sup>

Sunderland City Council were one of the areas that released polling information during the polling period in a previous pilot. Bill Crawford, Elections Officer for the Council told the Committee he had not received one complaint.<sup>140</sup>

89. Gavin Barwell, of the Conservative Party believes that marked registers will benefit the public because those who are listed as having voted will be crossed off canvassers lists:

“[...] if you look at it from a voter point of view those people who have cast their ballot papers the effect will be that they will not be bothered by political parties so I would have thought they are very unlikely to complain about that.”<sup>141</sup>

However there will be a time gap between the voter posting their ballot paper, and the Returning Officer adding their name to the list. The Association of Electoral Administrators are concerned that this time gap may result in voters worrying that their ballot form has not reached the Returning Officer because canvassers' lists show them as not having voted. They argue that polling progress information will have limited value because it will be out of date as soon as produced.

90. Despite this argument, political parties remain keen to receive polling information during the polling period arguing that it will help them to detect fraud and delivery problems:

---

<sup>138</sup> Q137, HC 400-III [Councillor Sir Jeremy Beecham, Chairman, Local Government Association]

<sup>139</sup> Q18, HC 400-III [Sam Younger, Chairman, Electoral Commission]

<sup>140</sup> Q91-92, HC 400-III [Bill Crawford, Elections Officer, Sunderland City Council]

<sup>141</sup> Q366, HC 400-III [Gavin Barwell, Operations Director, The Conservative Party]

Grant Thoms, Scottish National Party: “If you do not know who has a postal vote until they have gone out because they refuse to release the postal vote list ahead of the start of an election, and if there is no marked register for postal votes for parties to assist in terms of security and detection fraud, how can we prove anything or get evidence? [...] It should be available in the same way as the register for people attending polling stations should be available. My understanding is that the Electoral Commission has not come to any formal position as yet, but the principle seems to be against the idea.”<sup>142</sup>

Peter Watt, Labour Party: “[...] it also useful for the political parties in terms of issues of fraud, and that sort of thing. It will be political parties who will notice if there is widespread fraud. It will also be political parties who will notice by using that information if there are delivery problems. If the Royal Mail or another deliverer has a particular problem in delivering postal votes in a particular area it will be political parties doing their normal activity who will notice that first. We think it is a very welcome move.”<sup>143</sup>

91. The Local Government Association argue that electors should also be able to view polling information during the polling period because they would be best placed to identify electoral fraud:

“We believe that a publicly available marked register could also be available in an electronic format on a daily basis for individuals to check that their ballot has arrived. We also believe that it is important to ensure the effective delivery of all postal ballots to whom they are intended. This is particularly important for houses of multiple occupation and in residences with no facilities for direct delivery to each individual property. Enabling individuals to check that their ballot has arrived is an important step in combating potential fraud and ensuring public confidence in postal ballots.”<sup>144</sup>

Mike Lloyd of the Royal Mail Group shares this view, as does the Metropolitan Police Special Branch:

“I certainly think it would be very useful to have some method of alerting a bona fide voter that his or her identity has been taken or that their address has been misrepresented on another form somewhere else [...]”<sup>145</sup>

Although they do not believe provision of a register would help in circumstances where there has been fraud or undue influence within a family:

“[...] the problem is that the recent postal vote offences that we have investigated tend to be mostly in the Asian communities, where the head of the household has persuaded the rest of the family to apply for postal votes and therefore vote for a particular candidate. The family structure is very patriarchal anyway and therefore it

---

<sup>142</sup> Q327-8, HC 400-III [Grant Thoms, Head of Campaign Unit, Scottish National Party]

<sup>143</sup> Q336, HC 400-III [Peter Watt, Head of Constitutional and Legal Unit, the Labour Party]

<sup>144</sup> Ev 68, HC 400-III [Local Government Association]

<sup>145</sup> Q193, HC 400-III [Representative A, Metropolitan Police Special Branch]

is very difficult, and even if we had a register it probably would not make any difference to that.”<sup>146</sup>

Mark Croucher of the UK Independence Party does not believe that provision of a marked register to voters would help detect fraud:

“[...] people who make a conscious decision to abstain and not to vote presumably take sufficient interest in a political process to make those checks, but in terms of finding out on a wider basis you do not remove the element of fraud from it. If people cannot be bothered to vote then they are unlikely to check to see whether they have or not.”<sup>147</sup>

The Minister does not currently favour provision of polling information to voters:

“[...] electoral officers themselves will have access to this polling progress information and that is part of the reason why we wanted to put it in, because they will be able to use it as a tool to check against any malpractice. For example, if an elector comes with an inquiry, as you are suggesting, "Has my vote been returned improperly?" they can report to the electoral administrator and the electoral administrator will then be able to tell whether an envelope has been returned purporting to contain their ballot paper, so it is an extra safeguard in that respect as well.”<sup>148</sup>

**92. We are concerned that the Electoral Commission are advising caution to those Returning Officers who will be responsible for the provision of polling progress information in the all-postal voting pilot areas in June. The Government and the Electoral Commission must provide consistent advice; we urge immediate clarification of the legal position and human rights implications of the provision of polling progress information. Political parties are unanimous in their support for this information, arguing that it will reduce unnecessary canvassing, increase turnout, highlight delivery problems and reveal electoral fraud. Provided that provision of polling progress information does not contravene data protection legislation or human rights, we recommend the Government reconsider whether provision of polling information to voters would lead to increased detection of electoral fraud.**

---

<sup>146</sup> Q195, HC 400-III [Representative A, Metropolitan Police Special Branch]

<sup>147</sup> Q330, HC 400-III [Mark Croucher, Policy Research Team and Press Officer, UK Independence Party]

<sup>148</sup> Q413, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

## 9 Infrastructure of Elections

---

### Cost

93. All the evidence we received told us that all-postal elections are more expensive than conventional ones:

Bill Crawford, Elections Officer, Sunderland City Council: “Sunderland piloted last May. It had a normal cost of a traditional election at about £150,000 and an all-postal was £200,000.”<sup>149</sup>

John Pitt, Corporate Director, Resources, Wakefield Council: “If it is all right for me to mention the costs in another authority, last year Doncaster's traditional ballot cost approximately £140,000 and the postal ballot cost approximately £156,000, which was an 11 per cent increase. I would say, though, certainly from Wakefield's point of view, that there is no doubt that the cost of running a postal ballot for the first time leads to incurring considerable additional cost due to the need for publicity, communications and an understanding by the public of the changes.”<sup>150</sup>

Roger Morris, East Midlands Regional Returning Officer, European Parliamentary Elections: “In 1999 our cost per voter in Northampton North and South parliamentary constituencies was 73 pence per voter. Let's say that is 80 pence or 85 pence in today's money or something of that sort, I think that is the benchmark. I will be interested to see what quotations I get in, but we are working on the broad-brush basis that it is going to be about £1 a vote, but, of course, if the turnout had been twice as great in 1999, the cost per voter would probably have been more or less half, because we had spent all the up-front money, and the number of people who turn out directly divides into that statistic, so there is a degree of artificiality about that. You need to compare like turnout with like turnout in order to assess value as well as the actual bills that you have spent.”<sup>151</sup>

Roger Morris' last point is important. If all-postal voting produces a higher turnout, then the cost per voter may be lower than at a conventional election with low turnout. Councillor Sir Jeremy Beecham, Chairman of the Local Government Association, agrees:

“They [all postal elections] will be more expensive in gross terms, the unit terms will fall somewhat.”<sup>152</sup>

94. Parish councils are worried about the cost implications of all-postal voting:

Westbury Town Council: “Following discussion, it was agreed to support all postal pilot schemes if there is no additional cost to the Town Council compared to running a normal 'polling station' election.”<sup>153</sup>

---

<sup>149</sup> Q60, HC 400-III [Bill Crawford, Elections Officer, Sunderland City Council]

<sup>150</sup> Q60, HC 400-III [John Pitt, Corporate Director, Resources, Wakefield Council]

<sup>151</sup> Q61, HC 400-III [Roger Morris, East Midlands Regional Returning Officer, European Parliamentary elections]

<sup>152</sup> Q131, HC 400-III [Councillor Sir Jeremy Beecham, Chairman of the Local Government Association]

