



House of Commons

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

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**Government Response  
to and the Electoral  
Commission's  
Observations on the  
Committee's Seventh  
Report, Session  
2003–04, Postal Voting**

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**Session 2003–04**

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## **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 public bodies.

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## First Special Report

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On 20 May 2004 the ODPM: Housing, Planning, Local Government and the Regions Committee published its Seventh Report of Session 2003-04, Postal Voting. On 20 July 2004 the Committee received a memorandum from the Government which contains a response to the Report. The memorandum is published without comment as appendix one to this report.

On 8 July 2004 the Committee also received a letter from the Electoral Commission presenting some of their observations on the Committee's Report. This letter is published without comment as appendix two to this report.

## Appendix 1 – Government Response to the Committee's Seventh Report on Postal Voting

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20 July 2004

On behalf of Her Majesty's Government, I would like to welcome the recently published report of the ODPM: Housing, Planning, Local Government and the Regions Committee into *Postal Voting*.

I attach a document detailing the Government's response to the conclusions and recommendations of the Committee.

I hope the Committee will find this contribution useful.

NICK RAYNSFORD

### Introduction

Postal voting has been part of the democratic apparatus of the United Kingdom since 1919, but over time its application has been greatly extended. The Representation of the People Act 2000 included provision for any elector to request a postal vote without having to give a reason. That Act also contains the powers that enable local authorities to apply to hold electoral pilots, including all-postal voting, at local elections. Approximately 100 pilots including all-postal voting have now been held.

The European Parliamentary and Local Elections (Pilots) Act 2004 provided for all-postal voting pilots to take place across four specified English regions at the combined elections in June 2004. These pilots formed the largest test of all-postal voting to be held

so far in the UK. It is planned to hold the regional and local referendums scheduled to take place on 4 November as all-postal referendums, and the relevant orders to provide for this have recently been laid before Parliament.

It is against this background that the ODPM: Housing, Planning, Local Government and the Regions Committee held their inquiry into postal voting. Their report was published on Thursday 20 May. This paper is the Government's response to the conclusions and recommendations of that report.

The Government welcomes the Committee's report and its support for the use of postal voting. We agree that postal voting has proved popular; the increasing number of people choosing to vote by post since 2000 demonstrates this succinctly. This fact is also reflected in the increases in voter turnout recorded at the vast majority of all-postal pilot elections.

Currently, the all-postal elections held in June are being formally evaluated by the independent Electoral Commission, so it is too early to say much about the outcomes of these pilots. However, the initial indications are that they did have a positive impact on voter turnout. In the four pilot regions, turnout more than doubled at the European elections compared to the previous election in 1999, whereas in the non-pilot regions, turnout increased only by half.

Nevertheless, there were problems encountered in the production of some ballot packs at these elections and there are going to be lessons to learn for the future. In that respect, we look forward to receiving the Commission's evaluation report in mid-September and seeing what recommendations they have to make, in particular about how we should proceed with all-postal voting.

We know that changing the mechanism of voting is not a panacea for the problem of low voter turnout, which is itself only one element of political participation. Political parties and others need to do much more to reconnect voters and political parties. However, that does not mean that we should ignore the fact that for many people traditional polling stations are inherently inaccessible and there is no excuse for making the fundamental right of voting difficult and inconvenient if there are better alternatives available.

## The Government's Response to the Committee's 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)*

The Government welcomes the endorsement given to the electoral pilots programme that we have been promoting with the Electoral Commission, Local Government Association and local authorities. These pilots have provided us with a considerable amount of data and experience of new voting methods. They have also helped to make the process of voting more accessible and convenient for many thousands of people. We believe that piloting electoral innovations is the best way to identify ways that the voting system may be improved in a controlled and informed manner.

The pilots held in June were intended to test the scalability of all-postal voting, vital if we are to understand how all-postal voting would work if it were rolled out for all local elections. The pilots should also provide essential data on the costs of all-postal voting. These issues cannot be fully explored in rounds of individual local pilots, where individual local authorities choose whether to hold pilots.

The pilots in June also enabled an assessment to be made of how some of the procedures and safeguards that have been developed at previous pilots worked across a wide variety of localities, both rural and metropolitan. The Electoral Commission's evaluation of these pilots will be valuable in guiding us to the future of all-postal voting.

We will need to examine the Commission's evaluation and recommendations very closely before deciding whether or not any more pilots of all-postal voting are going to be necessary. It is worth noting that further pilots would assist us in understanding better what the effect of repeated all-postal elections is on voting behaviour and whether the increases in voter turnout are sustained. Moreover, the Government intends to hold regional and local referendums in the autumn on an all-postal basis. These are not pilots, but will still help to build up experience of this method of voting.

