

# INTRODUCTION TO THE CONSULTATION ANALYSIS

- 1.1 This is an introduction to the Consultation Analysis document which accompanies the publication of our scoping report, *Electoral Law in the United Kingdom*.<sup>1</sup> The report provides an outline of the responses to our consultation with a view to making our recommendations as to the scope of law reform of electoral law in the UK. The Consultation Analysis provides a more comprehensive picture of consultees' responses to our scoping consultation paper.

## THE CONSULTATION PROCESS

- 1.2 Public consultation began with the publication of our scoping paper on 15 June 2012 and continued until 17 September 2012. We are grateful to all those who took part in consultation events and formally submitted responses. We also thank the Electoral Commission, the Association of Electoral Administrators (the "AEA"), the Cabinet Office and Scope for hosting and/or organising these events.

### Written responses

- 1.3 During the consultation period, the Law Commission received 82 written responses. These were received from a wide range of consultees, including:
- (1) the UK Government (through the Cabinet Office) and non-departmental public bodies, including the Electoral Commission, the Boundary Commission for Wales, the Local Government Boundary Commission for Wales, and the Local Government Boundary Commission for England;
  - (2) public bodies involved in electoral administration including the Electoral Management Board for Scotland and the Chief Electoral Officer for Northern Ireland;
  - (3) political parties and individuals holding elected office;
  - (4) representative bodies of electoral administrators, such as the national AEA, branches of the AEA, the Society of Local Authority Chief Executives ("SOLACE"), and the Scottish Assessors Association;
  - (5) local government officials involved in electoral administration;
  - (6) third sector bodies, including Scope, Mencap, Diverse Cymru and the Electoral Reform Society;
  - (7) legal practitioners and members of the judiciary;
  - (8) legal academics and social scientists interested in electoral law; and

<sup>1</sup> Available at <http://lawcommission.justice.gov.uk/areas/electoral-law.htm>.

- (9) members of the public.

### **Consultation events**

1.4 The Law Commissions' staff attended 17 events across the UK during the consultation period. These events were attended by a range of electoral stakeholders, including:

- (1) electoral administrators;
- (2) senior (returning officer level) electoral officials;
- (3) oversight bodies;
- (4) members of the judiciary;
- (5) legal practitioners; and
- (6) academics.

### **THE CONSULTATION ANALYSIS**

1.5 The Consultation Analysis document presents the responses received to the Law Commission's scoping consultation paper. It summarises the views of consultees in relation to the consultation questions putting forward our proposed scope of the substantive electoral law reform project.

#### **How to read the Consultation Analysis document**

- 1.6 The Consultation Analysis consists of a table containing the responses to each consultation question. The consultees, numbering 82 in total, are listed in rows on the left hand side of the table. There are 16 consultation questions in total, each question given a column at the top of the table. Only eight questions appear on any one page, so that consultees' answers to questions one to eight appear on a first page, and the same consultees' answers to questions nine to sixteen appear on the next page.
- 1.7 Readers wishing to browse consultation responses on any one question may follow the relevant column, but must remember to skip the next page in order to rejoin the next set of answers to the same question. Readers wishing to read any particular consultee's set of responses to various questions can do so by following the entries in rows spread over two sequential pages.
- 1.8 Consultees wishing to print a copy of our Consultation Analysis are advised to do so in A3 format, in order to keep entries readable. What follows is an outline of consultation responses to each question.

## SUMMARY OF VIEWS

- 1.9 Most consultees responded to each question in the consultation paper, although a significant number made selective responses. Others expressed their broad support for the project. In the following summary, we refer to the number of consultees who responded specifically to a particular question or on a particular issue.

### **Question 1: Elections and referendums covered – whether the scope of the reform project should include the elections and referendums listed**

- 1.10 Our scoping consultation paper described the criteria for including elections and referendums within the scope of reform, then listed the events which we considered satisfied them.
- 1.11 Our list of elections included those to the UK, EU and Scottish Parliaments; to Assemblies in Wales and Northern Ireland; to local governments in all three UK jurisdictions; to the Greater London Authority; for Mayoralities and Police and Crime Commissioner in England; and to National Parks Authorities, the Crofting Commission, and Health Boards in Scotland.
- 1.12 Our list of referendums included national referendums held pursuant to the Political Parties Elections and Referendums Act 2000 and local referendums held under statute (as to local governance, council tax, and neighbourhood plans).
- 1.13 Of the 58 consultees that responded to this question, 57 agreed that the project should include the elections and referendums we listed in our consultation paper. Many stressed that our list should be open, so as to include polls created during the life of the project. Some consultees, such as SOLACE emphasised that rather than focus on a list of elections, the law reform project should focus on the criteria for including an electoral event within the scope of reform.
- 1.14 A joint response from the designated election petition judges in Scotland disagreed with our inclusion of devolved elections in Scotland – to National Parks Authorities, the Crofting Commission, and Health Boards. They described these elections as sufficiently *sui generis* to make it expedient to exclude them.
- 1.15 Many consultees argued that our list should include parish and community polls in England and Wales. Some consultees proposed that we include other electoral events, such as *ad hoc* local polls called by local authorities, and community council elections in Scotland.
- 1.16 This question is discussed in our scoping report at paragraphs 2.2 to 2.14, where we recommend including all elections to public office and national and local referendums conducted under statute, including those we list in our report.

**Question 2: Legislative framework - whether, with a view to reducing the volume, complexity and fragmentation of the law, to include consideration of the current legislative framework for electoral administration, including the place of rules within the legislative hierarchy**

- 1.17 There were 68 responses to this question, all of which agreed with our proposal to review the legislative framework for electoral administration, including the place of rules within the hierarchy of primary and secondary legislation. Some of these consultees answered the question specifically. Others, such as Swale Borough Council, particularly emphasised the importance of the legislative framework dimension of the reform project when communicating their broad support for the project. We have therefore taken them to agree with our proposed scope on question 2.
- 1.18 Many consultees emphasised that the basic approach to reforming the law must be to reduce the number of legal sources that users must consult, thus eliminating the risk of confusion and reducing the burden of managing vast and complex electoral legislation. Some emphasised that the legal approach in the current system was designed in the 19th century, and that there was a need to adopt a more modern and flexible legal framework; one that is able to take into account any changes in electoral systems and policy.
- 1.19 This question is discussed in our scoping report at paragraphs 2.15 to 2.35, where we maintain our view and recommend the inclusion within scope of a review of the legislative framework.

**Question 3: Core electoral parameters - whether the scope of the project should exclude the franchise, electoral boundaries and voting systems**

- 1.20 Of the 58 consultation responses to this question, 41 agreed with our preliminary view to exclude the franchise, electoral boundaries and voting systems from substantive reform. Five consultees disagreed that any of the three core parameters should be excluded. Others disagreed with the exclusion of only one or two of them; 11 consultees wanted the franchise included within scope, 11 argued for the inclusion of electoral boundaries, while six sought the inclusion of voting systems.
- 1.21 Consultees who disapproved of the exclusion of any of the core parameters stressed their fundamental importance to the electoral system, some adding that they should be taken into consideration, even if no recommendations to change the law are made. Others were of the view that some or all of these issues required simplification and reform was required to reduce inconsistencies.
- 1.22 Many consultees emphasised that, even if excluded, the impact of the law on franchise, electoral boundaries and voting systems had to be taken into account when reviewing electoral administration law. The review should be able to cope with, for example, the different franchises and voting systems.
- 1.23 We discuss this question in our scoping report at paragraphs 3.2 to 3.33 where we maintain our preliminary view and recommend the exclusion from scope of the reform of the franchise, voting systems and electoral boundaries.

**Question 4: Management and oversight – whether to include consideration of management and oversight of elections, but exclude fundamental change to the current institutional framework for electoral administration**

- 1.24 We received 55 responses to this question. Only four rejected outright the inclusion management and oversight of elections within the scope of reform. Of the 51 consultees who agreed with the inclusion of management and oversight within scope, 34 also agreed with our proposal to qualify the scope so as to exclude fundamental change to the current institutional framework for electoral administration. On the other hand, 17 consultees considered that the scope of reform should be unqualified so that fundamental institutional reform would be within scope.
- 1.25 This was the question which drew the most varied responses, which were the most difficult to categorise. For example, we took the London Borough of Southwark to reject outright the inclusion of this area within scope, although it did not say so in terms. A further example involves our proposed qualification to the scope of reform, concerning fundamental change to the current institutional framework. The AEA Southern Branch and three other consultees agreed with our proposed scope, including the qualification, but expressed their hope that this project will lead to a subsequent review of the role of the Electoral Commission. We took them to agree with our qualified scope. On the other hand, other consultees answered our question in the positive, but – like Wycombe District Council – thought the project should review the role of the Electoral Commission. We took them to be disagreeing with our proposed qualification.
- 1.26 A common ground between many consultees, whether or not they agreed with our qualified scope, was concern about the viability of divorcing management and oversight powers from fundamental institutional reform. Several consultees considered that roles should be clarified, and the complex accumulation of rules and roles simplified.
- 1.27 We discuss this question in our scoping report at paragraphs 3.34 to 3.70 where we maintain our preliminary view and recommend the inclusion within scope of management and oversight of elections, excluding fundamental change to the current institutional framework for electoral administration.

**Question 5: The register of electors – whether to include electoral registration, and if so, consider the meaning of residence**

- 1.28 Of the 58 consultees who replied to this question, 57 agreed that we should include electoral registration and the meaning of residence within the scope of the project. One consultee agreed with the inclusion of registration within scope but thought that residence was a political rather than a technical matter.
- 1.29 Many responses thought a holistic approach was important and that the project should take account of the changes brought about by the introduction of individual electoral registration. Many emphasised that the success of the new system would hinge on effective identity requirements and checks.
- 1.30 Several responses emphasised legislative ambiguity, giving rise to diverse interpretations. The meaning of residence was the most frequently cited example of legislative ambiguity.

- 1.31 We discuss this question in our scoping report at paragraphs 3.71 to 3.88, whereupon we recommend the inclusion within scope of electoral registration, and consideration of the definition of residence.

**Question 6: Candidates and the campaign - whether the scope of reform should include consideration of the rules on candidates and the campaign**

- 1.32 We received 55 responses to the question on whether we should include consideration of the rules on candidates and the campaign. All of the consultees agreed with our preliminary view to do so, although some emphasised a different intensity of review depending on which part of the law concerning candidates was concerned.
- 1.33 Regarding the rules governing qualifications and campaign conduct, many stressed that these were complicated and located in election-specific measures. Some called for a streamlined, standardised and modernised nominations process, making full use of modern telecommunications. Others mentioned the overly strict deadlines for nominations, the purely formal role of returning officers and the definition of “residency” and “place of work” for the purpose of qualifying to stand for election to local authorities.
- 1.34 Regarding the law on campaign regulation, many stressed the need to clarify some complex measures such as “candidacy”; the difficulty of access to the law for independents was also mentioned. Administrators in particular sought the simplification of the law and clarification of their duties and roles in relation to campaign conduct, in particular on the return of expenses, and answering requests for advice from candidates.
- 1.35 Several consultees considered in particular the regulation of campaign expenditure (and donations). They considered the matter political and thought the project should focus on clarification and simplification, rather than reviewing the the substance of the law (such expense limits or the manner of their calculation). Two consultees in particular mentioned ongoing cross-party talks concerning party funding, which may affect regulation at the campaign level.
- 1.36 We discuss this question in our scoping report at paragraphs 3.89 to 3.114, whereupon we recommend the inclusion within scope of electoral registration, and consideration of the definition of residence.

**Question 7: Political parties and national campaign publicity - whether the scope of the project should exclude political party regulation and national campaign publicity**

- 1.37 There were 44 consultees who responded to this question. Of these, 38 consultees agreed with our preliminary view to exclude political party regulation and national campaign publicity.
- 1.38 Some consultees thought that the balance between the activities of candidates and party should be addressed, as well as the regulatory role of the Office of Communications considered. Some warned that the distinction between the national and local campaign might not be as precise or clear as supposed. However in general, all but six consultees recognised, albeit some of them reluctantly, that this area of the law was a political matter not suited for a technical law reform project on electoral administration law.
- 1.39 We discuss this question in our scoping report at paragraphs 3.89 to 3.114, before recommending the exclusion from scope of the law on political parties and national campaign publicity.

**Question 8: Manner of voting – whether the scope of the reform project should include consideration of the rules on manner of voting**

- 1.40 All 62 responses to this question agreed with the inclusion within scope of the rules on manner of voting. However some consultees emphasised that such inclusion should not be extend to considering new voting methods, and should focus on the administration and operation of existing methods of in-person, postal and proxy voting.
- 1.41 Several responses were concerned with striking the right balance between access to the vote and security from fraud. Electoral fraud was mentioned as a particular concern in this context.
- 1.42 In general, consultees highlighted their concerns with the highly detailed prescription in the law on, for example, the design of ballot papers, or concerning the tactile voting device. As to absent voting, administrators focused on the practical difficulties in the existing law on postal voting, in particular the timetable pressures caused by the deadline for the receipt of applications and the requirements around despatch and receipt of postal ballot papers.
- 1.43 We discuss this question in our scoping report at paragraphs 3.115 to 3.159, before recommending the inclusion within scope of the law on manner of voting.

**Question 9: Polling day - whether the scope of the reform project should include consideration of the rules on polling day**

- 1.44 We received 56 responses to this question, all of which supported the inclusion of the rules on polling day within the scope of the substantive review.
- 1.45 Several responses questioned the level of detail of provision applicable to polling day, while more emphasised the lack of guidance in some areas. The close of polls was seen by many consultees as one of these issues requiring further clarity. Some also stressed the particular complexity of administering combined polls.

- 1.46 In addition, some administrators called for a review of the rules governing disabled voters with a view to improving access to the polling stations, signage and assistance by polling agents and personal assistants.
- 1.47 Other consultees were concerned with the integrity of the voting process and suggested that the law should require voters to provide identification documents when casting a vote at a polling station.
- 1.48 We discuss this question in our scoping report at paragraphs 3.160 to 3.180 and recommend the inclusion within scope of the rules on polling day.

**Question 10: Determining and declaring the result - whether the scope of the reform project should include consideration of the rules for determining and declaring the result**

- 1.49 All 53 consultees responding to this question agreed with the inclusion within scope of the rules for determining and declaring the result. Most responses cited the variation in rules across elections and the inconsistency in the detail of the rules as key issues for reform. Many called for greater clarity in the legal guidance in some areas, such as rejected ballot papers.
- 1.50 Elsewhere, some consultees insisted that more flexibility was required, for example concerning the ability of the returning officer to correct counting errors after the result has been declared.
- 1.51 We discuss this question in our scoping report at paragraphs 3.181 to 3.198 and recommend the inclusion within the scope of the reform project of the rules on determining and declaring the result.