<sup>153</sup> Ev 48, HC 400-II [Westbury Town Council]

Steeple Ashton Parish Council: “Administration and Costs - we have been advised that the cost of postal voting will be higher than voting at a polling station. It is not felt necessary to pay more for a service that is already well proven.”<sup>154</sup>

Codford Parish Council: “One of the things at the moment is, with us, when we have a parish council election it coincides with the district council elections, so if there is a dual election we are using all the same facilities and we share the costs of that particular election. In this instance it was just over a thousand pounds and Codford parish council paid half. Firstly, I am not sure how this would work if we are having all-postal elections, whether the parish would pay their bit, the district council their bit, or whether there would still be a 50/50 split. The other thing I was concerned about was the fact that considering a district and council election cost £1,022 and somehow or other the parish council picked up maybe about £600 of that. The actual estimate I believe was considerably higher than that and they were suggesting that an all-postal election could cost about £1280 and that was just for a parish, so saying it would be simpler and less expensive for the parish was totally ludicrous because obviously they were saying it would cost you more for a single election than for a joint election. [...] I am a small Wylve Valley parish council with 700 people and we precept something like £3,500 a year approximately, and we try to just pay for the things we have to and put aside a certain amount for other things. Our council taxes are absolutely enormous in the county and from the district, and basically the parish council try to work within a budget. We have all ranges of income, very poor people, rural people living on fixed incomes, and what we would say is obviously we do not want to bump the price up unnecessarily, and this is one of our big costs. If we have an election then obviously the election costs are significant. If you have only got £3,500 you precept that year then obviously, if you have to pay over £1200, you do appreciate our precept would have to go up considerably to afford that.”<sup>155</sup>

95. The issue of recharge to parish or district councils is an issue that Michael Green, of the National Association of Local Councils is concerned about:

“There is no consistency on charging for first-tier elections to principal authorities, and there never has been. [...] It is consistency as to whether they charge or not.”<sup>156</sup>

Tim Ricketts, Head of Legal Services at the National Association of Local Councils, added:

“The way in which first-tier councils - parish and town councils - finance themselves is by the precept, which, unlike other tiers of local authorities is a direct tax for almost all of their expenditure upon the electorate. That is why the approach on whether or not to recharge for elections across the country being different can cause some councils, particularly those that are near each other but in different districts, some problems. Some are passing the cost directly, therefore, on to their electorate, others do not have to do so. So there is some confusion over whether or not recharges do take place and it would be helpful to our tier for that to be clarified.”<sup>157</sup>

---

<sup>154</sup> Ev 15, HC 400-II [Steeple Ashton Parish Council]

<sup>155</sup> Q281-2, HC 400-III [Councillor Rosemary Wyeth, Chairman, Codford Parish Council]

<sup>156</sup> Q109-10, HC 400-III [Michael Green, Policy Officer, National Association of Local Councils]

<sup>157</sup> Q111, HC 400-III [Tim Ricketts, Head of Legal Services, National Association of Local Councils]

96. Michael Green of the National Association of Local Councils argues that the solution is to implement the Electoral Commission's proposal for a central pot to fund elections:

"[...] the recent Electoral Commission recommendations to the Office of the Deputy Prime Minister were that all administration costs for elections and all tiers of government should be paid out of a central pot, probably administered by local authorities, but given to the Electoral Commission to distribute to pay for local government elections."<sup>158</sup>

He added:

"[...] you have recently had another recommendation from the Electoral Commission on the cycle of elections and it clearly should be the case that if the cycle of election proposals are to be accepted by the Deputy Prime Minister then the proposals in the central pot for the funding of elections need to be accepted in the Office of the Deputy Prime Minister at the same time. We would be slightly astonished if in the 2007 local government elections, which will be where the majority of the procedures will happen, there is cycle of elections but there is no central pot for the administration costs."<sup>159</sup>

If administration costs for elections were centrally funded, Michael Green believes it would reduce the number of Councils who try to limit the number of candidates standing in order to prevent an election:

"[...] it is a well known barrier to the reputation of our sector that some councils with a certain amount of subtlety try and limit the number of candidates that stand in their area with the number of seats available in an attempt to ensure that the cost does not fall on them."<sup>160</sup>

97. Chris Leslie MP agrees that all-postal elections cost more, but argues that the higher turnouts produced make the additional cost worthwhile:

"Our estimate is that of course all-postal voting is more expensive and we think it is worth it because it gets greater turnout. My colleague is helpfully pointing out that at the 2003 local elections the cost per voter in an all-postal scheme ranged from £1.42 to £5.00 per elector compared to just over £1.00 for a traditional election, so we do have an estimate of that and we have put aside a certain amount of resource."<sup>161</sup>

Nick Raynsford MP, Minister of State for Local and Regional Government, added that the costs were reducing:

"I think it is true to say that Jeremy Beecham, in giving evidence to you a short while ago, emphasised that although there was a greater cost involved in all-postal, the gap between the cost of all-postal and traditional elections was reducing and there is the

---

<sup>158</sup> Q115, HC 400-III [Michael Green, Policy Officer, National Association of Local Councils]

<sup>159</sup> Q134, HC 400-III [Michael Green, Policy Officer, National Association of Local Councils]

<sup>160</sup> Q115, HC 400-III [Michael Green, Policy Officer, National Association of Local Councils]

<sup>161</sup> Q420, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

very obvious point about the benefit to democracy of ensuring a significantly higher level of turnout.”<sup>162</sup>

In addition he stressed that extra funding was available:

“It is in the light of the additional costs that we have agreed to make available the funding, the £13 million or so that we made available jointly between DCA, ODPM and the Treasury to ensure that all-postal voting could be conducted, or pilots could be conducted, in June this year without imposing new burdens on local authorities.”<sup>163</sup>

In a supplementary letter sent to the Committee on the 26<sup>th</sup> April, Chris Leslie MP confirmed the extra funding:

“The Government’s position on the costs of piloting is that it will meet the additional costs attributable to running the European Parliamentary and local elections on an all-postal basis. The costs of European elections are to be met by central Government through the appropriate Fees and Charges Order. The costs of the local elections will be met initially by the local authorities concerned in the usual way, and the extra costs arising from piloting paid by means of the Local Government Act 2003.”<sup>164</sup>

**98. All-postal elections are currently more expensive than conventional elections, but we believe that the higher turnouts produced do justify some additional costs. We welcome the Government’s commitment to meet extra costs resulting from the use of all-postal voting in the June elections. We recommend that the Government carefully considers the future funding of elections, including the consistency of recharges to first-tier councils, and the Electoral Commission’s proposal for a central pot. In response to this report we expect the Government to outline its long term plans for the funding of elections, including the viability of a central pot.**

## Insurance and Indemnity

99. The conduct of a local election is undertaken by the Returning Officer who can be any senior officer of the local authority, but is normally the Chief Executive or Head of Legal Services. At European Parliamentary elections, statutory responsibility for the region is the responsibility of the Regional Returning Officer (RRO) who is appointed by the Government and almost always an existing Parliamentary Acting Returning Officer (ARO). Although the RRO has responsibility for the region, he uses the services of the other AROs from local authorities within the area. For this purpose, they are designated as Local Returning Officers (LROs). Local Returning Officers have a statutory liability for the conduct of their responsibilities delegated by the RRO.

100. The Government provides general insurance cover to indemnify AROs against many claims, but emphasises the need for AROs to insure themselves for legal fees incurred as a result of an election petition complaining of poor conduct of an election. In local elections,

---

<sup>162</sup> Q420, HC 400-III [Rt Hon Nick Raynsford MP, Minister of State, Local and Regional Government, ODPM]

<sup>163</sup> Q421, HC 400-III [Rt Hon Nick Raynsford MP, Minister of State, Local and Regional Government, ODPM]

<sup>164</sup> Ev 91, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary of State, Department for Constitutional Affairs]

the Council has to take out additional insurance for all eventualities. In European elections, insurance cover is more complicated as the RRO is responsible for the actions of LRO and also of third parties, such as Royal Mail and printers of ballot materials.