Before making a decision on the mainstream use of all-postal voting for local elections, as recommended by the Electoral Commission, we will also need to engage in a public

consultation to gather wider views on what would be an important change to our democratic system. Such a consultation would be based on the recommendations of the Commission, as we made clear in our response to the Commission's evaluation of the May 2003 pilots, "The Shape of Elections to Come".

Our electoral pilot programme will continue, in order to test electronic voting methods and other electoral innovations, as we proceed towards our ultimate goal of a multi-channelled general election, some time after 2006.

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 hands 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 Pilot Order was published as soon as was practicable, following the delayed passage of the Bill through Parliament. As was said at the Select Committee, the Pilot Order was in hand as interested stakeholders, including electoral administrators, the Electoral Commission, Royal Mail, the CPS and disability groups, were consulted on the development of the policy and the draft legislation throughout the process.

Furthermore, the Government produced a Policy Paper in mid-December 2003 setting out the main points for the systems that the pilots would follow. This was developed in a co-operative fashion with electoral administrators, suppliers, the Commission and others feeding in and providing material that was reflected in the final order. Electoral administrators were positive about participating in the development of the Pilot Order in this way and were preparing the groundwork well in advance of the publication of the Order.

More time is available for the preparation for the regional and local referendums. Orders governing the referendum procedure were laid in Parliament on 24 June and the Orders setting the date of the referendum and the text of the local government options were laid on 8 July. The intention is for Parliament to debate these Orders before the summer recess, and subject to Parliament's approval, it is expected that they will become

law 14 weeks before the referendums are held. Drafts of two of the procedural referendum Orders were published for public consultation by ODPM on 18 December 2003 and the third on 15 January 2004.

The pilot elections are about learning lessons for the future. The Electoral Commission has a statutory duty to evaluate all areas of the pilots within three months of the elections. The report will not comment on the implications of all-postal voting for the regional and local referendums. However, as the Minister for Local Government, Nick Raynsford, said in Parliament, the Government is “prepared to give a clear undertaking not to proceed with all-postal referendums as planned if [the Electoral Commission] produces convincing evidence leading to the conclusion that it would be unsafe to do so”.

### ***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)***

The Government agrees that changes to the voting system can never be a panacea for declining voter turnout. Electors have to be engaged by the issues debated at election time, and between elections, if they are to decide they want to cast their vote at all. This process of engagement is the responsibility of all politicians at all levels.

We also agree that it is necessary to ensure that voting is convenient for all electors and that is what our electoral pilots programme is intended to explore. That is why we are looking to provide additional voting channels, including electronic voting methods.

We have noted the evidence from other countries where all-postal voting has been used over a period of time and we will need to monitor their experiences to see if there are any lessons for the UK. It may be that further pilots of all-postal voting before any rollout at all local elections would be useful so we can observe the ongoing impact on voter turnout.

### ***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)*

In 2003, the Electoral Commission recommended that all-postal voting was ready to be rolled out at local elections subject to certain conditions, including that individual voter registration would need to be in place. In the Government's response (Cm 5975), we said that we accepted the broad thrust of their recommendations as a basis for consultation. It is intended to undertake a consultation in the autumn, following the Commission's evaluation of the June 2004 pilots.

We agree with the Committee that if individual voter registration is introduced in Great Britain, it is essential that the transition be managed well. The experience of Northern Ireland in making this transition will be useful in guiding the process and ensuring that everyone who is eligible to vote is on their local electoral register.

We have accepted the Electoral Commission's recommendation that a simplified security statement, signed only by the voter, should be used at future all-postal elections. This is what we have proposed for the regional and local referendums this autumn. Initially, the security statement was our preferred approach for the pilots held at the June 2004 elections, but the relevant legislation was amended following strong opposition in the House of Lords, which supported the continued use of the traditional Declaration of Identity.

We agree that Returning Officers should check the signatures on a sample of Declarations and contact a sample of electors to check whether they voted and if they encountered any fraud or intimidation. The Electoral Commission has put out advice this year regarding a number of security checking measures that Returning Officers should consider implementing and provision for funding this has been made by central government.

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 co-operation 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)*

The Government agrees with the Committee that evaluations of all-postal voting to date suggest that all-postal voting, with sufficient safeguards in place, is no more prone to fraud than conventional voting. It accepts, as a basis for consultation, the Electoral Commission's recommendation that wider legislative change to minimise the risk of fraud and coercion is required as a pre-condition for the rollout of all-postal voting in elections, and decisions will be made in due course.