**Question 11: Election timetables - Should the scope of the reform project include consideration of the timetables for elections?**

- 1.52 We received 55 responses to this question. All agreed that consideration of election timetables should be within scope. Consultees overwhelmingly supported the harmonisation of timetables across different elections, many pointing in particular to the risk of errors during combined polls. Some stakeholders also suggested that the reform project consider the inclusion of deadlines which are not currently within the statutory timetable, such as the registration and absent voting deadlines, or the deadline for the appointment of polling and counting agents.
- 1.53 Some mentioned that the impact on the election timetable of the implementation of individual electoral registration will need to be considered.
- 1.54 We discuss this question in our scoping report at paragraphs 3.199 to 3.210, whereupon we recommend that the substantive project should consider the reason for inconsistencies in timetables with a view of reducing or eliminating them.



**Question 12: Combination of polls - whether the scope of the reform project should include the combination of elections?**

- 1.55 There were 55 responses to this question. All of the consultees agreed with our preliminary view to include the combination of polls within scope. Most responses emphasised the increasing number of combined elections and referendums and the resulting difficulty for those administering and those participating in polls.
- 1.56 In this context, it was felt that the law should provide in detail and in a clear way for all the possible combination of elections and focus on the diverse consequences of these combinations, with a view to dispelling any confusion for all those involved in the events.
- 1.57 After discussing this question in our scoping report, we recommend the inclusion of the combination of elections within the scope of the reform project (see paragraphs 3.211 to 3.226).

**Question 13: The election petition and election courts - Should the scope of the reform project include the process of challenging elections?**

- 1.58 Of the 53 consultation responses to this question, 52 agreed with the inclusion of challenge processes within the scope of reform. Many took the view that the petition process is outdated, complex, not flexible enough, especially in terms of time limits, out of step with modern requirements and unable to deal with simple administrative errors or bad management of the poll where they do not affect the outcome of an election.
- 1.59 Moreover, a number of consultees emphasised that the public interest should not be made dependent upon a costly and onerous private action – although some responses stressed that preventing frivolous challenges should remain a key concern.
- 1.60 This question is discussed in our scoping report at paragraphs 4.2 to 4.40. Our conclusion is that the current means of challenging the result of elections should be included in the scope of the project.

**Question 14: Electoral offences – whether the scope of the reform project should include consideration of electoral offences**

- 1.61 We received 56 responses to this question. All of the consultees agreed with the inclusion of electoral offences within the scope of reform. Many responses described the law in this area as incoherent, complex and outdated. In particular, some thought reform was required regards the classification of offences, the wording of the law and the legal concepts involved. Others added that reform could assist in improving the fight against electoral fraud, both in terms of prevention and prosecution.
- 1.62 In our scoping report, at paragraphs 4.41 to 4.61, we discussed this question and recommend that the scope of the project should include modernising and rationalising electoral offences.

**Question 15: National referendums - whether the scope of the reform project should include consideration of the electoral administration of national referendums**

- 1.63 We received 56 answers to this question. All supported the inclusion of national referendums within scope, mostly on the grounds that they share many similarities with elections and are frequently combined with other polls. A clear and consistent set of generic rules governing in a predictable way the administration of referendums was highlighted by a number of consultees as a key aim. Other consultees questioned the role of the Electoral Commission as both a central administrator and the body reporting on the administration of referendums.
- 1.64 Our proposal to exclude from substantive reform core referendums parameters (franchise, referendum question, thresholds and supermajorities) was met with agreement, consultees sharing our views that these policy issues are to be dealt with by the Government and Parliament.
- 1.65 At paragraphs 5.1 to 5.26 in our scoping report, we presented the issues raised by the question and the views gathered, before recommending the inclusion of national referendums within the scope of the project.

**Question 16: Local referendums - whether the scope of the reform project should include consideration of the electoral administration of local referendums**

- 1.66 We received 55 responses to this question. All of the consultees agreed to include local referendums held under statute (often referred to as the “localism act” referendums), such as mayoral (or local governance) referendums in England. Consultees noted that such referendums are part of a growing feature of the democratic system and are often combined with other polls.
- 1.67 Many consultees, particularly electoral administrators, mentioned that parish polls should be included in the review, saying that the conduct rules governing them were outdated and in need of reform.
- 1.68 This question is discussed in our scoping report at paragraphs 5.27 to 5.55. We recommend that the scope of the reform project should include consideration of the electoral administration of local referendums conducted under statute, including parish and community polls.

	<b>Q 1</b> <b>Elections and referendums.</b> <i>Should the scope of the reform project include the elections and referendums listed in paragraphs 1.10 and 1.11 of the scoping consultation paper?</i>	<b>Q 2</b> <b>Legislative Framework.</b> <i>Should the scope of the reform project include consideration of the current legislative framework for electoral administration including the place of rules within the legislative hierarchy?</i>	<b>Q 3</b> <b>Core electoral parameters.</b> <i>Do you agree the scope of the project should exclude the franchise, electoral boundaries and voting systems?</i>	<b>Q 4</b> <b>Management and oversight.</b> <i>Should the scope of the reform project include consideration of management and oversight of elections, but exclude fundamental change to the current institutional framework for electoral administration?</i>	<b>Q 5</b> <b>Electoral registration.</b> <i>Should the scope of the reform project include electoral registration, and if so, the meaning of residence?</i>	<b>Q 6</b> <b>Candidates and the campaign.</b> <i>Should the scope of the reform project include consideration of the rules on candidates and the campaign?</i>	<b>Q 7</b> <b>Political parties and national campaign publicity.</b> <i>Do you agree the scope of the project should exclude political party regulation and national campaign publicity?</i>	<b>Q 8</b> <b>Manner of voting.</b> <i>Should the scope of the reform project include consideration of the rules on manner of voting?</i>	
EL 001	Gareth Randall (Councillor)	No comment.	No comment.	Yes. These are political choices and should be outside scope.	No comment.	No comment.	No comment.	Yes. It should be considered whether postal ballot papers should have the polling districts printed on the front of the outer envelope. By having this visible, corrupt postal service workers could selectively lose ballots from areas deemed good for a particular political party.	
EL 002	Robin Potter (Councillor)	Yes. Town or parish polls should also be included.	Yes. Reducing complexity is vitally important. The aims of this reform project are excellent and must be expedited. It could be considered splitting the project into manageable chunks so that some reforms can be implemented soon, while others can be argued over.	Yes regarding electoral boundaries and voting systems, which should be dealt with elsewhere. However, the extent of the franchise could be included in this scope.	Yes in the first instance, until some aspect of management and oversight demands such a change.	Yes.	[Yes, but] only insofar as it might be good to harmonise the rules.	No. Several countries have times when polls and/or broadcasts are prohibited just before an election. This is an idea well worth considering.	Yes. There is a need for clarity, simplicity and accessibility for electors and polling clerks.
EL 003	Richard Mawrey QC (Elections Commissioner)	Yes. All democratic elections for public bodies should be considered and referendums are quasi binding elections which cannot be left out of the process.	Yes. The objective should be to codify and consolidate all existing law into one statute, preferably with as few pieces of subordinate legislation as possible.	[No.] It is essential that all three be considered but the question of electoral boundaries is politically sensitive. The scope of the enquiry should include investigation of the proposition that control of electoral boundaries (including the number of electoral divisions) should be placed in the hands of an independent non-political body.	Yes and No. "It is essential that the review should include change to the institutional framework for electoral administration. A high percentage of the problems... stem from the system of having elections controlled, in effect, by local authorities. It must make sense at least to consider whether we need to have an independent, nationwide, body to conduct elections along the lines of, say, the Australian Electoral Commission."	Yes. This is absolutely vital, as the current registration system is an open invitation to fraud.	Yes, but concerned at the very limited nature of the proposed area of investigation. Regulation of the conduct of the candidates and expenses cannot be entirely separated out from electoral offences. What is needed is a strong non-political body which will control the conduct and expenses of candidates and be pro-active in the detection and prosecution of electoral malpractice. The current proposals on scope under this head give the impression of the Commission pulling its punches to avoid antagonising the politicians.	[Yes.] The least bad course is simply to consolidate and codify existing law and practice. Though true democratic transparency would have these matters independently regulated, it seems prudent to leave this out as a sop to the politicians.	Yes. This is absolutely crucial, as the main driver for the reform of electoral law is that the current system is open to abuse and fraud, and that the politicians are unwilling to take any active steps to counter this. The Commission is the only body that can take this problem by the scruff of the neck and deal with it.
EL 004	Borough of Poole (Paul Morris)	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
EL 005	AEA Southern Branch (Frances Cleland)	Yes, but also parish polls (part of the electoral/democratic process; can have a significant local impact) and, if they eventuate, elections to the House of Lords. It would be useful also to define what constitutes a "parish matter".	Yes. Consistency will naturally result in a reduction in volume; however, rules should not be pared down to an extent that requires rafts of guidance. The law should also be sufficiently prescriptive to prevent ambiguity.	Yes.	Yes, but we hope that the current review will also lead to a subsequent review of the role of the Electoral Commission.	Yes. Student residency and defining second homes should be included.	Yes, with a view to eliminating inconsistencies.	Yes. Regrettably agree that these are best omitted.	Yes. Consider in particular the implications of allowing postal votes to be handed in at polling stations.
EL 006	West Dorset District Council (Mike Hickman)	Yes, but also parish polls (part of the electoral/democratic process; rules out of step) and, if they eventuate, elections to the House of Lords. A clear definition of what constitutes a "local" or "parish matter" would also be needed.	Yes. The reform project should rationalise electoral law and reduce the amount of election-specific legislation, as well as include a review of the current legislation for electoral administration.	[Yes and No.] "We agree with the Law Commission's view that, whilst there is a significant merit in including a review of the franchise and voting systems in the reform project, the issue of boundary changes should not be within the scope of this review."	[Yes.] We have some reservations about inclusion, but these would be allayed considerably if the focus of the review was towards 'minor adjustment' in order to reduce legislative complexity and fragmentation. Any review of management and oversight of elections should include the role of the Electoral Commission. On electoral administration, we agree that change to the current institutional framework should not be within scope.	Yes. The definition of residence and second homes should be considered.	Yes, with a view to eliminating inconsistencies.	Yes. Regrettably agree that these are best omitted.	Yes, with a view to assimilating the election-specific legislation into a single set of rules.
EL 007	Weymouth & Portland Borough Council (Mike Hickman)	Yes, but also parish polls (part of the electoral/democratic process; can have a significant local impact) and, if they eventuate, elections to the House of Lords. It would be useful also to define what constitutes a "parish matter".	Yes. Consistency will naturally result in a reduction in volume; however, rules should not be pared down to an extent that requires rafts of guidance. The law should also be sufficiently prescriptive to prevent ambiguity.	Yes.	Yes, but we hope that the current review will also lead to a subsequent review of the role of the Electoral Commission.	Yes. Student residency and defining second homes should be included.	Yes, with a view to eliminating inconsistencies.	Yes. Regrettably agree that these are best omitted.	Yes. Consider in particular the implications of allowing postal votes to be handed in at polling stations.
EL 008	Cherwell District and South Northamptonshire Councils (Sue Smith)	Yes. Parish polls and elections to the House of Lords should also be included.	Yes. Requiring primary legislation for new combinations is unhelpful. A consolidated Act would help remove some inconsistencies.	Yes and No. The current electoral boundary review process should be co-ordinated to start at the lowest level eg parishes, then polling districts and district wards and then county divisions. Currently there is no order to the review process so that when a county wide review is triggered this can lead to reviews at the other two levels. In terms of the voting systems, the plethora of different voting systems in the UK does cause confusion for electors and this confusion can have an adverse detrimental effect on combined elections.	Yes, but we hope that the current review will also lead to a subsequent review of the role of the Electoral Commission, as this has become very uncertain in recent years. The system of regional co-ordination used for European elections has many benefits, as does the arrangements in place with the PARO for Northamptonshire, eg experienced Regional and Police Area Returning officers who understand electoral administration. However, the role played by the Electoral Commission as Chief Counting officer was not welcome, particularly as directions issued did not indicate an understanding of the practical difficulties in administering elections.	Yes. Elections and electoral registration are inextricably linked and both in need of updating.	Yes, with a view to eliminating inconsistencies and risk of error by clarifying an area where much is based on historic case law.	Yes, to avoid unrealistic scope.	Yes. An area that evolved over time without being designed or planned.
EL 009	Boundary Commission for Wales (Ben Whitestone)	No comment.	No comment.	Having noted the preliminary view that the procedures for boundary changes are not within scope of the electoral law reform project, there is no matter which the Commission wishes to raise.	No comment.	No comment.	No comment.	No comment.	No comment.