101. Jon Sanders, Managing Director of Document Technology Limited, a provider of ballot materials, told us that insurers are reluctant to provide cover because of the large risk and cost of a re-run:

“Initial negotiations with brokers and underwriters indicate that there is a reluctance to directly insure a supplier where he is not acting as sole supplier for the entire area for which the risk is being insured. This could have a significant impact on the way that contracts can be awarded for supply in the CEPE. Proposed “local contracts” like those of last year might not be possible. Our underwriter has suggested that there should be a single catch all indemnity insurance in which all suppliers and the RRO are covered. This would ensure that there is no double insurance but would permit smaller suppliers to enter local contracts. This matter needs the urgent attention of the RRO’s and the relevant government departments.”<sup>165</sup>

In oral evidence he added:

“I have spent days trying to analyse and decide exactly what the risks are, where they start and where they finish, and I think we suppliers are between a rock and a hard place. The rock is the data we are supplied with and the hard place is my friend at the other end of the table [Mike Lloyd of the Royal Mail]. If we wanted to insure the risk for our own performance, we have to establish a clear start to our liability and we have to establish a clear end to our liability and we cannot do that under the present proposed regulations. The only suggestion that our underwriter has made is that there should be a global insurance for the whole of the election, covering everyone from the local returning officer to the regional returning officer and that the prime purpose is to insure a re-run, not to apportion blame.”<sup>166</sup>

Simon Hearn, of Electoral Reform Services, and Keith Brown of De La Rue Security Products agreed:

Simon Hearn: “I would echo what Jon [Sanders of Document Technology Limited] has said, that insurance is a great difficulty and, therefore, we are looking very, very closely at the contractual terms which are going to be connected with these particular contracts. As a company, you cannot open yourself up to a liability of an all-region re-run.”<sup>167</sup>

Keith Brown: “I agree with everything that has been said.”<sup>168</sup>

102. Roger Morris, East Midlands Returning Officer for the European Parliamentary Elections has concerns about securing insurance, and his personal liability as Returning Officer:

<sup>165</sup> Ev 35, HC 400-II [Document Technology Limited]

<sup>166</sup> Q269, HC 400-III [Jon Sanders, Managing Director of Document Technology Limited]

<sup>167</sup> Q269, HC 400-III [Simon Hearn, Electoral Reform Services]

<sup>168</sup> Q269, HC 400-III [Keith Brown, De La Rue Security Products]

“[...] a couple of us took part in discussions with our potential insurers at the end of last week. There is a real issue around the scale and scope of the insurance that is required. We are hopeful that the company that we are discussing with will provide that insurance, but if not we have asked the Department of Constitutional Affairs to indemnify us because, as we have made clear this morning, many of us are actively working anticipating the responsibilities that legally will come when the orders, acts, bills, etc are passed. [...]. The Department have indicated that they will consider that. I think we expect them to cover it if the insurance is not in place imminently. Of course, I have to emphasise that in this respect, just as we are personally appointed so we are personally liable. I think those of us who are returning officers have a strong awareness of that fact.”<sup>169</sup>

103. The Minister, Chris Leslie MP, assured the Committee in oral evidence that indemnity and insurance would be provided by the Government:

“My understanding about the insurance is that returning officers working with the Department have been looking at legal liability questions and there is insurance about to be undertaken for that aspect. If there are other areas where indemnity needs to be provided in a case, extreme though it may be, where you may have to have certain areas having re-runs and so forth that is not foreseen in any way, although obviously all possible circumstances need to be thought through the Government would indemnify against those and we would provide that level of assurance to the returning officers, there is that measure of protection for them.”<sup>170</sup>

The Chairman sought confirmation that the Government would meet the cost of a re-run:

“Chairman: If there has to be a re-run the Government will pay for it, is that right?”

Mr Leslie: Yes.

Chairman: The indemnities for the European ones, if a local election which is held on the same day, on the same system was challenged in the courts and had to be re-run you would also meet the cost of that, would you?

Mr Leslie: That is my understanding, unless there is a particular local failure. I will go back and look at the relative split of responsibility. Clearly Government is paying for the all postal pilot on the basis that these are European constituencies and need to take place on that regional level. There is also obviously a continuing contribution from a local government level because they would have to run local elections anyway. I would want to make sure that each part of government was paying its fair share towards any possible consequences down the line. Perhaps if I drop a note to the Committee on the financial split between local and national government that might be more helpful for you.

Chairman: Fairly quickly because the implications are worrying some of these returning officers.”<sup>171</sup>

---

<sup>169</sup> Q102-3, HC 400-III [Roger Morris, East Midlands Returning Officer, European Parliamentary elections]

<sup>170</sup> Q387, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

<sup>171</sup> Q388 and Q391, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

104. The written note promised by Chris Leslie was received by the Committee on the 26<sup>th</sup> April, over 5 weeks after the evidence session when the note was promised. The position outlined by the Minister in Committee is changed by the note, which states:

“In the case of liabilities arising in the June elections, for all local elections it is expected that the Local Returning Officer will have recourse to their local insurance policies, which are funded by their local authorities. These policies vary in terms of their coverage, some including re-runs, others not. Should a challenge for a re-run be made, funding the re-run will depend on the circumstances and the reason for the petition. If the fault lies with the LRO, we would expect them to use their own insurance policy, or alternative funds to cover their costs. Should the petition be made on the basis that the pilots were at fault, it will be for LROs to seek recourse to central government for funding. Additional insurance has been taken out to cover the European elections for legal liabilities, including public, products, employers’, official liability and libel and slander. However, this does not cover the costs of re-running a European election. It is the Government's intention that the costs of re-running European elections would be met from central funds.”<sup>172</sup>

105. **In oral evidence the Parliamentary Under-Secretary at the Department for Constitutional Affairs assured us that if necessary, the Government would fund an election re-run; the subsequent letter from the Minister indicates that the Government would only fund a re-run if the “pilots were at fault”, presumably meaning the legislation was defective. The Minister advises that “for all local elections, it is expected that the Local Returning Officer will have recourse to their local insurance policies, which are funded by their local authorities”. It is unfortunate that the assurance given by the Minister in oral evidence was subsequently discovered to be baseless. The Government must ensure that insurance cover has been secured by Returning Officers for the June all-postal pilots. If it has not, we recommend that the Government provide insurance cover because we have no doubt that many Returning Officers will have been confused by the Government’s u-turn. The Government must meet with Returning Officers for the proposed 2004 regional referendums as soon as possible to ascertain whether regional insurance should be provided by the Government.**

## The Postal Service

106. The success of an all-postal election is obviously to some extent dependent on the performance and public perception of the postal service. In the section on delivery points we highlighted evidence we received that revealed concerns as to the security and reliability of the postal service. Lord Rennard, Chief Executive and Nominating Officer of the Liberal Democrats, is sceptical that the Royal Mail will be able to successfully manage large scale all-postal elections:

“The performance of the Royal Mail: this is crucial to the successful deployment of postal elections on a large scale. However, there has been very little systematic analysis of the Royal Mail’s ability to cope. For example:

---

<sup>172</sup> Ev 91, HC 400-III [Chris Leslie MP, Parliamentary Under-Secretary, Department for Constitutional Affairs]

- The absence from pilots of controlled posting of return envelopes by the Returning Officer's staff at recorded places and times and checking of the delivery date of those envelopes back to the council. Similarly, evidence has not been systematically collected on the number of ballot papers delivered late (i.e. after close of poll). This would also be useful information for making any decision about whether or not ballot papers should be able to be posted on polling day itself – or afterwards, as is permissible in other countries such as Australia.
- The absence of a close examination of the Royal Mail's different performance standards around the country in both the Royal Mail and Electoral Commission's consideration of which regions to suggest for all-postal pilots for the June elections.<sup>173</sup>

107. Lord Rennard is also concerned about the performance of Royal Mail should industrial action take place during the polling period:

”The testing of the Royal Mail's promises to be able to perform against their actual levels of performance, principally at the Hillrise by-election. This was held on 30th October 2003 in the London Borough of Islington. It was a conventional election but carried out during a time of Royal Mail industrial action. The return of postal ballot papers for this election was affected by the industrial action taking place at the time amongst Royal Mail staff. Of the 164 returned ballot papers, 64 were returned after the deadline. So how well do the Royal Mail's promises to be able to cope with industrial action reflect reality?”<sup>174</sup>

Mike Lloyd of the Royal Mail told us that arrangements are in place:

“[...] we have obviously got the national agreement with the Communication Workers' Union now which has been signed following the disruption we had in the last quarter of last year. Again we have actually got a statement from the Communication Workers' Union supporting the extension of postal voting. We also, as a matter of course, locally as part of the operating fund I mentioned to you have robust contingency funds, again helped by the purple flashes, easily identifiable, so again working with the regional returning officers in particular, we have actually set individual plans, so if there is wildcat action, it can continue to operate, and that is part of the overall operating plan.”<sup>175</sup>

108. The Minister, Chris Leslie MP, is confident that the Royal Mail have the experience and ability to manage large numbers of postal votes:

“I asked officials to compare the volume of post between an all-postal election and the Christmas post and, although we are talking about potentially 83 million items of electoral mail in the weeks of the election period, in the Christmas period over a couple of billion items of mail are handled by the Royal Mail. In fact, I think they

---

<sup>173</sup> Ev 47, HC 400-II [Liberal Democrats]

<sup>174</sup> Ev 47, HC 400-II [Liberal Democrats]

<sup>175</sup> Q263, HC 400-III [Mike Lloyd, Director of Government Services, Royal Mail]

handle 82 million items per day in the Christmas period, so this is well within the scope of the Royal Mail to cope with that.”<sup>176</sup>

Roger Morris, East Midlands Returning Officer for the European Parliamentary elections agrees:

“[...] we have had some discussions, including particularly, again, Mr Crawford and myself, with the Royal Mail representatives. At national level they are taking the issue very seriously and arrangements are in hand to put in place the capacity locally to do that job. I have no reason to think there will be any difficulty from the security side with the Royal Mail. After all, they handle a lot of secure material in the ordinary course of every day. I think I would echo the concerns that the two previous witnesses put to you about vulnerable points in the life of the ballot paper, so to speak, once it has left the hands of the returning officer or the original starting point, because, clearly, it is possible to see how things can go wrong. But I think we need to have a sense of proportion about this. Most of us are saying that we do not have a lot of evidence of concern or problems on the ground.”<sup>177</sup>

109. Jon Sanders, Managing Director of Document Technology Limited, a company which produces electoral materials, is however concerned that Royal Mail do not have robust audit trails in place:

“The interface between the producer and the Royal Mail is very unsatisfactory, and could lead to disenfranchisement claims being “passed on” to innocent producers. 2002/3: the items were presented to Royal Mail with the usual listings and dockets. The signature on the docket merely confirms that the Royal Mail will charge for the number of items specified and the completeness of the mailing is assumed by Royal Mail, but no responsibility is assumed by Royal Mail for completeness. This means that if Royal Mail loses some items it can claim that the mailing received was incomplete, and no check was made at the point of handover (other than to sample items for the weight claimed). This interface is the subject of much concern, and we are being advised to produce a comprehensive listing of the contents of each mailbag, to be handed to the Royal Mail with an invitation to agree the contents, and to disclaim any bag not so checked at the point of handover. The point at issue is that all through phases 1 and 2 [production of electoral materials], an audit trail maintains control of the number of ballot paper envelopes issued, only to be lost when they reach Royal Mail. In any claim of disenfranchisement this “fuzzy” interface could allow Royal Mail to avoid liability even if the items were lost whilst in their care.”<sup>178</sup>

Mike Lloyd of Royal Mail disagrees, he told us that the Royal Mail had introduced a number of measures specifically to manage the postal-voting process:

“As far as the ballot papers are concerned that actually come back which are posted in a post box or collected from elsewhere, again they go via the local office through to

---

<sup>176</sup> Q416, HC 400-III [Chris Leslie, Parliamentary Under-Secretary, Department for Constitutional Affairs]

<sup>177</sup> Q56, HC 400-III [Roger Morris, East Midlands Regional Returning Officer, European Parliamentary elections]

<sup>178</sup> Ev 35, HC 400-II [Document Technology Limited]

the regional returning officer. We have also introduced, as part of the action from the May elections, the final sweep for the four postal regions which is basically a final sweep of the mail centres between 7.30 and 9 o'clock to ensure that all the ballot papers that are actually posted are actually taken from the box and leave the mail centre so that we can be sure there are no outstanding votes in that mail centre. [...] in terms of despatching them, we have agreed the timetable so that we make sure that the postal packs, for example, will always go out after the electoral addresses. That is one of the first things that we actually did. Again the recommendation that we put and the timeframe that we put is that the items go out and are delivered to us on a specific day and we will start delivering them the next day and guarantee to deliver them within three days following receipt from the local authority.”<sup>179</sup>

He added:

“[...] one of the main things we have introduced on everything, including the cages as they actually go into the mail centres, including the envelopes themselves with purple flashes which, one, means we can easily identify the items and, two, if we need to identify and extract any items for any particular reason we are able to do that because they are obviously distinctive, so from a security point of view, as soon as they actually reach our regional distribution centres, through to our mail centres, through to delivery offices, the same sort of process will be used in terms of this purple flash, whether it be on a cage, whether it be on a bag or whether it be on an individual item.”<sup>180</sup>

110. Simon Hearn, of Electoral Reform Services, another electoral material production company, believes the postal voting process could be tested through the use of “seeds”:

“Ordinarily we would add seeds into mailings that we do. [...] Our own addresses, but because of the exacting nature of the legislation we have got, we cannot legally do that. It would not be good for me to receive an extra couple of ballot papers from such and such an election because the postal docket would reflect that two extra ballot papers went out rather than the exact number, so it is very difficult to monitor in that way. However, I would just say that in our own private elections (sic) that we would conduct, we would add in our own extra addresses. I do not know whether local authorities perhaps use friendly staff to say, "Have you received your ballot paper yet? You live in the area, so have you got it?" I know certainly when we have conducted postal pilots, we will get, "My granny received it in wherever, so I know they have arrived", and that is the sort of monitoring you can do certainly on the outgoing.”<sup>181</sup>

He added:

“It is a monitor of how Royal Mail are performing, but whether it is beneficial - there are ways of adding seeds presumably where you would not have to put a ballot paper in, you put a letter in, add them into the mailing. It is the problem where, come the

---

<sup>179</sup> Q264-5, HC 400-III [Mike Lloyd, Director of Government Services, Royal Mail]

<sup>180</sup> Q257, HC 400-III [Mike Lloyd, Director of Government Services, Royal Mail]

<sup>181</sup> Q266-7, HC 400-III [Simon Hearn, Head of Ballot Department, Electoral Reform Services]

verification, what does the postal docket say as to exactly how many were sent out if there is a challenge, those sorts of processes. If you are having to explain that one or two extra items went out, does that add doubt into a process?”<sup>182</sup>

**111. We recognise that the Royal Mail has a great deal of experience in processing secure post in large volumes over concentrated periods of time. However we are concerned that the public may not view the postal service as reliable or secure. It is therefore vital that the Royal Mail’s audit trail is rigorous and transparent. In order to monitor the performance of the Royal Mail during an election, we recommend that the Government introduces seeded electoral papers. The Electoral Commission should include reference to the performance of the Royal Mail, based on these seeded papers, in its evaluations of elections. The independent regulator, the Postal Services Commission (Postcomm), should also assess the Royal Mail’s performance and set targets which require 100% secure and accurate delivery of ballot papers. In response to this report we recommend the Government outlines what research it has conducted into the use of seeds; or other audit processes to ensure the reliability and security of the Royal Mail’s handling of postal votes.**

## Publicity

112. Some parts of the country have piloted all-postal elections since 2000. At the next General Election, all voters will have to use conventional systems of voting. Several witnesses told us they are concerned about the impact of such changes on voters:

Malcolm Dumper, Executive Director of the Association of Electoral Administrators: “I think the biggest significant issue where pilot schemes have taken place - not just postal but electronic as well - is where people are happy with that process, they see it more convenient, but then may have to return to traditional voting methods. That is more the case in those authorities that have conducted electronic pilots, where people have found that very convenient and modern but then have to return to a traditional voting method at the next parliamentary election.”<sup>183</sup>

Sam Younger, Chairman of the Electoral Commission: “[...]. It is very striking from those particularly who have undertaken all-postal voting, particularly over a sustained period, that they are very worried about the implications of going back to other methods. I have to say that I think, in a sense, that is in the nature of the beast when you are in a period where you are experimenting and looking at different methods. In an ideal world, we would take what we have learned from the pilots, roll out the underpinning legislative framework that you need and then roll it out; but life is not as simple as that, and we recognise it but nevertheless it is important that we do so.”<sup>184</sup>