In respect of inter-agency co-operation and development of protocols, this work is underway with meetings between the Government, Returning Officers, Police, OPS and the Electoral Commission having taken place before the pilots in June and a protocol being developed and implemented for those elections. This work will provide a basis to learn from and build upon for the future.

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)*

The Government agrees with the thrust of the Committee's recommendations that allegations of electoral fraud should be investigated rigorously and offenders prosecuted accordingly. We accepted the Electoral Commission's recommendations in 2003 that a Code of Practice be developed covering the conduct of political parties in relation to the handling of ballot papers and that Code of Practice was introduced at the June elections. We will wait for the Electoral Commission's evaluation of the effectiveness of the Code of Practice before considering what additional measures, if any, need to be implemented.

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)*

The Government notes the Committee's recommendations and will take these into account when looking at any need for additional measures to deal with electoral offences. Meetings with the Police and the CPS have already identified issues about recording electoral offences and consideration of how this might be done is underway. The Government is compiling a list of the allegations of electoral offences, including of fraud, which have been reported during the June 2004 elections.

## 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)*

The Government agrees with the Committee that whilst new voting techniques can bring many benefits to people with disabilities, the need is to ensure that the good practices suggested by SCOPE are reflected in any extension of postal voting. During the development of the policy for the pilots in June 2004, the Government met with Scope, RNIB and the Disability Rights Commission to ensure the arrangements in place for the pilots took on board their views. This liaison is something that we certainly wish to continue in future. We look forward to seeing what the Commission has to say about the provision of home assistance at the June 2004 pilots.

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)*

The policy with regard to Assistance & Delivery Points (ADP) at the pilots in June was that we would automatically fund the minimum of one ADP in each local authority area required by the Pilot Order. However, where returning officers felt it would be reasonable to provide more than one ADP, taking into account the geographical context, transport links and population distribution in their area, they could make a retrospective claim for the additional costs incurred, setting out the reasons for that decision.

We note the recommendations of the Select Committee on the provision of ADPs and we will carefully consider the comments on this subject that the Electoral Commission will make in their evaluation report. For the regional and local referendums planned for this autumn, the approach is for a minimum provision of one ADP for every 50,000 electors, with discretion for Counting Officers to set up additional ADPs.

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)*

A letter was sent on 6 April 2004 to the Chairman of the Select Committee, clarifying the position on a number of issues raised at the Committee hearing, including Assistance and Delivery Points. As the Committee was informed, ADPs were indeed open on the day of the poll from 7am to 10pm; however, ADPs were also open for a total of nine days from 2 June to 10 June, excluding the Sunday.

The policy for ADPs was specifically developed to provide a secure place for electors to cast their vote and to include staff able to offer assistance and we expect the Electoral Commission will report on the use of ADPs in their evaluation. We will consider their comments on this matter in preparing for future all-postal elections and referendums. The orders that have been laid before Parliament for the regional and local referendums this autumn include provision for ADPs to be open on the day of the referendums from 7am until 10pm and for five days prior to that day. The counting officers can also choose to open ADPs for a longer period.

### **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)*

We note the Committee's concerns and recommendations. During the preparation for the June 2004 pilots, the Government met organisations such as Scope, RNIB and the

Disability Rights Commission and had careful regard to the issues that they raised. This was to ensure that these elections were inclusive and that relevant provision was made to accommodate the needs of people with disabilities and special needs. We expect that the Electoral Commission will consider this subject in their evaluation and we will revisit arrangements for future electoral pilots.

### **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)*

The Government has accepted requests to provide candidates with a marked register of electors who have returned their ballot paper envelopes before the close of poll at a number of electoral pilots over the past two years. The decision to require it at the pilots in June 2004 was a response to the requests from all sides of the House of Commons in the debate on the primary legislation required. The Government is confident that these pilots have been consistent with the requirements of human rights legislation.

The primary legislation enabling the June 2004 pilots also obliges the Electoral Commission to evaluate the impact that the provision of this information had for candidates, administrators and electors. We will need to consider what the Commission says on this matter very carefully when they publish their report before making any decision on whether polling progress information should be made available at any future election or referendum.

### **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)*

The Government is considering whether and how to take forward the Electoral Commission's recommendations for funding elections contained in its report "Funding Electoral Services" as well as other recommendations made in other reports and summarised in "Voting for Change". The funding questions raised both by those reports and by the all-postal voting pilots are complex. The Government intends to set out its proposals for the long-term arrangements in due course.