	<b>Q 9</b> <b>Polling day.</b> <i>Should the scope of the reform project include consideration of the rules on polling day?</i>	<b>Q 10</b> <b>Determining the result.</b> <i>Should the scope of the reform project include consideration of the rules for determining and declaring the result?</i>	<b>Q 11</b> <b>Election timetables.</b> <i>Should the scope of the reform project include consideration of the timetables for elections?</i>	<b>Q 12</b> <b>Combination of polls.</b> <i>Should the scope of the reform project include the combination of elections?</i>	<b>Q 13</b> <b>Legal challenge.</b> <i>Should the scope of the reform project include the process of challenging elections?</i>	<b>Q 14</b> <b>Electoral offences.</b> <i>Should the scope of the reform project include consideration of electoral offences?</i>	<b>Q 15</b> <b>National referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of national referendums?</i>	<b>Q 16</b> <b>Local referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of local referendums?</i>	
EL 001	Gareth Randall (Councillor)	No comment.	Yes. The rules for determining the result should be reviewed with a view to reducing the risks of fraud and mistakes in the count. The practice of counting in "inner" ring of tables can make it difficult for candidates to observe the accuracy of the count. The duty to count the votes "as soon as practicable after the close of the poll" should be retained.	No comment.	No comment	Yes. In particular, review is needed to address disparities noted in the consultation paper about the grounds of challenge across elections. Consideration of more proportionate means of redress where complaints do not challenge the validity of outcome is also supported.	Yes.	Yes. Thresholds and supermajorities should be outside the scope of the review. There may also be a case for considering whether a challenge could be brought on the basis of procedural irregularities.	No comment.
EL 002	Robin Potter (Councillor)	Yes. See answer to Q 8.	Yes. There is a need for harmonisation of such rules across different elections so that there is less scope for error and challenge.	Yes. This area needs clarification	Yes. Combining polls is often a bad idea, as campaigns for the "more important" election have an effect on the "lesser" one. This is even more of a problem when different voting systems are used at the same time.	Yes. But it would be preferable to have a separate project dealing with Q13 and Q14, as may take too much time.	Yes. See Q 13.	Yes.	Yes.
EL 003	Richard Mawrey QC (Elections Commissioner)	"Yes. The chaos at the 2010 election was entirely the fault of a well-meaning but foolish attempt by the Electoral Commission to micro-manage the election. This whole question needs firm legislative rules and not a hundred pages of 'Guidance'."	Yes, as this necessarily follows from the rest of the scope of the enquiry.	Yes.	Yes.	Yes. This is another of the vital components of the review. The current system is inadequate in several respects.	Yes. This is also a core question for the review. The current system is incoherent and difficult to administer.	Yes. Should also consider whether legislation should provide for constitutional questions to be referred to national referendums and not restricted to local electorates on the day of the poll. This leads to distorted results and would be contrary to the principles of the written constitution of any democratic country.	Yes. The restriction of local referendums to those who happen to be registered to vote in the local area on the day of the poll produces distorted results.
EL 004	Borough of Poole (Paul Morris)	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
EL 005	AEA Southern Branch (Frances Cleland)	Yes, see Q 8.	Yes. Consider delay caused by postal votes being handed in at polling stations, and the process for return of the writ after a Parliamentary election.	Yes. Consider replacing the outdated phrase "dies non" with a more modern equivalent like "weekends and public holidays" or "working days".	Yes. The review should examine possible combinations and possible consequences (eg postponement) of non-combination. There should be a limit on the number of and types of election that may be combined.	Yes. There should be a clear and simplified (but not too simple) process to challenge the outcome, perhaps like judicial review.	Yes. There is little inclination for the police or CPS to take action on "minor electoral offences" (eg imprint, failure to return statement of expenses); it should be considered whether these should remain offences.	Yes. Consider administration of referendums, including appointment of CCO. Previous experience of a referendum combined with local elections was of scant regard for the implications for the local elections.	Yes. These referendums are likely to increase over the following years.
EL 006	West Dorset District Council (Mike Hickman)	Yes. Consider in particular the implications of allowing postal votes to be handed in at polling stations.	Yes. A review of the archaic procedures for returning the writ following a Parliamentary election should also be looked at.	Yes. Would like standardised timetables for all elections. Consider replacing the outdated phrase "dies non" with a more modern equivalent like "weekends and public holidays" or "working days".	Yes. Combination is probably the biggest single factor in electoral complexity and confusion. Harmonising rules for elections will help reduce complexity of combination.	Yes. A modernised system is needed. Rather than assimilating election courts into the modern civil court structure, judicial review seems preferable.	Yes. There is little inclination for the police or CPS to take action on "minor electoral offences" (eg imprint, failure to return statement of expenses).	Yes.	Yes. Parish polls should be included within scope (see Q1).
EL 007	Weymouth & Portland Borough Council (Mike Hickman)	Yes, see Q 8.	Yes. Consider delay caused by postal votes being handed in at polling stations, and the process for return of the writ after a Parliamentary election.	Yes. Consider replacing the outdated phrase "dies non" with a more modern equivalent like "weekends and public holidays" or "working days".	Yes. The review should examine possible combinations and possible consequences (eg postponement) of non-combination. There should be a limit on the number of and types of election that may be combined.	Yes. There should be a clear and simplified (but not too simple) process to challenge the outcome, perhaps like judicial review.	Yes. There is little inclination for the police or CPS to take action on "minor electoral offences" (eg imprint, failure to return statement of expenses); it should be considered whether these should remain offences.	Yes. Consider administration of referendums, including appointment of CCO. Previous experience of a referendum combined with local elections was of scant regard for the implications for the local elections.	Yes. These referendums are likely to increase over the following years.
EL 008	Cherwell District and South Northamptonshire Councils (Sue Smith)	Yes. See Q 8.	Yes. An area of risk for returning officers, guided mostly by case law. The process for the delivery and return of the writ for a Parliamentary election is particularly archaic.	Yes, there is a clear need for a standardised timetable for all elections. The timetable for the production of ballot papers and postal vote packs is particularly tight. The current differing timetables create an area of risk and complicate effective project planning.	Yes, particularly the postponement of parish elections in the case of combination with parliamentary and district elections. There should be a limit on the number of and different types of election that may be combined	Yes. The current process is difficult and expensive. However, the new system should not be open to abuse. Judicial review could be the best option, although injunctions may raise issues regarding certainty of office.	Yes. There is little inclination for the police or CPS to take action on "minor electoral offences" (eg imprint, failure to return statement of expenses).	Yes. Since referendums are an increasingly frequent feature, their administration should be looked at, particularly the appointment of the CCO.	Yes. These referendums are likely to increase over the following years.
EL 009	Boundary Commission for Wales (Ben Whitestone)	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.

	<b>Q 1</b> <b>Elections and referendums.</b> <i>Should the scope of the reform project include the elections and referendums listed in paragraphs 1.10 and 1.11 of the scoping consultation paper?</i>	<b>Q 2</b> <b>Legislative Framework.</b> <i>Should the scope of the reform project include consideration of the current legislative framework for electoral administration including the place of rules within the legislative hierarchy?</i>	<b>Q 3</b> <b>Core electoral parameters.</b> <i>Do you agree the scope of the project should exclude the franchise, electoral boundaries and voting systems?</i>	<b>Q 4</b> <b>Management and oversight.</b> <i>Should the scope of the reform project include consideration of management and oversight of elections, but exclude fundamental change to the current institutional framework for electoral administration?</i>	<b>Q 5</b> <b>Electoral registration.</b> <i>Should the scope of the reform project include electoral registration, and if so, the meaning of residence?</i>	<b>Q 6</b> <b>Candidates and the campaign.</b> <i>Should the scope of the reform project include consideration of the rules on candidates and the campaign?</i>	<b>Q 7</b> <b>Political parties and national campaign publicity.</b> <i>Do you agree the scope of the project should exclude political party regulation and national campaign publicity?</i>	<b>Q 8</b> <b>Manner of voting.</b> <i>Should the scope of the reform project include consideration of the rules on manner of voting?</i>	
<b>EL 010</b>	<b>Aberdeen City Council (Crawford Langley)</b>	Yes. Also resulting legislation should be flexible enough to embrace any additional poll required as a result of future legislation. Project should include local advisory polls, which should be subsumed into the statutory framework.	Yes. The hierarchy of rules should be simplified. A clear distinction must be drawn between matters of principle (for Parliament) and operational matters. There is obviously potential for conflict of interest due to party interest.	No. It is essential that the review includes the franchise, boundaries and voting systems for the purpose of creating a durable framework for running future elections. While it would be a controversial decision, it is worth asking the question whether proliferation of voting systems is desirable in the interests of voters and whether any revision of the law should set out a presumptive system.	Yes and No. The review must include the possibility of fundamental change to the institutional arrangements. Starting with England and Wales' system of independent returning officers, Scotland's system as modified by the Electoral Management Board, and Northern Ireland's very different Chief Electoral Officer, the review should consider the advantages or otherwise of centralisation, and the proper role of the Electoral Commission.	Yes. There is an interface between registration and the conduct of elections. Also addressing residence would be useful.	Yes. Issues include the rules relating to nomination (eg number of signatures for nomination); the capacity of ROs to look beyond formalities; alternative mechanism for resolving squabbles between candidates on minor infringements; rules on the right to inspect nomination papers submitted by other candidates to object.	No. The balance between activities of a candidate and the activities of their party must be addressed, knowing that the activities of a party nationally may lead to voter confusion.	Yes. The security of the current arrangements and possible alternatives (eg early voting) should be considered, along with new technology and the possibility for a voter clearly to indicate a spoiled vote should be looked at.
<b>EL 011</b>	<b>Greater London Returning Officer (John Bennett)</b>	Yes.	Yes. GLA elections are governed by a range of primary and secondary legislation resulting in a complex and fragmented mix of rules, making electoral administration daunting and confusing for all but the most experienced. While core provisions should be contained in primary legislation, secondary legislation should play a prominent role in the new legislative framework because of its flexibility.	[Yes and no.] The process for boundary reviews should be included within scope. Co-terminosity is only one of a number of objectives. The Law Commission should consider whether the separation between bodies responsible for undertaking reviews remains appropriate.	Yes. (i) The role and powers of the PAROs, RROs and the GLRO make sense when the lead returning officer is the person actually returning the elected members. In some cases (eg European Parliament or PCC), officers are designated as Local ROs to administer certain elements of the elections (postal voting, polls and counts) but do not 'return' any successful candidate. (ii) For GLA elections, however, the 14 constituency ROs have responsibility in law for the actions of their non-lead boroughs' proper officers. (iii) A regional approach to powers of direction is preferable to centralisation of such powers.	Yes.	Yes. (i) Prospective candidates who are employed in the public sector require clarification whether resignation has to be effective at the time of nomination or the date of election; (ii) Independent candidates face the hurdle of securing - sometimes very numerous - subscribers without access to the full register before the notice of election; (iii) Different and fixed expenditure limits apply for GLA election expenses; (iv) Candidates at GLA elections must return expenses within 70 days of declaration.	Yes.	Yes. In view of the issues raised by the tactile voting devices (the patent holder refuses to manufacture units made to the cheaper design), the law ought only to specify the objective of enabling visually impaired electors to vote individually. The Law Commission should also indicate which, if any, will form part of an "electoral modernisation strategy". Finally, serial numbers should only be removed from ballot papers if there is a compensating measure to prevent personation (eg the presentation of voter identity or voters signing for their ballot papers).
<b>EL 012</b>	<b>West Berkshire Council (Nick Carter)</b>	Yes, but also parish polls (part of the electoral/democratic process; rules out of step) and, if they eventuate, elections to the House of Lords. A clear definition of what constitutes a "local" or "parish matter" would also be needed.	Yes. Consistency will naturally result in a reduction in volume; however, rules should not be pared down to an extent that requires rafts of guidance. The law should also be sufficiently prescriptive to prevent ambiguity.	Yes.	Yes, but it is hoped that the current review will also lead to a subsequent review of the role of the Electoral Commission.	Yes. Student residency and defining second homes should be included.	Yes, with a view to eliminating inconsistencies.	No comment.	Yes. Consider in particular the implications of allowing postal votes to be handed in at polling stations.
<b>EL 013</b>	<b>Wycombe District Council (Karen Satterford)</b>	Yes, but also parish polls should be included as they are part of the electoral/democratic process and the legislation is outdated.	Yes. Consistency to electoral legislation is important. However, lengthy guidance and direction (eg regarding document design) from the Electoral Commission should not be necessary.	Yes.	Yes [and No.] "We would like the current review either to look at or recommend a future review of the role of the Electoral Commission." The EC's role should be solely to support ROs (which is invaluable) and provide guidance, information, materials and advice whenever required. The actual organisation of elections should be the responsibility of returning officers, both at a local and national level.	Yes. Student residency and defining second homes should be included.	Yes, with a view to eliminating inconsistencies.	Yes. Although it would have been desirable to consider national campaign publicity and funding, the review could be seriously hampered if these matters are included so that they are best omitted.	Yes. Two issues especially should be examined: the availability of postal votes on demand (an area of enormous fraud) and the handing in of postal votes at polling stations which can hamper and delay the verification and count process hugely.
<b>EL 014</b>	<b>Gloucester City Council (Julian Wain)</b>	Yes, as all elections and referendums adhere to many of the same basic rules. If one is reformed, all others should be looked at.	Yes, legislation is loosely worded at present, which leads to lack of consistency across the country. Ceremonial ROs are an anachronism.	Yes. The different franchises, boundaries and voting systems are all quite clearly defined in legislation. There seems to be no significant gain to be made in amending these; however the outcomes of the review should take into account the need to operate different voting systems.	[Yes and No.] Previous experience in 2011 showed having a higher centralised power made most processes more uniform and easier for administrators. But further work could be done. Not considering the issue of fundamental change may be a missed opportunity and without doing this the project may be leaving out a key part of the electoral framework.	Yes. There are so many grey areas in legislation, such as second/holiday homes, which means that no two councils across the country operate in exactly the same way with regards to some aspects of registration. More defined regulations need to be put in place with updates for more modern ways of living.	Yes. Rules need modernising to take account of modern society. The reporting of offences committed by candidates and agents needs also to be considered so as to make the process more accessible and less intimidating to electors.	Yes. This requires a lot of political input and could therefore potentially delay the reform of all other aspects.	Yes. The rules are too complicated and clarification is needed to bring them in line with modern society. Conflicting information from different bodies can lead to confusion for administrators.
<b>EL 015</b>	<b>Elections, Referendums and Registration Working Group (Bob Posner)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
<b>EL 016</b>	<b>Sevenoaks District Council (Ian Bigwood)</b>	Yes. But parish polls should be included for the rules governing them are hopelessly adrift of the modern world.	Yes. The Parliamentary Elections Rules should mirror those of the Principal and the Parish Rules (ie stand alone rules) so that amendments can more easily be effected.	Yes. Notes that the review of polling districts (which are "administrative" boundaries rather than "electoral" boundaries) should be the responsibility of returning officers and not (political) local authorities.	Yes. Abolish the ceremonial position of returning officer at Parliamentary elections.	Yes. Electors should only be allowed to register once. Further, monthly registration deadlines are absurdly complex: it should be 15th (say) of the month every month.	Yes. The distinction between borough and county constituencies confuses administrators, candidates and agents and should be abolished.	Yes.	Yes.
<b>EL 017</b>	<b>Elections and Referendums Steering Group (Peter Wardle)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
<b>EL 018</b>	<b>Bryn Roberts</b>	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	Yes. Postal voting is flawed and open to abuse as there is no means to ensure that the first signature (on the application for a postal vote) is not fraudulent. Given this weakness, registrations for postal votes should be in person with photographic ID.
<b>EL 019</b>	<b>J.A. Furness</b>	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	The integrity of the voting process, especially postal voting, should be closely looked at. In particular, issues relating to security of the register; false representations at polling stations; interference with voters and manipulation of elections result by third parties should be addressed. The change to individual electoral registration is to be applauded.
<b>EL 020</b>	<b>Trafford Council (Theresa Grant)</b>	Yes.	Yes.	Yes.	Yes. The current locality based arrangements with some form of central support and oversight should remain.	Yes.	Yes.	No comment	Yes. Agree that it is desirable to assimilate the rules into a single set of measures.