John Pitt, Corporate Director of Resources, Wakefield Council: “[...]. I was previously at Doncaster and responsible for the pilot that took place there in 2000 with the Conisbrough by-election and that went extremely well, turnout doubled,

<sup>182</sup> Q268, HC 400-III [Simon Hearn, Head of Ballot Department, Electoral Reform Services]

<sup>183</sup> Q17, HC 400-III [Malcolm Dumper, Chief Executive, Association of Electoral Administrators]

<sup>184</sup> Q18, HC 400-III [Sam Younger, Chairman, Electoral Commission]

but there was undoubtedly a degree of confusion with the electorate when at the next election you revert to a traditional voting system. I think that is inevitable.”<sup>185</sup>

Councillor Sir Jeremy Beecham, Chairman, Local Government Association: “I think everybody would prefer clarity sooner on this. Colleagues that I have spoken to in the North West and in Yorkshire and Humberside would like to get on and have postal polls. It is also the case, of course, that in some places, like Gateshead, for example, they have had postal ballots for about three years, and in Newcastle (where I come from) we had an all-postal ballot last year. If they were to be changed back to ordinary voting, I think, this would be confusing. There are authorities in Yorkshire, Humberside and the North West which have also piloted, so a change back could complicate matters for them.”<sup>186</sup>

113. However Ken Ritchie of the Electoral Reform Society argues that electors will cope, provided they are informed of the changes:

“The evidence suggests that voters in other parts of the world and, indeed, in other parts of Britain can cope with using different electoral systems without any great problem but it is important that there is as strong an educational campaign and information campaign beforehand, so that, for example, where it is an all-out election, people do know, if it is a three member ward, that they have three votes and that they do not just cast one.”<sup>187</sup>

Nick Raynsford MP, Minister of State for Local and Regional Government, agrees:

“[...] provided the issues are presented clearly and there is a real issue there about ensuring that the options available in the respective elections are well presented and clearly presented, and we are very keen to ensure that happens then I do not feel anxiety about this.”<sup>188</sup>

**114. The use of different electoral systems for different elections is no doubt confusing for all involved, although we accept that different systems are inevitable when piloting new electoral methods. Nevertheless we recommend that the Government makes a firm decision as to the future form of electoral systems, and implements any changes as soon as possible to prevent further confusion, and potentially lower voter turnout. In the meantime it is vital that the Government, Electoral Commission and local authorities, take steps, including use of the media, to ensure that all electors are aware of the method(s) of voting in their area in each election. In response to this report we recommend the Government outline what promotional strategies have been implemented.**

---

<sup>185</sup> Q50, HC 400-III [John Pitt, Corporate Director of Resources, Wakefield Council]

<sup>186</sup> Q108, HC 400-III [Councillor Sir Jeremy Beecham, Chairman, Local Government Association]

<sup>187</sup> Q177, HC 400-III [Ken Ritchie, Chief Executive, Electoral Reform Society]

<sup>188</sup> Q397, HC 400-III [Nick Raynsford MP, Minister of State, Local and Regional Government, ODPM]

## Timing of elections

115. In an all-postal voting election, electors will receive ballot papers up to three weeks before polling day, and some will vote immediately. An unintended consequence is therefore that candidates must start their canvassing campaigns earlier in order to contact electors before the start of the three week polling period. We received evidence from politicians that for elections held in May, this means starting canvassing in February or March. They argue that campaigning at this time of year is harder because it is before the clocks go forward at the onset of British Summer Time. Councillor Suzanne Fletcher told us:

“We found it extremely difficult [canvassing]. We had to start so much earlier to make sure that campaigning was completed by the time the postal ballots came out, and there were several difficulties with that. The first was that we were canvassing before the clocks changed, so we could do less canvassing because you cannot canvass in the dark.”<sup>189</sup>

She added:

“The other issue that we have found with the postal ballot is that, because of the rolling registration, we had not got the names for the March and April people going on to the electoral roll filtered through into our system in time for those people to be called on, so quite a number of people did not get called on and we could not hit that point.”<sup>190</sup>

Councillor Sir Jeremy Beecham, Chairman of the Local Government Association, agrees, and proposes that elections should move to June:

“There are practical difficulties and I have suggested and the Association has suggested that one thing which needs to concern us for the future is the date of local elections. Given that the timetable becomes elongated for elections the prospect of knocking on doors in the freezing, dark March nights is somewhat less appealing than doing it a bit later when the clocks go forward and therefore a June election makes it more comfortable for the canvassers and canvassed. We will be recommending that to the Commission and we have asked the Commission to look at the date for local elections in the light of that.”<sup>191</sup>

Councillor Fletcher is not convinced that moving elections to June will help:

“I have thought about this. A lot of our deliverers in particular, and party workers, go on holiday at the Spring Bank Holiday and start going on their full family holidays in June, and that is going to cause serious concerns across all the parties.”<sup>192</sup>

---

<sup>189</sup> Q291, HC 400-III [Councillor Suzanne Fletcher MBE, Stockton on Tees Borough Council]

<sup>190</sup> Q292, HC 400-III [Councillor Suzanne Fletcher MBE, Stockton on Tees Borough Council]

<sup>191</sup> Q136, HC 400-III [Councillor Sir Jeremy Beecham, Chairman of the Local Government Association]

<sup>192</sup> Q292, HC 400-III [Councillor Suzanne Fletcher MBE, Stockton on Tees Borough Council]

Other political parties argue however that Councillor Fletcher's holiday concerns could also apply to the Easter break for May elections. They support the idea of moving elections to June:

Geoff Forse, Green Party: "It is not so much a problem with June I have not heard anyone complaining about that.<sup>193</sup> [...] June is not an issue."<sup>194</sup>

Grant Thoms, Scottish National Party: "I think it is more helpful to have elections held in the summer months when evenings are lighter and people can get out and engage with voters. I have no problem with that at all."<sup>195</sup>

Mark Croucher, UK Independence Party: "Similarly with June as a specific date we do not have a problem with the particular month."<sup>196</sup>

**116. We recommend that if all-postal voting is used in future elections, the Government and Electoral Commission consider holding elections in June so that canvassing can be done in lighter evenings, encouraging greater engagement with the electorate.**

---

<sup>193</sup> Q320, HC 400-III [Geoff Forse, Elections Co-ordinator, Green Party, England and Wales]

<sup>194</sup> Q321, HC 400-III [Geoff Forse, Elections Co-ordinator, Green Party, England and Wales]

<sup>195</sup> Q320, HC 400-III [Grant Thoms, Head of Campaign Unit, Scottish National Party]

<sup>196</sup> Q320, HC 400-III [Mark Croucher, Policy research Team and Press Officer, UK Independence Party]

## 10 Armed Forces Personnel

---

117. In a conventional election, service personnel who cannot, or choose not, to attend a polling station can apply for a postal or proxy vote. Under all-postal voting, service personnel can vote by post, or appoint a postal-proxy. As we were told by Martin Fuller, Director of conditions of service of military personnel at the Ministry of Defence, since 2000 it has been the responsibility of the individual to arrange their vote:

“[...] with the introduction of the wider range of registration options under the Representation of the People Act, we then discontinued the Service register and relied on the individual to register and to exercise their rights. We advise them on how they can register and we try and facilitate the registration process by making forms accessible, but we do not take it beyond that.”<sup>197</sup>

“We tend to regard voting as a private-life matter, but we do not survey it as part of our regular attitude surveys or questionnaires, so it is left entirely to the individual. From anecdotal evidence, we suspect that registration on voting levels are probably lower than you would wish, which is partly a reflection of the mobility of Service personnel and the fact that we have a large community of quite young people for whom voting perhaps is not a top priority, although we do brief all recruits on voting arrangements and it goes out in unit standing orders and then it is periodically updated. We remind people once a year to re-register, but beyond that we do not check how many of them have registered or voted.”<sup>198</sup>