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 faults, 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)*

The position regarding insurance cover has remained consistent and clear. There has been no U-turn on insurance cover. As Chris Leslie indicated at the Select Committee hearing and confirmed in his letter of 22 April 2004, returning officers have been provided insurance cover for the running of the European Elections. In addition the Government has provided an indemnity to returning officers in the event that some legal costs are not covered by the insurance policy. As for the cost of any re-run of the European elections, it has always been the case that the Government would fund this.

The arrangements for the local elections differ because Local Returning Officers (LRO), in the event of a liability arising, would have recourse to their local insurance policies in the first instance. The local authority funds these and, depending on the agreement, some include re-runs while others may not. In the event of a re-run arising from a local election, funding would depend on the circumstances of the petition. As the letter stated, "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". It has always been the case that the Government would fund the local election costs attributable to piloting.

When ministers appeared before the Committee, they promised to write to the Committee with the detailed arrangements for funding election re-runs, including the financial allocation between local and national government. This information was provided in Chris Leslie's letter of 22 April. It is regrettable that the Committee gained a differing impression, given the clear position set out in correspondence.

The Chief Counting Officer (the Chairman of the Electoral Commission, or someone appointed by him) is responsible for the administration of the referendums and it is therefore for him to consider, with the counting officers, whether insurance is necessary for the referendums. We understand that the EC are discussing the issues with insurance brokers

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)*

The Royal Mail was involved in the development of the arrangements in place for the pilots from an early stage. Although there were a number of negative reports in the press about the Royal Mail in the months prior to the June 2004 elections, the Royal Mail put in impressive efforts to ensure that the ballot packs were delivered as quickly as possible. The evidence so far is that Royal Mail played their part extremely well.

We note the Committee's recommendations on seeding the ballot. The project board that managed the June 2004 pilots, and which included a representative from the Electoral Commission, discussed whether to undertake such a project in April 2004. The Commission was insistent that a body independent of government should do this work. However we understand that they felt unable to do it themselves at these pilots. We will work with the Commission to support any exercise of this nature in the future.

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)*

There is a difference between voting systems (e.g. first-past-the-post, proportional representation) and voting methods (e.g. polling stations, postal voting). Different electoral systems may be appropriate for different bodies, depending on various factors, but the Government recognises the necessity of ensuring that the electorate is well informed about the particular system applying to each election. A variety of voting methods (in person at polling stations, by post, by proxy) has been available for some time for all elections in the UK. The Government's aim is to increase that choice and experiments of various kinds have taken place to test new methods. These have included electronic voting by the Internet, by text message, by interactive digital television, and by telephone, as well as increased availability of postal voting. The aim is to allow voting by a number of different methods — whichever is most convenient for the voter — to maximise the opportunity for people to cast their vote.

Whilst these experiments are continuing the Government recognises the necessity of keeping the electorate informed about what methods are available for which elections. Responsibility for national publicity on electoral issues was given to the Electoral Commission in the Political Parties, Elections and Referendums Act 2000. They have conducted a number of high profile publicity campaigns to date. The Government also agreed to fund local publicity where pilots took place in June 2004 to encourage Local Returning Officers to undertake it. Information about what publicity took place where will no doubt form part of the Electoral Commission's evaluation report, along with assessments of its effectiveness.

**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)***

The Government notes the Committee's recommendation that it considers holding future elections in June to enable canvassing to be undertaken in lighter evenings. It will consult further on this issue with the Electoral Commission and other key stakeholders.

## **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)*

The Government confirms that it will make every effort to ensure that all those who wish to vote are able to do so. Revised guidance is in preparation for all Service personnel, providing full information and practical help on how to register and explaining the various voting options available, including postal or proxy voting. A copy will be provided for the Committee's information in due course. The Ministry of Defence will also examine how it can improve the information available during initial training.

Consideration will also be given to the results of the electronic voting trial for US military personnel. The Government was monitoring the progress of the SERVE (Secure Electronic Registration and Voting Experiment) project until it was ended earlier this year. Our electoral pilots programme envisages further tests of electronic voting channels for everyone, and we will consider how the systems we develop may be used to assist military personnel in voting.