	<b>Q 9</b> <b>Polling day.</b> <i>Should the scope of the reform project include consideration of the rules on polling day?</i>	<b>Q 10</b> <b>Determining the result.</b> <i>Should the scope of the reform project include consideration of the rules for determining and declaring the result?</i>	<b>Q 11</b> <b>Election timetables.</b> <i>Should the scope of the reform project include consideration of the timetables for elections?</i>	<b>Q 12</b> <b>Combination of polls.</b> <i>Should the scope of the reform project include the combination of elections?</i>	<b>Q 13</b> <b>Legal challenge.</b> <i>Should the scope of the reform project include the process of challenging elections?</i>	<b>Q 14</b> <b>Electoral offences.</b> <i>Should the scope of the reform project include consideration of electoral offences?</i>	<b>Q 15</b> <b>National referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of national referendums?</i>	<b>Q 16</b> <b>Local referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of local referendums?</i>	
EL 010	<b>Aberdeen City Council (Crawford Langley)</b>	Yes. The arrangements for proxies are ripe for review, as is the question of evidence of identity and the continued purpose of prescribed questions absent a police officer at the polling station. A number of outdated restrictions on candidates should also be reviewed (eg rule preventing hire of cabs to take voters to the polls).	Yes. Timing has become an issue because of proportional voting systems and combined polls and piecemeal expedients to minimise problems. Consideration should be given to the powers of the local and regional returning officers in polls where there is an element of proportionality or a regional aspect.	Yes, with a view to harmonising and producing practical timescales (eg. deadlines for registration, postal vote application and issue of postal votes).	Yes.	Yes. The election petition was designed in an age of fewer elections and candidates. It is not well suited to dealing with other candidates, particularly in STV polls. Whatever solution is reached, it must prevent an election being derailed by "tactical" litigation prior to the poll.	Yes. While the terminology of corrupt or illegal practice is perhaps outdated a useful distinction can be drawn between those offences serious enough to result in the deposition of the elected candidate and those that warrant simply a fine or imprisonment.	Yes. They are sufficiently close to elections to be the proper subject of the review and are capable of combination with a General Election.	Yes. All local referenda should be included.
EL 011	<b>Greater London Returning Officer (John Bennett)</b>	Yes. The Scottish Government amended the local election rules for Scotland in time for May 2012 elections to allow those in a queue at a polling station at 10 pm to vote, while an amendment to similar effect to the Electoral Registration and Administration Bill in England and Wales did not progress.	Yes. As to timing, context, including consecutive hours worked by senior staff, should be taken into account. The reasons for variations in the rules on, and benefits of, e-counting should be considered. Consistent legislative treatment governing its use should be ensured. The circumstances and justifications for a request for a recount should be considered, as well as the powers of PARO, RRO and GLRO to direct regional recounts. Where results of polls for a particular body are inter-dependent, anomalies in rules on allocation of regional seats should be considered.	Yes. The timetable for GLA elections was changed following 2000 elections adding 5 working days to allow time for booklets to be printed and sent to postal voters. The additional week gives rise to complications when combined with European Parliamentary or local by-elections.	Yes.	Yes. It is worth noting that if the election of an executive mayor was annulled then their actions would remain valid up to the court hearing, and until a by-election was held the statutory deputy would exercise the powers of the mayor.	Yes. The review should have regard to all consequential issues arising from recent developments in electoral practice, eg the advent of postal voting on demand and the impossibility of ensuring voter is not subject to undue influence in casting an absent vote.	No comment.	No comment.
EL 012	<b>West Berkshire Council (Nick Carter)</b>	Yes, see Q 8.	Yes. Consider delay caused by postal votes being handed in at polling stations, and the process for return of the writ after a Parliamentary election.	Yes. Consider replacing the outdated phrase "dies non" with a more modern equivalent like "weekends and public holidays" or "working days".	Yes. The review should examine possible combinations and possible consequences (eg postponement) of non-combination. There should be a limit on the number of and types of election that may be combined.	Yes. There should be a clear and simplified (but not too simple) process to challenge the outcome, perhaps like judicial review.	Yes. There is little inclination for the police or CPS to take action on "minor electoral offences" (eg imprint, failure to return statement of expenses); it should be considered whether these should remain offences.	Yes. Consider administration of referendums, including appointment of CCO. Previous experience of a referendum combined with local elections was of scant regard for the implications for the local elections.	Yes. These referendums are likely to increase over the following years.
EL 013	<b>Wycombe District Council (Karen Satterford)</b>	Yes. See Q8.	Yes. See Q8. The process for return of the writ following a Parliamentary election should be reviewed. A there should be a better alternative than a sheet of paper signed in ink and collected manually by a Royal Mail representative.	Yes. A standardised timetable would assist administrators and give electors a better understanding and acceptance of the voting process.	Yes. The review should examine possible combinations and possible consequences (eg postponement) of non-combination. There should be a limit on the number of and types of election that may be combined.	Yes. There should be a clear and simplified (but not too simple) process to challenge the outcome, perhaps like judicial review.	Yes. There is little inclination for the police or CPS to take action on "minor electoral offences" (eg imprint, failure to return statement of expenses); it should be considered whether these should remain offences.	Yes. Consider administration of referendums, including appointment of CCO. Previous experience of a referendum combined with local elections was of scant regard for the implications for the local elections.	Yes. These referendums are likely to increase over the following years.
EL 014	<b>Gloucester City Council (Julian Wain)</b>	Yes. Clearer guidance is needed in relation to certain polling activities and occurrences. There are areas where the legislation can be interpreted differently by different authorities, leading to inconsistency.	Yes. More clarity regarding rejected papers is needed, as there are different rules for different elections. Often too much consideration is given to political/media pressure when it comes to the count. Timing and locations of the count should be decided based on local factors.	Yes. Timetables should be made uniform for all elections; this would prevent voter confusion and the potential for administrator error.	Yes. Combination of elections is becoming more and more common. There is also an increased number of referenda as a result of the Localism Act 2011. With elections running on different timetables, boundaries, franchises and voting types, it is important that all possible combinations are considered to eliminate confusion and potential for administrative error.	Yes. Most of the legislation is outdated and fragmented. It is imperative to adopt a much more transparent and proportionate system.	Yes. Registration is used for things like credit checks and as such is open to fraud attempts. Offences should be modernised and more defined.	Yes. With the referendum in 2011 legislation was brought in to standardise practices. Consider for future national referendums.	Yes. Local referendums are more likely to occur with the changes provided for in the Localism Act; as such there should be national legislation so they are all run on the same guidelines across the country.
EL 015	<b>Elections, Referendums and Registration Working Group (Bob Posner)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 016	<b>Sevenoaks District Council (Ian Bigwood)</b>	Yes.	Yes.	Yes. Election timetables should be inclusive of all relevant deadline events and should be standard.	Yes.	Yes.	Yes.	Yes.	Yes.
EL 017	<b>Elections and Referendums Steering Group (Peter Wardle)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 018	<b>Bryn Roberts</b>	No comment.	No comment.	No comment.	No comment.	No comment.	Yes. Failure to vote should be made a strict liability criminal offence, with limited defences and automatic powers of collection, to ensure that people participate in the electoral process.	No comment.	No comment.
EL 019	<b>J.A. Furness</b>	No comment.	No comment.	No comment.	No comment.	No comment.	[Yes.] The review should examine the ways in which to minimise electoral fraud and abuse of the system which undermine public credibility in our democratic process.	No comment.	No comment.
EL 020	<b>Trafford Council (Theresa Grant)</b>	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.

		<b>Q 1</b> <b>Elections and referendums.</b> <i>Should the scope of the reform project include the elections and referendums listed in paragraphs 1.10 and 1.11 of the scoping consultation paper?</i>	<b>Q 2</b> <b>Legislative Framework.</b> <i>Should the scope of the reform project include consideration of the current legislative framework for electoral administration including the place of rules within the legislative hierarchy?</i>	<b>Q 3</b> <b>Core electoral parameters.</b> <i>Do you agree the scope of the project should exclude the franchise, electoral boundaries and voting systems?</i>	<b>Q 4</b> <b>Management and oversight.</b> <i>Should the scope of the reform project include consideration of management and oversight of elections, but exclude fundamental change to the current institutional framework for electoral administration?</i>	<b>Q 5</b> <b>Electoral registration.</b> <i>Should the scope of the reform project include electoral registration, and if so, the meaning of residence?</i>	<b>Q 6</b> <b>Candidates and the campaign.</b> <i>Should the scope of the reform project include consideration of the rules on candidates and the campaign?</i>	<b>Q 7</b> <b>Political parties and national campaign publicity.</b> <i>Do you agree the scope of the project should exclude political party regulation and national campaign publicity?</i>	<b>Q 8</b> <b>Manner of voting.</b> <i>Should the scope of the reform project include consideration of the rules on manner of voting?</i>
EL 021	<b>Tonbridge &amp; Malling Borough Council (Richard Beesley)</b>	Yes, but parish polls should be included. Poll cards should be delivered to electors at parish by-elections.	Yes. The reform project should seek not only to consolidate existing legislation, but also to provide a consistent and effective legislative hierarchy.	Yes.	Yes. The current decentralised system works well. Oppose proposals to create a centralised body to oversee or direct elections more closely as the use of local authority experience, local knowledge, staff and resources is critical in the success of an election. as the use of local authority experience, local knowledge, staff and resources is critical in the success of an election.	Yes, as it is key to the administration of elections. Clarification of the meaning of residence would be beneficial. The use of the register should also be looked at; in particular it should be considered to restrict its use strictly to electoral purposes.	No comment.	No comment	Yes. Standardising these rules across election types would be beneficial. It is preferable to have a defined and prescriptive template for ballot papers that will not be changed regularly. A review of the existing ballot paper requirements would be welcome, but the final standard should be set in legislation. Some anomalies with the legislation regarding postal votes should also be considered.
EL 022	<b>Bristol City Council (Stephen McNamara)</b>	Yes, but future elections should be considered.	Yes.	Yes.	"No. It is unclear how these items could be addressed in isolation to each other."	Yes. The move to IER makes this necessary.	Yes. This would benefit both RO, candidates and parties. Also clarity near polling stations would be useful.	No comment.	Yes.
EL 023	<b>Local Government Boundary Commission for Wales (Steve Halsall)</b>	Yes. Welsh Government in its White Paper, <i>Promoting Local Democracy</i> , is proposing to change the remit of this Commission to encompass reviews of the membership of other public bodies in Wales. The Commission would wish to see any elections to these public bodies covered by the same electoral law that is being considered by the project.	Yes. Electoral administrators across Wales have seen their workload increase substantially, in particular since the advent of the devolved administration. Such proposal would improve the situation.	Yes. It should however be noted that the Welsh Government in its White Paper, <i>Promoting Local Democracy</i> is proposing to replace the provisions appropriate to Wales of the Local Government Act 1972	No comment.	No comment.	No comment.	No comment.	No comment.
EL 024	<b>London Borough of Hounslow (Angela Holden)</b>	Yes.	Yes. One piece of legislation would be preferable.	Yes. Whilst outside scope, their impact should not be ignored. (i) Different franchises add to the complexity of combination, particularly as regards poll cards, issuing postal votes and the polling station. An example of this will be in 2014 if the Council elections are combined with the European elections when a European elector will be allowed to vote in the local Council elections but not in the European elections unless they have completed the UC1 form. (ii) The new boundaries proposed at the Parliamentary elections in 2015 in some cases will be an administrative nightmare, with the increased number of cross-authority parliamentary boundaries. Hounslow currently has two parliamentary constituencies within its own boundaries, however in 2015 there will be four, all of which shared other local authorities, some of whom use different software packages. (iii) Different voting systems at combined elections can cause voter confusion.	Yes. As part of reviewing this area it may be necessary to include the flexibility to allow for the review of the institutional framework for electoral administration if necessary. It is therefore important not to restrict the scope of the project too much. However having said that I question whether the overall scope of the project would be manageable if this was added. The priority is to review the legal framework in the first instance but it's fair to say that the administration framework also needs to be reviewed too at some point in the future.	Yes.	Yes. This could be made simple. The whole process should also be questioned as the RO only acts as an agent for the Electoral Commission by receiving the completed Electoral Commission forms and supporting paperwork and making the documents available for inspection	Yes.	Yes. See Q14.
EL 025	<b>Suffolk Coastal District Council (Ingrid Askew)</b>	Yes.	Yes. Current electoral law and rules are onerous, fragmented and complex and need total reform. The volume of law requires condensing.	Yes.	Yes. The current approach to the management and oversight of elections is outdated, onerous, complex and expensive to administer.	Yes. Current guidance on residency is ambiguous and confusing.	Yes, as the current rules covering candidates and campaigns are confusing, fragmented and onerous.	Yes.	Yes. The current rules are complicated, archaic, difficult to administer and are expensive to implement. These issues are in urgent need of reform.
EL 026	<b>East Sussex Electoral Officers' Group (David Robinson)</b>	Yes.	Yes.	Yes, but administrative and technical arrangements for their application must of course form part of the review.	Yes. Maintaining or extending the Electoral Commission's powers to demand performance information or direct runs counter to localism. Any wide-ranging, centrally located powers must be used responsibly, and not impose excessive or unnecessary burdens.	Yes.	Yes.	Yes, reluctantly agree.	Yes.
EL 027	<b>South Lanarkshire Council (Lindsay Freeland)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 028	<b>London Borough of Bexley (Will Tuckley)</b>	Yes, so as to achieve uniformity of administration across all types of elections.	Yes.	[Yes.] The Franchise, Boundaries and Voting systems are politically sensitive so should be excluded, leaving the project to concentrate on the actual rules and regulations of administering elections	[Yes.] The project should only consider the management and oversight of elections where proposed reforms will impact on the management of elections. This should be kept to a minimum to allow for local variability and for Returning Officers to manage elections within their jurisdiction.	Yes, registration is an integral part of election administration. A definitive meaning of residency is needed, as it is interpreted differently across the country.	Yes, but only where the proposed reforms affect / overlap with the rules on candidates and the campaign.	Yes, as these areas are not integral to the rules and regulations of electoral administration, and are again politically sensitive issues.	Yes, as currently they are election specific.
EL 029	<b>Somerset Association of Local Councils (Peter Lacey)</b>	Yes, but parish polls should be included.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
EL 030	<b>Wales Political Party Panel</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.