118. As described above, the Services and Ministry of Defence leave it up to the individual to choose and organise their method of voting. However Colonel Don Kent of the British Forces Post Office, told us that if an individual wished to vote by post, it may not always be possible for ballot papers to be dispatched and returned within the polling timeframe, especially for personnel stationed on ships or submarines:

“[...] it is not always going to be possible. I am not sure exactly what the timeframe is. Three weeks has been mentioned as maybe the timeframe. Typically, for most servicemen serving all around the world, we despatch mail five days a week.”<sup>199</sup>

Colonel Kent added:

“I should perhaps follow through the journey of the letter to make it easier for everybody to understand the timeframes involved. It is despatched by the local authority, then it is one to two days for Royal Mail to get it into the BFPO system. We do not hang on to it for more than a day, maybe two days, depending on our five-day-a-week despatching process, so we are talking about another two days to get it to most servicemen around the world. Then you have the internal arrangements for that serviceman to handle that ballot paper however he sees fit and in whatever timeframe he personally gives to that. Then we have the return journey which is

---

<sup>197</sup> Q235, HC 400-III [Martin Fuller, Director of conditions of service of military personnel, Ministry of Defence]

<sup>198</sup> Q234, HC 400-III [Martin Fuller, Director of conditions of service of military personnel, Ministry of Defence]

<sup>199</sup> Q230, HC 400-III [Colonel Don Kent DCE, British Forces Post Office, Ministry of Defence]

pretty much the same, two days, say, back to the UK and then two days back through the Royal Mail Group, so we are talking about ten to 14 days, I would suggest, as the absolute minimum. Then there will be, as we were suggesting there, some places around the world where we cannot meet that quite reasonable timeframe. The Falklands Islands would be an example where we only despatch mail twice a week. Currently in Afghanistan we do not use scheduled flights five days a week, but we use the RAF and that is only twice a week, and there are a few other places around the world where we could not operate to twice a week, and ships of course are another story altogether. [...]. There is no standard schedule for how ships might decide to be operating at any one time around the world, but typically, and this month, for instance, there are 31 ships, I believe, at sea and six months ago there were more, about 47, and there might only be 17, 18 or 19, so there is not a pattern, which is the first point. When they are at sea, depending on where they are, the calling in at ports is variable. *HMS Ironduke* last spring and summer was moving around the Caribbean and called into ports at least twice a month. We have advance information on what ports it is calling into, so we know within a five-day window that is going to that port and we despatch mail. Every time it calls into a port, it definitely collects its mail and it almost always returns some mail. Mail comes back from, say, Miami and it takes a couple of days, though from Jamaica it took three weeks, so depending on the local country's mail system, it is varied and would not easily reach the parameters of the election process.”<sup>200</sup>

119. Martin Fuller from the Ministry of Defence conceded that given the difficulties of getting postal votes to personnel, it would be more practical for the Services to encourage personnel to opt for proxy votes:

“One of the changes we may introduce when we issue our guidance, which we are due to do shortly, is to encourage people to use the proxy system rather more, and this is partly because of the preparation for this Committee and looking into the system and talking to the defence postal services, that I think we should encourage people to use proxies more. At the moment we leave it pretty neutrally as to whether they rely on postal votes or proxy votes, but clearly for those who are likely to be away from home on deployment or posted overseas at short notice, the proxy system would probably serve them better.”<sup>201</sup>

Again it will be up to the individual to arrange this:

“We provide details of all the electoral registration officers and their addresses so that they can approach them, but I do not think we provide them. The forms tend to be different, I think, from one area to another to some extent, so we do not provide forms, but we aim to provide them with contact names and addresses.”<sup>202</sup>

120. Although Martin Fuller did promise that the Ministry of Defence would look into whether personnel could apply for proxy votes by e-mail:

---

<sup>200</sup> Q231-2, HC 400-III [Colonel Don Kent DCE, British Forces Post Office, Ministry of Defence]

<sup>201</sup> Q238, HC 400-III [Martin Fuller, Director of conditions of service of military personnel, Ministry of Defence]

<sup>202</sup> Q237, HC 400-III [Martin Fuller, Director of conditions of service of military personnel, Ministry of Defence]

“That may be practicable at least for some people. Some people have easier access to e-mail than others, but it certainly is a possibility that we can look into.”<sup>203</sup>

121. The Ministry of Defence suspect electoral participation rates among service personnel are low; considering that the Government is trying to increase electoral participation, we are surprised that there appears to be little attempt made to encourage service personnel to vote. Every effort must be made to ensure all who wish to vote are able. We are pleased that the Ministry of Defence, when it issues its guidance, intends to encourage greater use of proxies and we hope to see a copy of this guidance in the response to this report. The Ministry of Defence and Armed Services must offer more help to personnel who wish to apply for a proxy vote; we recommend all new personnel are given forms and guidance during their initial training period. We also recommend that the Government, Ministry of Defence and Electoral Commission consider the results of the electronic voting trial for military personnel in the United States of America.

---

<sup>203</sup> Q238, HC 400-III [Martin Fuller, Director of conditions of service of military personnel, Ministry of Defence]

## Conclusions and recommendations

---

### Extension of all-postal voting

1. The Government has been right to trial all-postal voting through a series of pilot schemes. The June 2004 all-postal elections will be on a large scale and will build on previous experience, and test the robustness of the all-postal system. Provided that the Electoral Commission's evaluation of the June 2004 pilots is positive, we recommend that the Government does not hold any more pilot schemes. The June elections should answer the crucial questions about the scalability, cost and security of the all-postal system, and the Government will learn no more from holding further pilots. The Government must make a firm decision whether to extend all-postal voting after evaluation of the June elections. (Paragraph 15)
2. During the course of our inquiry, the European Parliamentary and Local Elections Pilots Bill, which makes provision for all-postal voting in four regions in the June combined elections, has been considered and passed into law. The pilots are not in themselves the focus of our inquiry. We are however concerned by the Government's poor management of the arrangements for the pilots. The regulations which set out the legislation in detail were only published on Tuesday 27 April, nearly four weeks after the Bill received Royal Assent; and despite the Minister, Chris Leslie MP, telling us in oral evidence on 17 March that the drafting of the regulations was "in hand" and that the regulations would be published "as soon as absolutely possible". The 30 April was the last possible day for Returning Officers to post notice of polls for the June elections. Leaving publication of the Orders until such a late stage in the process is deeply unsatisfactory. For any future all-postal elections, including the regional referendums expected in the autumn of 2004, the Government must make more timely preparations, and ensure tighter control of the process. (Paragraph 16)

### The impact of all-postal voting

3. The Government must engage electors in politics, and not rely on changes in the electoral system to increase voter turnout. However it is vital to ensure that voter inconvenience is ruled out as a contributing factor to low turnouts in elections. In all but three pilots all-postal voting has produced higher turnouts than in the preceding comparable elections, suggesting that for significant numbers of voters it has removed an obstacle which prevented them voting. Increased turnouts must be sustained; experience from Western Australia and New Zealand suggests that turnouts at all-postal elections may drop once the novelty wears off; the Government must be alert to this possibility. (Paragraph 23)

### Electoral Security

4. The Committee recognises that the move to individual voter registration is complex and must be managed carefully to avoid electors 'falling off' the electoral register. However, the move to individual registration is critical to the extension of all-postal

voting. We recommend that the Government seeks to introduce a bill at the earliest opportunity to secure the necessary legislation. The Government should consider working with the Office of National Statistics to utilise the next census period to implement the change. Each elector's signature, and a standard individual identifier, such as date of birth or national insurance number, should be required as part of the move to individual voter registration. Following the implementation of individual voter registration we recommend that the witnessed declaration of identity should be replaced with a voter-signed declaration. This declaration should also require completion of an individual identifier. This numeric based individual identifier will facilitate a computerised identity check on each returned ballot paper. Should this check fail, the voter's signature should be compared with the signature held on the electoral register. In addition, each Returning Officer should signature check a sample of returned papers, and contact each of the sampled voters for additional verification. Additional Government funding should be made available to ensure Returning Officers have the necessary resources to implement these recommendations, and a significant expansion of canvassing for individual registration. (Paragraph 50)