## Appendix 2 – Electoral Commission's observations on the Committee's Seventh Report on Postal Voting

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### Introduction

On behalf of The Electoral Commission I would like to welcome the recently published report of the ODPM: Housing, Planning, Local Government and the Regions Committee into Postal Voting. In particular the Commission is pleased to note that the Committee has endorsed recommendations we have made to Government in relation to:

- The introduction of individual voter registration and unique voter identifiers, leading to the replacement of the witnessed declaration of identity by a security statement that only the voter needs to complete;
- Increased resources to enable Electoral Officers to pro-actively verify sample signatures on returned declarations;
- Dissemination of information and guidance to police forces on electoral offences, more rigorous prosecution of allegations of electoral offences, and harsher penalties for convictions (together with the related recommendations set out in our report on Absent Voting);
- Improved accessibility of the system for those with disability or literacy problems (e.g. assisted delivery points and mobile home assistance); and
- Rigorous monitoring of the Royal Mail's performance in the delivery of ballot papers (including the use of 'seeded' ballot papers).

The Committee also made recommendations on the role of the Commission. To assist the Committee in considering the Government's response, I attach a separate document detailing our position on these recommendations.

The Committee made a number of other recommendations specifically for others, on which the Commission may well have views following our evaluation of the June pilots. I would be happy to brief the Committee on our evaluation report on its publication in September.

I hope the Committee will find this contribution useful and, of course, I will be happy to provide further elaboration of our views if requested.

**Sam Younger**  
**Chairman**

## Observations

**Paragraph 78: 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.**

The Commission has published a detailed evaluation framework that requires returning officers to provide information on the provision of home visits. We will report on any information we receive, either from returning officers or from SCOPE, our access evaluators, in our overarching report.

**Paragraph 84: We recommend that the Government introduce tighter regulations on the design of electoral materials...[which]... should be informed by the Electoral Commission's evaluation of the June elections, including user feedback.**

The Commission has contracted SCOPE, who provided evidence to the Committee, to conduct an access evaluation of the June all-postal pilots. This evaluation process, as outlined in our evaluation framework, will examine how and if the design of the voting materials met recognised standards for accessible public information and the Commission's own guidance on equal access to electoral procedures.

**Paragraph 111: 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.....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.**

In May the Government approached the Commission to ascertain our view on the use of seeds to test the reliability of mail services. While the Commission agrees that some information on the level of service delivered is vital to ensure public confidence in postal voting, we do not believe that such exercises should be undertaken by Government. The Commission would be happy to take on this role if it was believed to be of use and if suitable resources could be secured. We will cover this further in our evaluation of the June 2004 pilots.

**Paragraph 114: It is vital that the Government, Electoral Commission and local authorities take steps, including the use of the media, to ensure that all electors are aware of the methods of voting in their area in each election.**

In the run up to the 10 June elections, the Commission undertook a comprehensive national voter awareness campaign. A variety of communication methods were employed to raise public awareness of the methods of voting. The geographical diversity of the all-postal voting regions, and the late decision as to which would be used, made it

difficult to use advertising media for this message. Instead the Commission distributed CDs to all electoral services departments in Great Britain; these contained templates for posters and press ads that could be adapted locally and used as required, including all-postal voting versions. In addition, the Commission used PR through local media outlets to reinforce the all-postal message, as well as providing tailored local information via the call centre and website. In any future elections on this scale involving new voting methods, the Commission would certainly consider using advertising media, if geographical locations, timings and budgets allow. However, the evidence so far available from our tracking research suggests that the methods detailed above proved to be a good spread of information sources.

**Paragraph 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.**

The Commission has expressed no views to date in relation to the possibility of a permanent move to June elections, and has no plans to examine this issue specifically. However, the Commission has previously expressed concern about dates of fixed elections being moved, and the potential impact on voter comprehension of combining elections. The Commission will examine the impact on campaigning of all-postal voting arrangements as part of its evaluation of the June pilots.

**Paragraph 121: That the Commission, along with the Government (in particular the Ministry of Defence) consider the results of the electronic voting trial for military personnel in the Unites States of America”.**

The Commission agrees with the Committee's suggestion that every effort must be made to ensure that all electors who wish to vote are able, including members of the armed forces. We have noted the aims of the US SERVE (Secure Electronic Registration and Voting Experiment) project in providing assistance for service personnel and their families based overseas to vote using the Internet, although we recognise that the project has now been discontinued. The Commission continues to review the development of electronic voting technology both in the UK and overseas, and is represented on the Government's Electoral Modernisation Programme Board, which is responsible for considering how best to take these issues forward.

## Clarification

In relation to the provision of polling progress information, the Committee stated that they were “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”.

The Commission made its views clear on the introduction of polling progress information during the debate on the Pilots Bill by the issue of a statement on 23 January 2004. However, once the Pilots Act was passed we advised Returning Officers, through our guidance and training material, to comply with the provisions of section 2 and to provide polling progress information to those persons and organisations specified in the Pilot Order.