		<b>Q 9</b> <b>Polling day.</b> <i>Should the scope of the reform project include consideration of the rules on polling day?</i>	<b>Q 10</b> <b>Determining the result.</b> <i>Should the scope of the reform project include consideration of the rules for determining and declaring the result?</i>	<b>Q 11</b> <b>Election timetables.</b> <i>Should the scope of the reform project include consideration of the timetables for elections?</i>	<b>Q 12</b> <b>Combination of polls.</b> <i>Should the scope of the reform project include the combination of elections?</i>	<b>Q 13</b> <b>Legal challenge.</b> <i>Should the scope of the reform project include the process of challenging elections?</i>	<b>Q 14</b> <b>Electoral offences.</b> <i>Should the scope of the reform project include consideration of electoral offences?</i>	<b>Q 15</b> <b>National referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of national referendums?</i>	<b>Q 16</b> <b>Local referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of local referendums?</i>
EL 021	Tonbridge & Malling Borough Council (Richard Beesley)	Yes.	Yes.	Yes.	Yes.	No comment.	Yes. Penalties for electoral offences should be strengthened and clarified to act as a deterrent.	Yes.	Yes.
EL 022	Bristol City Council (Stephen McNamara)	Yes, in particular those areas where the law is silent or unclear.	Yes. It should also include the new rules regarding the commencement of the count within 4 hours of the close of poll and how this can work with combined polls.	Yes. In particular standardisation between polls should be aimed at.	Yes.	No.	No comment.	Yes.	Yes.
EL 023	Local Government Boundary Commission for Wales (Steve Halsall)	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.
EL 024	London Borough of Hounslow (Angela Holden)	Yes. Many issues should be looked at, including: queues at polling stations at 10pm; use of tactile voting device; corresponding number list; GLA posting of mayoral booklet	Yes.	Yes.	Yes. The potential for combined elections/referendums appears to be increasing especially for those local authorities who elect in thirds. The conduct of combined elections is far more complex and resource intensive not only within the core electoral services team but also with the increased number of poll clerks and count staff required.	Yes.	Yes especially in view of individual electoral registration being introduced which will hopefully reduce the number of fraudulent applications to register which may as a result move and increase the fraudulent activity within a polling station.	Yes.	Yes.
EL 025	Suffolk Coastal District Council (Ingrid Askew)	Yes.	Yes.	Yes. The current rules relating to the computing of election timetables are unrealistic, complex, and inconsistent.	Yes. Electoral administrators are pressurised to combine elections wherever possible on the grounds of keeping costs down. However, the current rules relating to combination of elections are complex and difficult to administer	Yes. Current law in this respect is in need of modernisation to ensure that it is proportionate and capable of dealing with the range of existing voting systems.	Yes.	Yes. The rationalisation of the rules for national referendums is becoming increasingly more important since the combination of referendum with other polls has increased.	Yes. See Q15.
EL 026	East Sussex Electoral Officers' Group (David Robinson)	Yes.	Yes.	Yes, with the aim of reducing inconsistencies (eg at "minus 11", there are different deadline times for the receipt of postal vote applications, amendments to postal vote details and applications to register) and ensuring sufficient time for the necessary steps prior to election day (eg postal votes).	Yes.	Yes.	Yes.	Yes.	Yes.
EL 027	South Lanarkshire Council (Lindsay Freeland)	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 028	London Borough of Bexley (Will Tuckley)	Yes, because they are an intrinsic part of the conduct of elections with lots of rules in some areas and very little in others.	Yes, as currently they are varied and in some areas no longer reflect the pressures and workload of modern elections.	Yes. With the increased number of combined elections and the pressure on administrators on Day -11, the project should consider all the timetables for elections with a view to proposing a single version of the election timetable.	Yes.	Yes, it is appropriate in light of other areas being considered by the consultation.	Yes, as some of these offences date back to Victorian times and use very archaic language.	Yes.	Yes.
EL 029	Somerset Association of Local Councils (Peter Lacey)	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
EL 030	Wales Political Party Panel	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.



		<b>Q 1</b> <b>Elections and referendums.</b> <i>Should the scope of the reform project include the elections and referendums listed in paragraphs 1.10 and 1.11 of the scoping consultation paper?</i>	<b>Q 2</b> <b>Legislative Framework.</b> <i>Should the scope of the reform project include consideration of the current legislative framework for electoral administration including the place of rules within the legislative hierarchy?</i>	<b>Q 3</b> <b>Core electoral parameters.</b> <i>Do you agree the scope of the project should exclude the franchise, electoral boundaries and voting systems?</i>	<b>Q 4</b> <b>Management and oversight.</b> <i>Should the scope of the reform project include consideration of management and oversight of elections, but exclude fundamental change to the current institutional framework for electoral administration?</i>	<b>Q 5</b> <b>Electoral registration.</b> <i>Should the scope of the reform project include electoral registration, and if so, the meaning of residence?</i>	<b>Q 6</b> <b>Candidates and the campaign.</b> <i>Should the scope of the reform project include consideration of the rules on candidates and the campaign?</i>	<b>Q 7</b> <b>Political parties and national campaign publicity.</b> <i>Do you agree the scope of the project should exclude political party regulation and national campaign publicity?</i>	<b>Q 8</b> <b>Manner of voting.</b> <i>Should the scope of the reform project include consideration of the rules on manner of voting?</i>
EL 031	Stephen Lowrey	No comment.	No comment.	No comment.	No comment.	Concerned the system is open to fraud and abuse that threatens the integrity of the election process, including voter registration. The change to individual electoral registration is to be applauded.	No comment.	No comment.	Yes, concerned the system is open to fraud and abuse that threatens the integrity of the election process, including: (1) voter registration, (2) false representations at polling stations, (3) fraud and manipulation of postal votes (including interference with voters and (4) third party involvement in election process. The change to individual electoral registration is to be applauded.
EL 032	Crown Prosecution Service (Simon Orme)	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 033	Local Government Boundary Commission for England (Alan Cogbill)	If legislation for direct elections to English National Park and Boards authorities is introduced, they too should be included within scope. In contrast, excluding some advisory referendums from the scope enables flexibility in timing and voting methodology, and also encourage communities to engage in campaigning.	The complexity and fragmentation of the law put at risk the effective and lawful conduct of elections. Just as matters of franchise and voting method are given practical effect by electoral administrators, so are the outcomes of electoral and boundary reviews.	[Yes.] We concur that statutory provisions which: (a) assign responsibilities for electoral and boundary reviews, (b) establish considerations to be made in reviews and (c) set out requirements for consultation and publication are not ones which the electoral law reform project should address. However, there are some implications of order-making for the technical aspects of electoral administration, such as ward/division name changes or related alterations could be addressed. The door should be left open for the reform project to cover such technical points.	No comment.	Electoral registration is relevant to conducting electoral reviews, as electoral equality is a factor and the register must be accurate and complete. Poor registration rates can affect boundaries work of a boundary commission. It is important to have regard over the life of the project to any the effect of IER on accuracy and completeness of registers. We should also highlight the need to ensure that the law reform project does not suffer slippage, in order that any identified impacts of IER may be addressed at the earliest opportunity.	No comment.	No comment.	No comment.
EL 034	Paul Gribble, CBE	Yes.	Yes. There is a great need to reduce volume, complexity and fragmentation of the existing law, which has resulted from devolution, differing electoral voting systems and the more extensive use of referendums in the last decade. Consider how the law accounts for, regulates and controls use for electoral purposes of developments in the electronic age.	Yes.	Yes. Ceremonial nature of returning officers is rightly raised. Would be delighted if it ended.	There is a need to have a very clear definition of residence to clarify if and when a person can be said to reside in two different places and whether or not they can be registered in both areas and if so what restrictions are to apply at parliamentary and local elections.	Yes. There is a need for a level playing field for candidates. RPA 1983 had a clear definition when a person became a candidate but this is less clear following changes to s118A. Introduction of pre-campaign expenses has benefitted larger parties to detriment of small parties and independents.	Yes. But there is a need to consolidate the legal treatment of political parties and national publicity within the framework. A downside of registration of parties has been their considerable centralisation, which has been detrimental to local democracy.	Yes. The need for electors to sign a ballot paper, which has not been brought into effect, should be introduced because it would provide another safeguard.
EL 035	Electoral Commission (Bob Posner)	Yes, as well as any other elections or referendums provided for by the relevant Parliaments during the life of the reform project. Electoral law should be reformed in a generic way in order to ensure, so far as possible and sensible, consistency in approach across all electoral events in the UK.	Yes. The reform project should include consideration of the optimal legislative framework for electoral administration, using as few legislative vehicles as possible, transferring to guidance some of the very detailed administrative rules and taking into account international guidelines (in particular those established by the IDEA and the Venice Commission). Reorganising the existing legislative structure is key as many of the current difficulties result from it (eg the detailed rules for the administration of parliamentary elections in primary legislation has made it difficult to adjust anomalies in the rules, leaving the parliamentary legislation in some cases lagging behind legislation for other elections).	Yes. We endorse the view that key constitutional matters such as the extent of the franchise, the procedures for boundary changes and provisions relating to voting systems for different electoral events are matters that should properly be left to parliament and the democratic process. For that reason we agree that they should not be included within the scope of the reform project. However, there may need to be consideration of where the provisions relating to each of these areas - and others of a similar constitutional significance (such as party funding - see Q7) - best sit within a new framework for electoral law. As a point of accuracy, the Local Electoral Administration (Scotland) Act 2011 conferred on the Electoral Commission the power to set and monitor performance standards for local government elections in Scotland.	Yes. The basic structure for the administration and delivery of electoral events across the UK is based on a decentralised model, potentially resulting in inconsistency. The historic solution of prescription of detailed rules minimising the exercise of discretion by individual officials lacks flexibility and does not prevent significantly different approaches on some key issues. The review should thus consider the best mechanism for ensuring consistency of approach and delivery of elections, including provision for the direction of election officials with regard to the discharge of their functions. While the current institutional framework for the delivery of elections is not a matter for this reform project, the project should consider how new oversight and management structures, or variants of existing structures, could minimise the potential for inconsistency of delivery - otherwise this could unduly limit the reform options. Consideration of the law providing for the funding of electoral events should be included in the reform as funding is critical.	Yes. It is essential for the healthy functioning of the electoral system that the electoral register is accurate and complete, as it serves a number of functions that are integral to the democratic process. This area is currently one of the most fragmented and complex and the Electoral Registration and Administration Bill will compound the existing difficulties as the new provisions will be inserted into the already heavily complex legislation. Registration should be included in the reform project with a view to simplifying and rationalising the law. An integral component of this will be suitable oversight mechanisms to ensure consistent high standards in the administration of registration. The review should consider the meaning of the term "residence" with a view to eliminating inconsistencies so far as possible.	The rules relating to candidate qualification are not consistent across different election types and legislative jurisdictions and disqualification provisions often include complex inter-related provisions. Therefore the rules for nomination should be considered in the review with a view to reducing legislative fragmentation and complexity. The current talks between the three largest Westminster parties may result in significant structural changes to the rules on candidate funding and spending, potentially including closer links with the PPERA rules. It would only be appropriate to include candidate funding and spending rules in the scope of the reform project once any legislative changes have been completed. If, however, the current talks will not result in the UK Government proposing structural changes to the rules on candidate funding and spending, those rules should be included within scope from the outset. The Electoral Commission is currently conducting a review of the legal framework that regulates and will issue recommendations in early 2013.	Yes. The UK government intends to seek a detailed agreement on reforming party funding, which would result in changes to the regulatory framework, during the same timeframe as the reform project. Talks are currently under way between the three largest Westminster political parties on possible reforms. However, there will need to be consideration of where the existing provisions, or any that are reformed as a consequence of current political party discussions, are to sit within a new framework for electoral law.	Yes, on the basis that this includes the rules providing for the design of the ballot paper and provision for absent voting. The approach to prescribing forms and notices should be reviewed, as it is not necessarily in voters' best interests. Greater flexibility in form design overall would be welcome, with the key information that must be included prescribed in legislation but with the ability for standard design aspects to be specified for specific elections by a single body or officer. The Electoral Commission has developed a set of UK-wide standards for the design of forms. The Electoral Registration and Administration Bill also provides for secondary legislation that confers new functions on the Electoral Commission in this area. The reform project should consider whether statutory guidance / codes of practice would provide a more suitable mechanism. Also, the provisions on absent voting should be included, as the current legislation is unduly complex and inaccessible and operates differently in NI.

		<b>Q 9</b> <b>Polling day.</b> <i>Should the scope of the reform project include consideration of the rules on polling day?</i>	<b>Q 10</b> <b>Determining the result.</b> <i>Should the scope of the reform project include consideration of the rules for determining and declaring the result?</i>	<b>Q 11</b> <b>Election timetables.</b> <i>Should the scope of the reform project include consideration of the timetables for elections?</i>	<b>Q 12</b> <b>Combination of polls.</b> <i>Should the scope of the reform project include the combination of elections?</i>	<b>Q 13</b> <b>Legal challenge.</b> <i>Should the scope of the reform project include the process of challenging elections?</i>	<b>Q 14</b> <b>Electoral offences.</b> <i>Should the scope of the reform project include consideration of electoral offences?</i>	<b>Q 15</b> <b>National referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of national referendums?</i>	<b>Q 16</b> <b>Local referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of local referendums?</i>
EL 031	Stephen Lowrey	No comment.	No comment.	No comment.	No comment.	No comment.	[Yes.] The review should examine the ways in which to minimise electoral fraud and abuse of the system which undermine public credibility in our democratic process.	No comment.	No comment.
EL 032	Crown Prosecution Service (Simon Orme)	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Yes. Modernising and rationalising the criminal offences is an opportunity: to improve the response to electoral fraud both in terms of prosecution but also prevention; to reconsider the classification of election offences as "corrupt" or "illegal"; to modernise the language and legal concepts; to make sure the mental element required is clearly defined.	Broad support for scope of project.	Broad support for scope of project.
EL 033	Local Government Boundary Commission for England (Alan Cogbill)	No comment.	No comment.	[Yes.] A key issue is the link between the timetable which precedes polling day and the delivery of outcomes from electoral reviews, related alterations and consent decisions. We are aware of the significance of the making of electoral change orders in the period leading up to elections both for local authorities' electoral registration officers engaged in practical preparations for elections, and for electors. Any clarification of those timetables to all those involved in electoral processes is welcomed.	No comment.	No comment.	No comment.	Yes. It is appropriate to include both national and any binding local referendums within the project, in order to ensure that, where relevant, the boundaries of electoral areas established by this Commission are made effective.	See Q15.
EL 034	Paul Gribble, CBE	Yes.	Yes.	Yes.	Yes.	Yes. Too many breaches have occurred without recourse to the law. In many cases, the costs of bringing an election petition are seen to be prohibitive or the actual result of an election would have been unaffected. There should be a means of dealing with simple administrative errors, perhaps by way of judicial review.	Yes. While the postal voting system remains fairly free of fraud, the opportunities have considerably increased especially within tightly knit communities. Individual electoral registration will no doubt help to overcome some of these problems.	Yes.	Yes.
EL 035	Electoral Commission (Bob Posner)	Yes. The scope of the reform project should include consideration of the rules for the allocation and review of polling places, the issue of ballot papers, identification requirements and, if the law has not already been amended by parliament, close of poll. The law could be simplified and rationalised and much of what is currently contained in legislation could be moved to statutory guidance.	Yes. These rules are a crucial aspect of the electoral process and it is vital that there is absolute trust in this part of the process. The current rules are incomplete and outdated (eg despite the increase in the number of different voting systems and, therefore, different ways in which voters can mistakenly mark their ballot papers, the rules providing for the grounds for rejection of ballot papers have not changed). The rules should also provide for further possible developments (eg electronic verification and counting across different electoral events).	Yes. There are inconsistencies in the current statutory timetables for the administration of elections, although the Electoral Registration and Administration Bill will partly remedy them. The reform project should examine the reasons for the inconsistencies in timetables across UK elections and aim to reduce or eliminate them. It should also consider whether it is helpful to include other required electoral deadlines in the timetable.	Yes. There has been a significant increase in the number of different types of combined event and complexity in the law providing for combined events. Each time legislation provides for a new type of electoral event there needs to be provision addressing the place of the new event within the current structure for combination. Complex cross referencing is then required to establish the particular rules for each type of combination; the rules become even more complicated where one of the RO or CO concerned is subject to a power of direction, as the scope of any such power will depend on whether the relevant officer discharges the combined functions. The law providing for the combination of elections should, where possible, be written out in full rather than on a piecemeal basis, so that responsibility can clearly be ascertained and the process easily followed.	Yes. Election challenges are a fundamental part of free and fair elections. They play an important role in ensuring the legitimacy of elections and securing public confidence in the electoral process. The petition process is outdated, complex, inaccessible and does not comply with international standards. Firstly, it is not designed to ensure that departures from electoral law are properly considered and action or sanction follows. Election results are more than just private disputes; they are of significant public importance. Secondly, the petition process does not often deliver a swift determination of the validity of an election and therefore does not provide certainty of outcome for candidates, parties, election officials and, most importantly, the electorate.	Yes. The current classification of offences as corrupt or illegal practices is confusing and unhelpful. Many of the concepts used are outdated. Trust in the integrity of electoral process and those who stand in elections requires modern accessible electoral law offences.	Yes. Referendums look set to become a growing feature of the UK system of government. They are often combined with other electoral events and share many features with elections. The issues they consider are of significant importance. A generic set of rules for referendums is needed, both at the national and local level. The PPERA rules on regulating campaign spending and donations at referendums should be excluded from scope because they are very closely linked to the equivalent PPERA rules on campaign spending by political parties and third party campaigners at elections, which are politically sensitive and highly likely to be affected by current debate on reforms to party funding. Tools such as the citizen's recall and citizen initiated referendums that become part of the democratic process in the UK should also be included within the scope of the reform project	Yes. See Q15.