5. The Committee does not believe that all-postal voting poses any greater security risk than conventional voting. However, we believe that the investigation and prosecution of electoral offences needs to improve in order to increase public confidence in the system. We therefore strongly support the Electoral Commission's report on Absent Voting which recommends;
  - Inter-agency cooperation to develop and disseminate information and guidance to local police forces in relation to electoral offences;
  - Development of a protocol in liaison with prosecution authorities, the Association of Chief Police Officers (ACPO), the Society of Local Authority Chief Executives (SOLACE), and the Association of Electoral Administrators (AEA) setting out clearly the respective roles of the Returning Officer, the police and the Crown Prosecution Service in pursuing allegations of fraud;
  - Identification of best practice in relation to the handling of postal vote applications and postal ballots by representatives of political parties and development of a Code of Practice in conjunction with political parties;
  - More publicity for offenders caught and successfully prosecuted for electoral offences;
  - Introduction of a new offence of intending fraudulently to apply for a postal (or proxy) vote. The maximum sentence should be a custodial sentence in line with the penalties for personation;
  - Redrafting of the law on undue influence to clarify the nature of the offence. It should also become a legal requirement that secrecy warnings are included on postal (and proxy) voting literature;
  - Extension of the existing statutory provisions on personation to give the police power of arrest based on 'reasonable suspicion' of personation at any location; and

- Introduction of a new legal provision so that in exceptional circumstances, and where the prosecution has demonstrated all due diligence, the Courts may extend prosecution time limits by up to 12 months. (Paragraph 64)
6. We wish to underline the need for prosecution agencies to rigorously pursue allegations of electoral offences, and for the courts to punish those convicted with harsher penalties. Political Parties have a responsibility to demonstrate the security of postal voting, therefore candidates and canvassers who are convicted should be banned from participation in election activity. (Paragraph 65)
  7. In addition to the recommendations made by the Electoral Commission, we recommend that the Government consider the case for granting the police search and arrest powers to aid investigations of allegations of electoral offences. We also think it is vital that the Government establish a national database to record allegations of electoral offences. In the response to this report we recommend that the Government outlines the number and nature of all allegations of electoral offences resulting from the June 2004 combined elections. (Paragraph 66)

## Access

8. If the Government intends to extend all-postal voting, they must ensure all electors who wish to vote are able to do so. Postal voting will make voting easier for those with mobility problems; however it may make independent voting more difficult for those with visual impairments or literacy problems. The Government has tried to address potential difficulties through provision of tactile voting devices, Braille and large-print voting information, delivery points and home assistance. We are concerned at Scope's reports that some electors have struggled to obtain Braille voting information; and that others have found the tactile voting device unhelpful. Although the device was successfully used in polling stations, we recommend it is redesigned for all-postal voting use to include candidates' names and Political Parties in Braille. For those who require assistance to complete their vote, home visits by electoral officers who can offer impartial advice and assistance, are welcomed. We share the view of Scope that this assistance should be available throughout the electoral period; however we have concerns that this system will not be sustainable should large numbers of people seek assistance. We therefore recommend that in their evaluation of the June combined elections the Electoral Commission evaluate the provision of home assistance considering demand, user perceptions, and the resource impact on local authorities. (Paragraph 78)
9. The aim of all-postal voting is to increase electoral participation and give electors every opportunity to vote; we therefore welcome the use of assisted delivery points. However we are not satisfied that the Government intends to fund only one assisted delivery point in each local counting area. It would obviously not be cost-effective to replicate the number and location of conventional polling stations; however we believe that in some local authority areas there is a need for more than one delivery point. One option Government should consider is use of mobile libraries, or similar, staffed by electoral officers, as delivery points. We recommend that Government provide central funding if a Returning Officer can offer convincing evidence of the need for additional assisted delivery points. (Paragraph 79)

10. We are disappointed at the apparent confusion of policy within the Department for Constitutional Affairs. The Minister tells us that he wants assisted delivery points only open on polling day, while the Election Orders state that delivery points should be open for nine days. In response to this report we recommend that the Minister urgently clarifies the department's position. We recommend that delivery points are open for most, if not all, of the polling period; they should provide a secure place for electors to cast their vote; and be staffed by electoral officers able to offer impartial assistance. We hope that the Government consider this recommendation in its preparations for the all-postal regional referendums foreseen in the autumn. (Paragraph 80)

### Electoral Materials

11. Balancing ease of use, security and production demands in the design of electoral materials is not always easy. We understand that production pressures, caused by the short amount of time between the close of nominations, and beginning of the polling period, drive the need for fewer personalised enclosures. However we are concerned that complex folding arrangements add an additional level of complexity to the voting process, especially for disabled voters. We recommend that the Government introduce tighter regulations on the design of electoral materials to prevent overly complex designs. The regulations should be informed by the Electoral Commission's evaluation of the June combined elections, including user feedback. Organisations such as Scope and the Royal National Institute of the Blind, who have conducted detailed research on colour use, print font and size, and so on, should also be consulted. Plain English and diagrams should always be used. (Paragraph 84)

### Polling progress information

12. We are concerned that the Electoral Commission are advising caution to those Returning Officers who will be responsible for the provision of polling progress information in the all-postal voting pilot areas in June. The Government and the Electoral Commission must provide consistent advice; we urge immediate clarification of the legal position and human rights implications of the provision of polling progress information. Political Parties are unanimous in their support for this information, arguing that it will reduce unnecessary canvassing, increase turnout, highlight delivery problems and reveal electoral fraud. Provided that provision of polling progress information does not contravene data protection legislation or human rights, we recommend the Government reconsider whether provision of polling information to voters would lead to increased detection of electoral fraud. (Paragraph 92)

### Infrastructure of Elections

13. All-postal elections are currently more expensive than conventional elections, but we believe that the higher turnouts produced do justify some additional costs. We welcome the Government's commitment to meet extra costs resulting from the use of all-postal voting in the June elections. We recommend that the Government carefully considers the future funding of elections, including the consistency of

recharges to first-tier councils, and the Electoral Commission's proposal for a central pot. In response to this report we expect the Government to outline its long term plans for the funding of elections, including the viability of a central pot. (Paragraph 98)

14. In oral evidence the Parliamentary Under-Secretary at the Department for Constitutional Affairs assured us that if necessary, the Government would fund an election re run; the subsequent letter from the Minister indicates that the Government would only fund a re-run if the "pilots were at fault", presumably meaning the legislation was defective. The Minister advises that "for all local elections, it is expected that the Local Returning Officer will have recourse to their local insurance policies, which are funded by their local authorities". It is unfortunate that the assurance given by the Minister in oral evidence was subsequently discovered to be baseless. The Government must ensure that insurance cover has been secured by Returning Officers for the June all-postal pilots. If it has not, we recommend that the Government provide insurance cover because we have no doubt that many Returning Officers will have been confused by the Government's u-turn. The Government must meet with Returning Officers for the proposed 2004 regional referendums as soon as possible to ascertain whether regional insurance should be provided by the Government. (Paragraph 105)
15. We recognise that the Royal Mail has a great deal of experience in processing secure post in large volumes over concentrated periods of time. However we are concerned that the public may not view the postal service as reliable or secure. It is therefore vital that the Royal Mail's audit trail is rigorous and transparent. In order to monitor the performance of the Royal Mail during an election, we recommend that the Government introduces seeded electoral papers. The Electoral Commission should include reference to the performance of the Royal Mail, based on these seeded papers, in its evaluations of elections. The independent regulator, the Postal Services Commission (Postcomm), should also assess the Royal Mail's performance and set targets which require 100% secure and accurate delivery of ballot papers. In response to this report we recommend the Government outlines what research it has conducted into the use of seeds; or other audit processes to ensure the reliability and security of the Royal Mail's handling of postal votes. (Paragraph 111)
16. The use of different electoral systems for different elections is no doubt confusing for all involved, although we accept that different systems are inevitable when piloting new electoral methods. Nevertheless we recommend that the Government makes a firm decision as to the future form of electoral systems, and implements any changes as soon as possible to prevent further confusion, and potentially lower voter turnout. In the meantime it is vital that the Government, Electoral Commission and local authorities, take steps, including use of the media, to ensure that all electors are aware of the method(s) of voting in their area in each election. In response to this report we recommend the Government outline what promotional strategies have been implemented. (Paragraph 114)
17. We recommend that if all-postal voting is used in future elections, the Government and Electoral Commission consider holding elections in June so that canvassing can

be done in lighter evenings, encouraging greater engagement with the electorate. (Paragraph 116)

### **Armed Forces Personnel**

18. The Ministry of Defence suspect electoral participation rates among service personnel are low; considering that the Government is trying to increase electoral participation, we are surprised that there appears to be little attempt made to encourage service personnel to vote. Every effort must be made to ensure all who wish to vote are able. We are pleased that the Ministry of Defence, when it issues its guidance, intends to encourage greater use of proxies and we hope to see a copy of this guidance in the response to this report. The Ministry of Defence and Armed Services must offer more help to personnel who wish to apply for a proxy vote; we recommend all new personnel are given forms and guidance during their initial training period. We also recommend that the Government, Ministry of Defence and Electoral Commission consider the results of the electronic voting trial for military personnel in the United States of America. (Paragraph 121)

# Formal minutes

---

**Tuesday 11 May 2004**

Members present:

Andrew Bennett, in the Chair

Sir Paul Beresford	Chris Mole
Mr Clive Betts	Mr Bill O'Brien
Mr Graham Brady	Christine Russell
Mr David Clelland	Mr Adrian Sanders
Mr John Cummings	

The Committee deliberated.