	<b>Q 1</b> <b>Elections and referendums.</b> <i>Should the scope of the reform project include the elections and referendums listed in paragraphs 1.10 and 1.11 of the scoping consultation paper?</i>	<b>Q 2</b> <b>Legislative Framework.</b> <i>Should the scope of the reform project include consideration of the current legislative framework for electoral administration including the place of rules within the legislative hierarchy?</i>	<b>Q 3</b> <b>Core electoral parameters.</b> <i>Do you agree the scope of the project should exclude the franchise, electoral boundaries and voting systems?</i>	<b>Q 4</b> <b>Management and oversight.</b> <i>Should the scope of the reform project include consideration of management and oversight of elections, but exclude fundamental change to the current institutional framework for electoral administration?</i>	<b>Q 5</b> <b>Electoral registration.</b> <i>Should the scope of the reform project include electoral registration, and if so, the meaning of residence?</i>	<b>Q 6</b> <b>Candidates and the campaign.</b> <i>Should the scope of the reform project include consideration of the rules on candidates and the campaign?</i>	<b>Q 7</b> <b>Political parties and national campaign publicity.</b> <i>Do you agree the scope of the project should exclude political party regulation and national campaign publicity?</i>	<b>Q 8</b> <b>Manner of voting.</b> <i>Should the scope of the reform project include consideration of the rules on manner of voting?</i>	
EL 036	Professor Ron Johnston, University of Bristol	Yes.	Yes. Note that the supplementary vote is not designed to ensure "more proportionality"; like the alternative vote, it is designed to ensure that the winning candidate in a single member contest gets majority support through the use of second preferences.	No. "I disagree because these are fundamental features of an electoral system and should be part of a holistic exercise. Furthermore, there are aspects of those topics that clearly need addressing because of current anomalies." Regarding boundaries, legislation lays down principles of equal electorates and community representation. The project should consider the governing principles, their legislative treatment across boundary laws for all elections, and the public consultation processes. An example of anomalies is the loss of the link between the Welsh Assembly's single-member constituencies and UK Parliamentary constituencies in Wales. The latter are to be reduced by the Parliamentary Voting System and Constituencies Act 2011 from 40 to 30 without making consequential provision for boundary change to Welsh Assembly constituencies, which remain 40 in number with no mechanism for review.	Yes, and no. The scoping consultation paper "illustrates the considerable variety of institutional arrangements (whose complexity may not be readily appreciated among the general public). It would seem desirable to evaluate these different practices and determine whether some may be better suited to purpose than others. The problem at the 2010 General election regarding access to the polling booth after 2200 hours illustrates the difficulties when there is no requirement for set practices, only guidelines."	Yes. The meaning of residence is crucial to a number of aspects of electoral practice and not only registration. Regarding the organisation of registers by parliamentary polling district, the districts in England are entirely <i>ad hoc</i> and drawn up by the relevant local authority. They have no legal standing and although almost all authorities have maps of and collate electorate data by the districts there is no central repository of that information. This is not the case in Scotland where an extensive database is kept enabling a much better usage of sub-ward electoral data in exercises like redistributions. The legal status of polling districts needs to be considered.	Yes. A number of issues regarding qualification arise including: (a) the eligibility of Irish and commonwealth citizens for nomination to UK Parliament, and whether the former is a violation of EU rules; (b) should candidates be resident in their constituencies; (c) whether subscribers have to be registered in the constituency concerned; (d) whether candidates can stand for a single-member constituency and be on a party list; (e) retention of allocated seats on resignation from a party. As to expenditure, the issues include (a) the borough and county constituency divide is obsolete; (b) the operation of pre-candidacy expenses at parliamentary elections and the lack of a mechanism to review expense limits; (c) candidate expenditure at local government elections; and (f) all expense and income data should be centrally collated and published, for transparency.	No. There are issues within the current regulatory framework that need investigation. In particular, the regulation of sub-national 'branches' of national political parties. Such accounting units with an annual either income or expenditure in excess of £25,000 are required to make an annual return to the Electoral Commission which are published. However, there is a lot of variation in the detail and quality of the material submitted and some organisations are in effect components of a national party but which do not fit the formal requirement for which no reports are submitted and thus evade transparency requirement.	Yes. Requiring votes to be cast at prescribed polling stations disadvantages certain electors in an increasingly mobile world (especially those not registered for a postal or proxy vote and who discover too late they can't get to the polling station). It should be technically and technologically feasible to allow electors to cast their ballot at any polling station in the country.
EL 037	The Labour Party (Ian McNicol)	Yes.	Yes.	Yes.	Yes and no. Yes to Part 1, but proper consideration of the role of the Electoral Commission is likely to be impaired by the exclusion of the current institutional framework for electoral administration from the project.	Yes.	Yes.	Yes.	
EL 038	Dartford Borough Council (Alan Twyman)	Broad support for scope of project.	A simpler, more modern legislative framework which combines all the fragmented pieces of legislation would be of huge benefit.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 039	Elmbridge Borough Council (Robert Moran)	Broad support for scope of project.	A simpler, more modern legislative framework which combines all the fragmented pieces of legislation would be of huge benefit.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 040	Hastings Borough Council (Katrina Silverson)	Broad support for scope of project.	A simpler, more modern legislative framework which combines all the fragmented pieces of legislation would be of huge benefit.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 041	Dr. Toby James, University of East Anglia	Yes.	Yes. The volume and fragmentation of electoral law results in administrative errors and a drain on time and resources. Research shows that the legislation is inapt effectively to guide the administrators on the ground, which risks being exacerbated by the transition to individual electoral registration and funding cuts. The way in which elections are administered can be a key determinant of public confidence in electoral processes.	Yes. There is a case for the reform of these, but they are highly political issues which the Commission's report is unlikely to influence. A focus on consolidation is more important.	Yes and No. All of the issues should be included because: (1) distinction between management and the framework is unclear and achieving a neat separation would be difficult. (2) There is a fluidity of electoral governance in the UK. The Electoral Commission is relatively new but its role in administration has changed considerably. Research found that the introduction of performance standards scheme has given it a significant ability to shape the practices of administrators. There has been change in Scotland, and Wales is considering autonomy over electoral administration. (3) Legislation that consolidated electoral governance would help to make the current system more readily comprehensible to the public, practitioners and politicians. A holistic review is needed.	Yes. While current arrangements are in transition, these changes will need to be evaluated by academics and the Electoral Commission and any necessary changes made to correct for declines in electoral turnout and accuracy.	No comment.	No comment.	Yes, there is an overwhelming case for developing a single set of measures for all elections. The current arrangements are confusing for both the electorate and the electoral administrator.
EL 042	Canterbury City Council (Lynda McDaid)	Broad support for scope of project.	A simpler, more modern legislative framework which combines all the fragmented pieces of legislation would be of huge benefit.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 043	South East Branch of AEA (Steven Andrews)	Broad support for scope of project.	A simpler, more modern legislative framework which combines all the fragmented pieces of legislation would be of huge benefit.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 044	Bournemouth Borough Council (Matt Pitcher)	No comment.	No comment.	Concerned not to exclude the consideration of the administrative areas used for European elections in England and Wales. These "local counting areas" should change from Parliamentary constituencies to local authority boundaries. Running a European election based on parliamentary constituency boundaries means many electoral administrators would have to give away part of the register they maintain, adding further complications for postal voting and administration and also meaning some authorities would effectively have no elections to run as they are not the lead authority for any Parliamentary constituency.	No comment.	No comment.	No comment.	No comment.	No comment.

		<b>Q 9</b> <b>Polling day.</b> <i>Should the scope of the reform project include consideration of the rules on polling day?</i>	<b>Q 10</b> <b>Determining the result.</b> <i>Should the scope of the reform project include consideration of the rules for determining and declaring the result?</i>	<b>Q 11</b> <b>Election timetables.</b> <i>Should the scope of the reform project include consideration of the timetables for elections?</i>	<b>Q 12</b> <b>Combination of polls.</b> <i>Should the scope of the reform project include the combination of elections?</i>	<b>Q 13</b> <b>Legal challenge.</b> <i>Should the scope of the reform project include the process of challenging elections?</i>	<b>Q 14</b> <b>Electoral offences.</b> <i>Should the scope of the reform project include consideration of electoral offences?</i>	<b>Q 15</b> <b>National referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of national referendums?</i>	<b>Q 16</b> <b>Local referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of local referendums?</i>
EL 036	<b>Professor Ron Johnston, University of Bristol</b>	Yes. The problems at some polling stations at the 2010 general election indicate that the absence of clear rules should be addressed.	Yes. (i) Query whether counting in a timely manner imports the practice for results to be announced as soon as possible after close of polls. This seems unnecessary and is not the practice elsewhere. (ii) Voter secrecy is taken unnecessarily further than in other countries. Eg mixing ballot papers from 2+ ballot boxes before the count seems unnecessary. Furthermore, there is no legal requirement for results to be published and thus no central database. For transparency, there should be a requirement that a responsible body maintain and publish a database containing a full account of all election results. Registers should enable full estimates of turnout.	Yes. While there is now a five year fixed term for Parliamentary elections, there are a number of exceptions the implications of such eventualities for timetabling should be considered, not least because of the effect on other elections. The timetables for the regulation of candidate expenditure should also be included. Furthermore, in England there is no common practice regarding the periodicity of local government elections and this is can be locally determined in some cases.	Yes. Query whether the prohibition on combining UK Parliamentary and devolved legislatures in Scotland and Wales does not extend to the NI Assembly. Also, voter confusion at combined elections will be exacerbated in 2015 if the new constituencies are deployed for the general election, which strengthens the case for a national rather than a decentralised system of electoral administration.	Yes. In particular, consideration should be given to differences in grounds for challenge in various types of elections, from those involving single and multi member contests, to those using a party list or - possibly in the future- open list system. Query whether grounds of challenge for an as yet unused voting system can be covered by the reform project.	Yes. See Q13.	Yes. In particular, it seems desirable to revisit the stipulation that only a limited number of designated campaign organisations can be identified and allocated campaigning funds by the Electoral Commission, in order to allow a diversity of arguments to be deployed with relevant public funding.	Yes. One issue not mentioned in the scoping consultation paper is the issue of providing information on the issue to be voted on. E.g. in the Bristol Mayor referendum in May 2012, several registered electors indicated they had received polling cards but no information on the issue. The issue of funding campaigns relating to local government referendums needs to be addressed as there seems little point in consulting an ignorant population.
EL 037	<b>The Labour Party (Ian McNicol)</b>	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
EL 038	<b>Dartford Borough Council (Alan Twyman)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 039	<b>Elmbridge Borough Council (Robert Moran)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 040	<b>Hastings Borough Council (Katrina Silverson)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 041	<b>Dr. Toby James, University of East Anglia</b>	Yes. Law should be simplified and rationalised and voting made more convenient for the voter. For example, evidence shows that elections held on holidays generate higher turnout. A cross-party agreement may be difficult to reach, however, on this issue.	No comment.	Yes, work should be undertaken to provide for one single electoral timetable. Electoral administrators and the public find conflicting timetables confusing.	Yes. Combined elections are likely to be more common. Although they are also good for electoral turnout and should be encouraged, they pose problems for electoral administrators.	No comment.	No comment.	No comment.	No comment.
EL 042	<b>Canterbury City Council (Lynda McDaid)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 043	<b>South East Branch of AEA (Steven Andrews)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 044	<b>Bournemouth Borough Council (Matt Pitcher)</b>	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.



		<b>Q 1</b> <b>Elections and referendums.</b> <i>Should the scope of the reform project include the elections and referendums listed in paragraphs 1.10 and 1.11 of the scoping consultation paper?</i>	<b>Q 2</b> <b>Legislative Framework.</b> <i>Should the scope of the reform project include consideration of the current legislative framework for electoral administration including the place of rules within the legislative hierarchy?</i>	<b>Q 3</b> <b>Core electoral parameters.</b> <i>Do you agree the scope of the project should exclude the franchise, electoral boundaries and voting systems?</i>	<b>Q 4</b> <b>Management and oversight.</b> <i>Should the scope of the reform project include consideration of management and oversight of elections, but exclude fundamental change to the current institutional framework for electoral administration?</i>	<b>Q 5</b> <b>Electoral registration.</b> <i>Should the scope of the reform project include electoral registration, and if so, the meaning of residence?</i>	<b>Q 6</b> <b>Candidates and the campaign.</b> <i>Should the scope of the reform project include consideration of the rules on candidates and the campaign?</i>	<b>Q 7</b> <b>Political parties and national campaign publicity.</b> <i>Do you agree the scope of the project should exclude political party regulation and national campaign publicity?</i>	<b>Q 8</b> <b>Manner of voting.</b> <i>Should the scope of the reform project include consideration of the rules on manner of voting?</i>
EL 045	Exeter City Council (Jeff Chalk)	Yes.	Yes. However, any consolidation is likely to be a temporary affair as new legislation will continue to be made. Also, important elements of law should not be downgraded and left to ministerial direction.	Yes. These are political matters and should be excluded.	No. Not convinced management should be included in any way because the debate between centralisation versus decentralisation of electoral administration is a distraction. Project should focus on the law and voluminous legislation, not wider issues.	Yes. Registration is the building block and cannot be excluded. The definition of residence would be of great benefit.	Yes.	Yes.	Yes. A single set of measures would be very helpful and less confusing.
EL 046	Wyre Forest District Council (Ian Miller)	Yes.	Yes. There is a strong case for a single set of legal provisions or rules for elections, and perhaps another one for referendums.	There should be consideration of a single franchise for all types of electoral process. The franchise could be defined around residence - why should citizenship be relevant?	No, management should be excluded except that the archaic provisions for ceremonial ROs should be removed. There should be no role for the Electoral Commission or another person being given powers to direct ROs in respect of the conduct of locally-organised elections. Powers of direction should exist only in respect of national electoral or "wide area" electoral processes.	Yes.	Yes.	Yes.	Yes. The project should consider enabling the use of e-voting.
EL 047	London Branch of AEA (George Cooper)	Yes.	Yes.	[Yes and No] There is a fourth core parameter, being the delivery of the vote. These are the requirements that the vote be secret, be given in person, by post or proxy, and the provision of support information (eg Mayoral booklets). Boundaries cannot entirely be left out of the equation. The implications of boundaries, especially of administering cross-boundary elections, will have to be considered.	[Yes and No.] Given that the analysis of the evolution of the electoral system makes clear that certain institutional arrangements (such as the creation of the Electoral Commission, the spread of different categories of returning officer) have rather been bolted onto a heavily legally prescribed but locally delivered system, rather than grown organically alongside it, we do wonder if institutional considerations should be quite so quickly discounted.	Yes. IER will be transform the registration sphere. Residence should be defined. There is reliance on outdated case law which does not deal with the contemporary explosion in second homes and student numbers.	Yes.	Yes.	Yes.
EL 048	Hackney Borough of London (Gifty Edila)	Yes.	Yes. The over-complication of the legislative process is an issue for candidates and their agents, especially independents, as well as the public (eg opportunity to vote after 10pm).	Yes.	[Yes and No.] It is difficult to see how the project can separate management and oversight of elections from the institutional framework for electoral administration. Recent experience of administering these complex multiple elections show the need to overhaul the entire legislation and elections administration process whether managed locally or centrally. It would be a missed opportunity if such an important review did not look at how the various roles carried out by Parliament, the Electoral Commission and the Boundary Commissions for England, Wales, Scotland and Northern Ireland. How their respective roles impact on the administration of elections is important, particularly if the aim is to improve the existing arrangements and make it simpler for all involved.	Yes. Clarity and consistency is needed for registration. Also residence should be defined.	Yes. Quite often disgruntled candidates and agents try to use electoral administrators to resolve disputes between candidates on campaign issues to no avail. Administrators have no role in the contents and manner of campaign and clearer rules on the issue consistently applied to all elections would greatly assist.	No comment.	Yes. The current rules create considerable problems for electoral administrators, candidates and voters. The overly prescriptive approach to ballot papers should be reviewed, as well as the requirements over marking of corresponding number lists. The high rejection rate of postal votes due to date of birth or signature not matching is a concern. The opportunity to give postal voters feedback is welcome. There should also be some discretion for the RO to accept dates of births that have been given in a different format.
EL 049	Philip Hardy	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Yes. Query whether subscribers are needed at all. Their number differs considerably between elections and causes problems with candidates and administrators. There should also be a clearer definition for the parish qualification of living within 5 miles.	Broad support for scope of project.	Broad support for scope of project.
EL 050	New Forest District Council (Rosemary Rutins)	Yes, but also parish polls (part of the electoral/democratic process; can have a significant local impact) and, if they eventuate, elections to the House of Lords. It would be useful also to define what constitutes a "parish matter".	Yes. Consistency will naturally result in a reduction in volume; however, rules should not be pared down to an extent that requires rafts of guidance. The law should also be sufficiently prescriptive to prevent ambiguity.	Yes.	Yes, but we hope that the current review will also lead to a subsequent review of the role of the Electoral Commission.	Yes. Student residency and defining second homes should be included.	Yes, with a view to eliminating inconsistencies.	Yes. Regrettably agree that these are best omitted.	Yes. Consider in particular the implications of allowing postal votes to be handed in at polling stations.
EL 051	North West Branch of AEA (Karen Randles)	Yes. In addition, parish polls should be included if they are conducted by a local RO.	Yes. A consolidated and streamlined framework of legislation could help widen participation in the democratic process for prospective candidates by removing the "intimidating" nature of electoral law.	Yes. Exclude electoral boundaries and voting systems. We agree in part that it should be for each type of election, the applicable franchise should be clear in the legislation (rather than refer to other Acts). The electoral boundaries and voting systems to be used in each election should be similarly clear. The number of bodies that instruct, direct or give guidance to elections and electoral registration staff - and the often conflicting instructions - makes the process of administering an election increasingly difficult.	Yes. Consider the ceremonial ROs at parliamentary elections. Central administration under the Electoral Commission would conflict with their current watchdog role. Many Electoral Commission employees are not practitioners. Centralisation might lead to a loss of operational experience. It may be an expensive and retrograde step for electors and candidates. It would contrast with the government's commitment to localism.	Yes. Registration and the meaning of residence must be included.	Yes. There should be a consolidation of the expenditure limits for parliamentary constituencies, addressing the discrepancy between county or borough constituencies. The project should also consider the issue of candidates, agents and parties handling or processing postal vote applications. This would improve transparency and voter confidence.	No comment.	Yes. This is absolutely crucial as there are a number of issues with the current absent voting system: (a) the emergency proxy applications up to election day; (b) registration forms not issued by the ERO; (c) postal voting has increased the burden on election day; (d) place for delivery of postal vote at all elections; (e) consistency on waivers for electors unable to sign; (f) IER implementation; (g) close of registration and postal vote application deadlines at the same time; (h) Replacing postal votes on election day (extending from 5pm to 10pm).
EL 052	Electoral Reform Society (Darren Hughes)	Yes. The law of every election and referendums should be considered in order to promote participation. Law designed for operation under first-past-the-post elections should be modernised and clear and consistent rules be laid down as regards referendums.	Yes. Consistency across the board is important to achieving high standards, and is hampered by complex and fragmented laws. The project should set out to be bold and to pursue a remit that is both wide and deep in order to ensure a rational, sensible and accessible hierarchy of electoral law results.	Yes. Whilst consideration of the legislative treatment of elections under different voting systems (to ensure consistency of standards whatever system used) is essential, consideration of the type of voting system used for an election does not fit within the scope of this review.	[Yes and No]. It would be of most use for the project to be as broad as possible, reflecting the unique opportunity afforded by such a comprehensive programme of work. Therefore, we would support including fundamental change to the current institutional framework in the reform project.	Yes. There is little central oversight of registration due to the decentralised administration of elections, which leaves room for inconsistency and varying standards. Changes to the law in this area should be included within the scope of the review. Other ambiguities like residence should also be included.	Yes.	"We do not have a strong view on this question. It may be possible to draw on work undertaken by the Committee on Standards in Public Life into some of these areas."	Yes, as access to postal, proxy and absent voting are essential for many voters. It is important that their application is consistent, clear and the rules are practical for those administering elections.

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EL 045	<b>Exeter City Council (Jeff Chalk)</b>	Yes. Simplification of legislation that provides for a more consistent approach is a sensible goal.	Yes. But this is less of a concern and not a priority.	Yes. This is a fundamental issue and the aim should be for a consistent 35 day timetable for all elections and referendums.	Yes. A vital factor is to relieve the burden on administrators.	Yes. But caution needs to be exercised so that new processes do not fall foul of vexatious or petty challenges.	Yes.	Yes. These are likely to become more common.	Yes.
EL 046	<b>Wyre Forest District Council (Ian Miller)</b>	Yes. Project should consider moving away from holding the poll on one day, as it means that verification and counting happen overnight and into the early hours of the morning.	Yes.	Yes. This is a vital issue for administrators and there is strong support for a common timetable.	Yes.	Yes.	Yes.	Yes.	Yes.
EL 047	<b>London Branch of AEA (George Cooper)</b>	Yes.	Yes as these are part of the count, but they are possibly not as problematic as might at first appear.	Yes. Discrepancies remain even after the welcome proposals to change the parliamentary timetable. There is huge potential to coordinate and simplify timetables.	Yes. Combination is becoming more likely than single elections. There is also the peculiar situation in London by which the Mayor of London and GLA Elections go hand in hand but are not technically combined.	Yes. But the existing challenge framework retains many strengths and some valuable principles have evolved through the courts. The bar should be high as frivolous challenges could bring a fundamentally sound system into disrepute via the catalyst of the media. Inspiration should not be taken from UK libel laws.	Yes. The increasing recourse to the common law offence of conspiracy to defraud is telling. Also, the use of proxy votes is an important matter that should be considered.	Yes.	Yes.
EL 048	<b>Hackney Borough of London (Gifty Edila)</b>	Yes. Elections are no longer routine matters and are more complex when they are combined. While 16 constituencies were mentioned as having experienced major challenges in May 2010, in reality the vast majority of authorities found those complex combined elections extremely challenging. Managing close of poll requires special attention to get the balance right.	Yes. The timing of the count should be considered as it can be resource intense and accuracy is paramount. On election days, staff can work up to 26 or more hours continuously and this should be considered when finding the right balance.	Yes. Different timetables cause inconsistencies and confusion. A review would help draw out experience to date, what works and what improvements can be made.	Yes.	Yes. The existing elections petition processes are cumbersome and costly. It is necessary to distinguish between simple complaints, admission of errors and the need to re-count and more complex challenges relating to election process or the result.	Yes. There have been some high profile cases and the lessons learnt should be used to modernise the system.	Yes. The experience of running referendums to date should be captured in the project to help improve the way they are managed, since they are not frequently held and have often varied.	Yes. It would greatly assist the administrators of such referendums to have a clear and user friendly set of rules.
EL 049	<b>Philip Hardy</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Yes. The imprint rules, and power and roles to investigate them, should be clarified. The grounds of challenge should be considered, but the key principle of materiality to the result maintained. It should not be too easy to challenge the outcome.	Broad support for scope of project.	Broad support for scope of project.	Yes. Parish polls should be included; rules are out of touch with modern elections - eg no poll cards, no absent voting and must use stamping instruments. Moreover, it is too easy to hold a parish poll, which may incur a hefty cost on the parish; and the status of their outcome is unclear.
EL 050	<b>New Forest District Council (Rosemary Rutins)</b>	Yes. See Q 8.	Yes. See Q 8.	Yes. Also it should be considered to replace the outdated phrase "dies non" with a more modern equivalent like "weekends and public holidays" or "working days".	Yes. The review should examine possible combinations and possible consequences (eg postponement) of non-combination. There should be a limit on the number of and types of election that may be combined. Management of different types of elections, particularly those with different voting methods, becomes very complex and confusing to the electorate.	Yes. There should be a clear and simplified (but not too simple) process to challenge the outcome, perhaps like judicial review.	Yes. There is little inclination for the police or CPS to take action on "minor electoral offences" (eg imprint, failure to return statement of expenses); it should be considered whether these should remain offences.	Yes. Consider administration of referendums, including appointment of CCO. Previous experience of a referendum combined with local elections was of scant regard for the implications for the local elections.	Yes. These are also an increasing feature of the system and should be included.
EL 051	<b>North West Branch of AEA (Karen Randles)</b>	Yes. In particular, the reform project should look at the rules governing parish elections and polls; the tactile voting device which is rarely used; the possibility to issue standard sized ballot papers, as it would assist in reducing cost; the issue arising particularly during combined polls regarding the second ballot box when the first one is full.	Yes. The timing of the count should be a decision for a RO based on local circumstances and resources and not dictated in legislation given the additional complications of postal vote verification. Also, the project should review the requirement to count unused ballot papers as part of the count.	Yes. A consistent approach to all election and referendum timetables would be beneficial to everyone. Timetable dates should be determined by legislation and those not set in law should be determined locally by ROs and not centrally to take into account the demographics of each area.	Yes. Combination is increasing in number and complexity.	Yes. The current challenge process is costly and cumbersome. The floodgates should not be open to politically motivated "tit for tat" challenges but it is important to have a system that is open and robust so that the public and political parties have confidence in it.	Yes. Many offences are outdated and use unfamiliar language to electors and candidates.	Yes. In particular, the fact that referendums can be combined means that they should be included.	Yes. These should be included to ensure consistency.
EL 052	<b>Electoral Reform Society (Darren Hughes)</b>	Yes. In particular, it is important that the issue of queuing at close of poll and other polling day rules are considered.	[Yes.] No strong view, but it seems sensible to include.	Yes. The current discrepancy in timetables has the potential to create confusion for voters and candidates.	Yes. See Q11.	No comment.	No comment.	Yes. Need clear and consistent rules not least because of the importance and irreversibility of the outcome. The ambiguity of rules around referendums can disadvantage those campaigning on the issue as well as those administering them (eg the timetable). Developing a generic set of administrative rules is desirable.	Yes. See Q15.