Draft Report [Postal Voting], proposed by the Chairman, brought up and read.

*Ordered*, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 63 read and agreed to.

Question put, That Paragraph 64 be read a second time.

The Committee divided.

Ayes, 6

Noes, 1

Mr Clive Betts  
Mr David Clelland  
Mr John Cummings  
Chris Mole  
Mr Bill O'Brien  
Christine Russell

Mr Adrian Sanders

Paragraphs 65-121 read and agreed to.

*Resolved*, That the Report be the Seventh Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

*Ordered*, That the provisions of Standing Order No. 134 (Select Committee (reports)) be applied to the Report.

*Ordered*, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House. - [The Chairman] [The Committee adjourned.]

## Witnesses

---

### Tuesday 9 March 2004

HC 400-III Page

<b>Mr Sam Younger</b> , Chairman, The Electoral Commission	Ev 1
<b>Mr Malcolm Dumper</b> , Democratic Services Manager, Southampton City Council and Executive Director, The Association of Electoral Administrators (AEA)	Ev 1
<b>Mr Bill Crawford</b> , Electoral Administrator, Sunderland (North East Region) Borough Council	Ev 8
<b>Mr Roger Morris</b> , Regional Returning Officer, European Elections, East Midlands Region	Ev 8
<b>Ms Christine Mason</b> , Electoral Services Manager, Wakefield Council, and <b>Mr John Pitt</b> , Corporate Director (Resources), Wakefield Council	Ev 8
<b>Councillor Sir Jeremy Beecham</b> , Chairman, Local Government Association (LGA)	Ev 15
<b>Mr Michael Green</b> , Policy Officer, and <b>Mr Tim Ricketts</b> , Head of Legal Services, National Association of Local Councils (NALC)	Ev 15

### Tuesday 16 March 2004

<b>Mr Richard Price QC OBE</b> , Management Committee Member, H S Chapman Society	Ev 21
<b>Mr Ken Ritchie</b> , Chief Executive, Electoral Reform Society	Ev 21
<b>Metropolitan Police Special Branch Representatives</b>	Ev 26
<b>Ms Ruth Scott</b> , Campaigns Manager, Scope	Ev 30
<b>Mr Martin Fuller</b> , Director, Service Personnel Policy Service Conditions, and <b>Colonel Don Kent</b> , Deputy Chief Executive, British Forces Post Office, Ministry of Defence	Ev 30
<b>Mr Mike Lloyd</b> , Director of Government Services, Royal Mail Group plc	Ev 34
<b>Mr Simon Hearn</b> , Head of Ballot Department, Electoral Reform Services	Ev 34
<b>Mr Keith Brown</b> , Director of Business Development, Security Products Division, De La Rue Security Products	Ev 34
<b>Mr Jon Sanders</b> , Managing Director, Document Technology Limited	Ev 34

**Wednesday 17 March 2004**

<b>Ms Suzanne Fletcher MBE</b> , Stockton on Tees Borough Council	Ev 39
<b>Ms Rosemary Wyeth</b> , Chairman, Codford Parish Council	Ev 39
<b>Mr Grant Thoms</b> , Head of Campaign Unit, Scottish National Party	Ev 42
<b>Mr Geoff Forse</b> , Elections Co-ordinator, Green Party of England and Wales	Ev 42
<b>Mr Mark Croucher</b> , Policy Research Team and Press Officer, UK Independence Party	Ev 42
<b>Mr Peter Watt</b> , Head of Constitutional and Legal Unit, Labour Party	Ev 46
<b>Mr Gavin Barwell</b> , Operations Director and Registered Treasurer, Conservative Party	Ev 46
<b>Lord Greaves</b> , a Member of the House of Lords, Liberal Democrats	Ev 46
<b>Rt Hon. Nick Raynsford</b> , a Member of the House, Minister of State, Local and Regional Government, Office of the Deputy Prime Minister	Ev 52
<b>Mr Christopher Leslie</b> , a Member of the House, Parliamentary Under-Secretary, Department for Constitutional Affairs	Ev 52

## List of supplementary written evidence

---

Memoranda POS 01 to POS 33 were published as HC 400-II, Session 2003-04 on 8 March 2004	
Dr Stephen Pathmarajah (POS 34)	Ev 61
Electoral Reform Society (POS 35)	Ev 62
R.J.B. Morris, Regional Returning Officer, European Elections East Midlands Region (POS 36)	Ev 65
Local Government Association (LGA) (POS 37)	Ev 66
National Association of Local Councils (NALC) (POS 38)	Ev 69
Labour Party (POS 39)	Ev 72
Scottish National Party (SNP) (POS 40)	Ev 73
UK Independence Party (UKIP) (POS 41)	Ev 75
Wakefield Metropolitan District Council (POS 42)	Ev 76
W. J. Crawford, Elections Officer, Sunderland City Council (POS 43)	Ev 77
Broughton Gifford Parish Council (POS 44)	Ev 78
Green Party (POS 45)	Ev 78
DocQwise Business Services Ltd (POS 46)	Ev 84
Supplementary Memorandum by DocQwise Business Services Ltd (POS 46(a))	Ev 86
Supplementary Memorandum by the Electoral Commission (POS 32(a))	Ev 90
Department for Constitutional Affairs (POS 47)	Ev 91

# Reports from the ODPM Committee since 2002

---

The following reports have been produced by the Committee since 2002. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

## Session 2003–04

First Report	ODPM Annual Report and Accounts 2003	HC 102-I ( <i>CM 6141</i> )
Second Report	Annual Report to the Liaison Committee	HC 221
Third Report	The Fire Service	HC 43-I ( <i>CM 6154</i> )
Fourth Report	Coalfield Communities	HC 44-I
Fifth Report	Decent Homes	HC 46-I
Sixth Report	Social Cohesion	HC 45-I

## Session 2002-03

First Report	Local Government Finance: Formula Grant Distribution	HC 164 ( <i>CM 5753</i> )
Second Report	Annual Report to the Liaison Committee	HC 288
Third Report	Affordable Housing	HC 77 ( <i>CM 3783</i> )
Fourth Report	Planning, Competitiveness and Productivity	HC 114 ( <i>CM 5809</i> )
Fifth Report	Departmental Annual Report and Estimates	HC 78 ( <i>CM 5841</i> )
Sixth Report	The Evening Economy and the Urban Renaissance: Interim Report [Responding to issues in the Licensing Bill]	HC 541 ( <i>HC 750</i> )
Seventh Report	The Effectiveness of Government Regeneration Initiatives	HC 76-I ( <i>CM 5865</i> )
Eighth Report	Planning for Sustainable Communities: Sustainable Communities in the South East	HC 77-I ( <i>CM 5985</i> )
Ninth Report	Reducing Regional Disparities in Prosperity	HC 492-I ( <i>CM 5958</i> )
Tenth Report	The Draft Housing Bill	HC 751-I ( <i>CM 6000</i> )
Eleventh Report	Living Places: Cleaner, Safer, Greener	HC 673-I ( <i>CM 5989</i> )
Twelfth Report	The Evening Economy and the Urban Renaissance	HC 396-I ( <i>CM 5971</i> )