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<b>EL 053</b>	<b>London Borough of Enfield (Peter Stanyon)</b>	Yes. The referendums flowing from the Localism Act 2011 should be included.	Yes. Codify as much electoral law as is consistent across polls within one set of legislation. Limit the basic electoral procedures within primary legislation, allowing for quicker resolution of issues as social or technological progress is made.	[No.] A separate body should be tasked with looking at these issues. The administration of electoral boundaries should be included in the scope simply because boundaries are fundamentally entwined in the management of the electoral process. The different roles played by the Boundary Commissions, local authorities and returning officers should be considered, not least to produce a system that is transparent, appropriate for local circumstances and timely. Too often, separate bodies are responsible for producing boundaries that are not coterminous at a local level, which causes confusion for electors, political parties and administrators alike.	[Yes and No.] It is essential the current management and oversight arrangements be considered as they have very much evolved in spite of rather than because of the development of electoral law. I do believe that the delivery of electoral services should be managed locally, whether through local authorities as is present or through local delivery by an independent national body but the exclusion of the possibility of fundamental change at this early stage will prevent the Commission from properly reviewing what is ultimately best for the electorate.	Yes. Registration should be considered as it is a fundamental part of the electoral process and residence should be defined.	Yes.	Yes	Yes. In particular, the extended role of postal voting should be considered, specifically in respect of the added timetable pressures caused by the deadline for the receipt of applications and the requirements around despatch and receipt of postal ballot papers.
<b>EL 054</b>	<b>Gravesham Borough Council (David Hughes)</b>	Broad support for scope of project.	A simpler, more modern legislative framework which combines all the fragmented pieces of legislation would be of huge benefit.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
<b>EL 055</b>	<b>Guildford Borough Council (David Hill)</b>	Broad support for scope of project.	A simpler, more modern legislative framework which combines all the fragmented pieces of legislation would be of huge benefit.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
<b>EL 056</b>	<b>Reigate &amp; Banstead Borough Council (Sally Crawford)</b>	Broad support for scope of project.	A simpler, more modern legislative framework which combines all the fragmented pieces of legislation would be of huge benefit.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
<b>EL 057</b>	<b>Scotland and Northern Ireland Branch of AEA (William Pollock)</b>	Yes, but any resulting legislation should be flexible enough to embrace any new polls that may be required. The inclusion within scope of local authority referendums, community buy-out polls, BID polls, Harbour Trusts' elections and community council elections in Scotland should also be considered. Explicit clarification of the use of the register of electors for various ballots which do not use the full electoral register would be helpful.	Yes. The hierarchy of rules should be simplified. A clear distinction must be drawn between matters of principle (for Parliament) and operational matters. There is obviously potential for conflict of interest due to party interest.	[No.] Franchise and boundaries are matters which bear directly on the practicalities of combination of polls, a matter very much within the ambit of the project. Failure to include them would significantly diminish the value of the project. Whilst it would be advisable if the review included the franchise, electoral boundaries and voting systems, it should be flexible enough to be adapted in future, eg to change the voting age of majority. It is acknowledged that these matters could be the subject of separate reviews.	[Yes and No.] The review must include the possibility of fundamental change to the institutional arrangements. The starting point is the three existing disparate institutional structures in England & Wales, Scotland and Northern Ireland. As a minimum the review will need to rationalise these arrangements where polls common to the jurisdictions are involved.	Yes. Clarification of the meaning of residence would be beneficial. Explicit clarification of the use of the register of electors for various ballots that do not use the full register would be helpful.	Yes. The rules relating to nomination and the rules relating to the publication of details of candidate's home address at certain elections vary markedly. Other issues include: the respective roles of the candidate and the Nominating Officer of their party in the nomination process (eg does it make sense to give a candidate who is standing on behalf of a party the right to decline the use of the party logo?); the discretion exercised by the RO (eg nomination of an inanimate object); the rules on inspecting an opposing candidates' nomination paper and to object; the Bobby Sands provision.	No. The balance between the activities of a candidate and the activities of the party must be addressed. Specifically, the role of the independent regulator for UK Communications (Ofcom) at elections and referendums should be considered.	Yes. The project should consider whether the proliferation of voting systems is desirable and in the voters' best interest. The security of the current arrangements for voting and possible alternatives to postal voting (like early voting or voting over multiple days) should be considered. The project should also be open to changes in technology that may render older processes obsolete. Consideration should be given to allowing an elector to register a formal "non-vote". The design of the ballot paper should be as standardised as possible for all elections and referendums but there should be the flexibility to amend details in the future.
<b>EL 058</b>	<b>Electoral Office Northern Ireland</b>	Yes.	Yes. The frequent caveats in legislation to except or make special provision for Northern Ireland, we welcome the recognition that flexibility might be required rather than the conventional approach to detailed prescription.	Yes.	"Yes, but in considering the management and oversight of elections the current institutional framework for electoral administration would need to be considered and therefore could not totally be excluded."	Yes. Residence should be positively defined. This is particularly ambiguous and different interpretations are being applied across the UK. This has implications for the "completeness" of the register. Since legislation relating to anonymous registration has not been enacted in Northern Ireland yet, there is particular support for rationalising and simplifying the provisions on special category and anonymous electors.	Yes. In particular, consideration should be given to: (a) role of administrator, in the nomination context, relating to qualification or disqualification; (b) The Electoral Commission and returning officers' roles concerning the receipt for inspection of expenses, checking and prosecution. In NI, the returns are made to the clerk of the Council and the EC has no role which adds confusion; (c) Definition of candidacy across elections; (d) Role and basis of appointment of sub-agents (i.e. for part of a constituency and only in county constituencies). For NI Assembly elections in 2007, 46 sub-agents were appointed in one constituency.	Yes.	Yes. The situation in NI is vastly different than in the rest of GB. Notably the photographic ID requirement at polling stations. There is also different postal voting legislation, which could be reviewed with the view to protecting against fraud but also enabling access to the vote. Proxy voting should also be more tightly legislated. The "signature refresh" and process of IER should also be considered to ensure that applicants are not unfairly refused on the grounds that the signature doesn't correspond with that given at registration.
<b>EL 059</b>	<b>Scottish Assessors Association</b>	Yes. Consideration should also be given to including other Scottish ballots that use the RPA 1983 registers, like Scottish community council elections, local referendums such as community buy-out schemes, and Harbour Trusts' elections. Explicit clarification of the use of registers for the various ballots using the full electoral register would also be helpful.	Yes. There is a need for a single Electoral Administration Act in accessible language that sets out the high-level framework with the operational detail contained in secondary legislation. However, change should be allowed from one election to another to take account of societal changes and use of innovation. There should be consideration of modern forms of communication and how they can be accounted for in electoral processes.	Yes and No. Boundaries and voting systems could be excluded. But the franchise is an important element in electoral registration and should be considered in relation to simplifying the voting rights of different nationalities. As some of the elections listed in section 1 allow voting at 16, but others do not, the rules for registration should be able to cope with both even if the difference is retained. It is possible that in a plurality of definitions of franchise, (particularly age related) there is a disjunction between what EROs can do under Westminster legislation and what devolved administrations may legislate for.	Yes and No. The role of the Electoral Management Board for Scotland model should be considered for adoption for all major elections in Scotland and the model considered for the rest of the UK. It allows the local nature of the RO to be retained while formally co-ordinating activity and best practice without undue interference from political institutions. The role of the EC is now very confusing for administrators. Multi-faceted roles of auditor, adviser, and facilitator do not sit well together especially when they hold no legal responsibility for advice given.	Yes. Legislation for registration is very fragmented and "residence" should be clarified despite taking the review into the policy area of multiple registrations. Also consider the use and structure of registers for purposes other than electoral should be examined to ensure that it is up to date with FOI and Data Protection decisions. (b) Consideration of modern forms of communication and how they can be accounted for in electoral processes.	Yes. In particular, the use by candidates and parties of the absent voters list and registers in campaigning. For example, during the AV referendum a campaign group used a pre-printed form for a postal vote that could potentially have disenfranchised people from other elections on the same day.	Yes. See Q 6.	Yes. The project should consider the options available to registered electors who are unable to attend the polling station on polling day. The proxy voting system is not greatly used but it can be essential in particular circumstances. Consideration should be given to looking at early voting at the RO's main office. Electronic systems for voting could also be considered.

	<b>Q 9</b> <b>Polling day.</b> <i>Should the scope of the reform project include consideration of the rules on polling day?</i>	<b>Q 10</b> <b>Determining the result.</b> <i>Should the scope of the reform project include consideration of the rules for determining and declaring the result?</i>	<b>Q 11</b> <b>Election timetables.</b> <i>Should the scope of the reform project include consideration of the timetables for elections?</i>	<b>Q 12</b> <b>Combination of polls.</b> <i>Should the scope of the reform project include the combination of elections?</i>	<b>Q 13</b> <b>Legal challenge.</b> <i>Should the scope of the reform project include the process of challenging elections?</i>	<b>Q 14</b> <b>Electoral offences.</b> <i>Should the scope of the reform project include consideration of electoral offences?</i>	<b>Q 15</b> <b>National referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of national referendums?</i>	<b>Q 16</b> <b>Local referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of local referendums?</i>	
<b>EL 053</b>	<b>London Borough of Enfield (Peter Stanyon)</b>	Yes. The role of tellers, delivery of postal ballot papers and the ability to challenge voters and lack of voter identification all need to be included.	Yes. In particular, inability of ROs to correct obvious administrative errors at the count. The process for the issue and return of the writ should also be considered in light of technology.	Yes. There should be two standard timetables, one for Mayoral elections and another for all other elections. Elections should all operate on a 25 day timetable with a 30 day alternative for Mayoral elections in order to distribute mayoral booklets. In addition, all electoral events should appear in the same place in the legislation.	Yes.	Yes. The process is currently very time-constrained, confusing and costly.	Yes. The project should consider modernising and codifying relevant electoral offences, and clearly set out the processes to be followed and the responsibilities of the respective participants in identifying and acting on potential breaches of the rules.	Yes.	Yes, especially in view of the likely increase in the number of local referendums through legislation such as the Localism Act 2011.
<b>EL 054</b>	<b>Gravesham Borough Council (David Hughes)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
<b>EL 055</b>	<b>Guildford Borough Council (David Hill)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
<b>EL 056</b>	<b>Reigate &amp; Banstead Borough Council (Sally Crawford)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
<b>EL 057</b>	<b>Scotland and Northern Ireland Branch of AEA (William Pollock)</b>	Yes. The arrangements for proxies are ripe for review, as is the question of evidence of identity. Also, the prescribed questions serve no useful purpose when there is no longer a police officer in permanent attendance. A number of outdated restrictions on candidates should also be reviewed (eg rule preventing hire of cabs to take voters to the polls). Information notices for elections should also be harmonised.	Yes, including the timing, adjudication of doubtful papers and the declaration. The review should also consider provisions for e-counting at all elections and referendums. The RO must be left with discretion to manage the count within a set of essential rules. The legal status of Electoral Commission guidance should also be clarified. The present practice that once each stage has been completed locally and agreed then it cannot be re-examined at a subsequent stage should be considered.	Yes. The goal should be to harmonise and to produce practical timescales. The review should link in with a review of the statutory notices required and how they are published as legislation ignore modern developments like the internet.	Yes. There should be clear rules for combined polls and not schedules that amend single poll rules. The rules should also make clear which polls can be combined and identify which returning officer is responsible for what.	Yes. Public administration has moved on considerably since the 19th century and most areas of public service have a complaints procedure for maladministration. Elections should be no different and perhaps consideration should be had to an elections' ombudsman.	Yes. Certain electoral offences could be reviewed. While the terminology of "corrupt practice" and "illegal practice" may be outdated, a distinction can be drawn between those which are serious enough to result in the deposition of an elected candidate and/or disqualification, and those which simply merit a fine or imprisonment. Offences should be flexible enough to take account of future developments in criminal law.	Yes. National referendums are sufficiently similar to elections (as far as the voter is involved) to be the proper subject of the review and may be combined with other elections.	Yes. This would add legitimacy to an advisory local poll, rather than each local authority "writing its own rules" as happens at present. This accords with the consistency of "putting the voter first".
<b>EL 058</b>	<b>Electoral Office Northern Ireland</b>	Yes. Some issues that should be considered include: (a) role of the tactile voting device as it is virtually useless in a STV election and not used; (b) use of tendered ballot papers as a means to placate electors: since they are not counted there seems little point in issuing them (c) need for polling agents at the polling station: the role to guard against personation is redundant given ID requirements.	Yes. The resulting legislative solution should also be future-proofed, for example by being capable of accounting for developments like e-counting. The legislation for doubtful votes and the categories of rejection should be clear and relevant. Sealing up the documentation following the election is prescriptive and confusing in relation to combined elections.	Yes. The deadline for late registration should be defined (currently it is therefore midnight on 11th day but mail is accepted on the following day). Also, there is a discrepancy in NI between the deadline for postal voting (14th day before polling day) and late registration (11 days).	Yes. The roles and functions of the persons involved in combined polls should be considered. Complex amendments to multiple pieces of legislation should be avoided and legislation issued in sufficient time.	Yes. The right to challenge elections is integral to fair elections.	Yes.	Yes.	Yes.
<b>EL 059</b>	<b>Scottish Assessors Association</b>	Yes. The current rules work well on a registration point of view but perhaps a look at the wording would be useful. The clerical error provision although rarely used is essential to protect the elector from an error by the ERO.	No comment.	Yes. In particular, there are three points in the timetable for any election that should ideally be separated: close of nominations, deadline for postal vote applications and the deadline for new registrations.	Yes. Combination may not always be the best option, but the alternative of two separate elections may even be more problematic. If combination is used, the rules should be consistent and as simple as possible.	No comment.	Yes. Offences and their consequences/remedies should be included.	Yes. Ideally referendums should be run by different body or bodies than those charged with reporting on its administration.	Yes. See Q1.



	<b>Q 1</b> <b>Elections and referendums.</b> <i>Should the scope of the reform project include the elections and referendums listed in paragraphs 1.10 and 1.11 of the scoping consultation paper?</i>	<b>Q 2</b> <b>Legislative Framework.</b> <i>Should the scope of the reform project include consideration of the current legislative framework for electoral administration including the place of rules within the legislative hierarchy?</i>	<b>Q 3</b> <b>Core electoral parameters.</b> <i>Do you agree the scope of the project should exclude the franchise, electoral boundaries and voting systems?</i>	<b>Q 4</b> <b>Management and oversight.</b> <i>Should the scope of the reform project include consideration of management and oversight of elections, but exclude fundamental change to the current institutional framework for electoral administration?</i>	<b>Q 5</b> <b>Electoral registration.</b> <i>Should the scope of the reform project include electoral registration, and if so, the meaning of residence?</i>	<b>Q 6</b> <b>Candidates and the campaign.</b> <i>Should the scope of the reform project include consideration of the rules on candidates and the campaign?</i>	<b>Q 7</b> <b>Political parties and national campaign publicity.</b> <i>Do you agree the scope of the project should exclude political party regulation and national campaign publicity?</i>	<b>Q 8</b> <b>Manner of voting.</b> <i>Should the scope of the reform project include consideration of the rules on manner of voting?</i>	
<b>EL 060</b>	<b>Timothy Straker QC</b>	Yes. A particular problem is that because of the haphazard way in which elections have been created and then regulated the law relating to an individual election may either be inaccessible or created but a short time before the elections are held.	Yes. There is a startling correspondence between the Ballot Act 1872 and the 1983 Act. However, in 1872 the franchise was enjoyed by a very limited section of the population and the approach to the electorate by candidates was wholly different. Further, while the number of elections has increased and the circumstances are very different today, the 1983 Act provides the legislative base with variations for all such present day elections. This mixture of legislative material is a recipe for confusion. The case for reform is overwhelming. The principal aim should be ease of voting for all at the end of a campaign within a process designed, at all stages, to reflect integrity.	Yes	Yes, but it may be difficult in considering the former to exclude the latter. There are considerable tensions or potential tensions between those who put themselves forward at elections and those who run elections. To a large degree this is overcome by the proposition that the official's role is dictated by a series of rules giving no scope for discretionary action. This means, which is very valuable, that an official can and should resist pressure from candidates who might (for example) have incorrectly completed certain forms and want them (e.g. out of time) changed. In this way no official can ever be accused of being partial. However, because electoral officers tend to hold important offices in local authorities they can come to feel under pressure both before and after an election.	Yes. Registration still harks back to the time when the electorate was tiny and well known. To a large measure registration depends on straight forward acceptance by registration officers of what is said with any concerns left to be resolved by the chance of someone who lives in the area objecting. The problems of registration combined with the difficulties of postal voting have created a potent source for fraud in an electoral system easily viewed as lacking integrity.	Yes.	Yes, but the distinction is not as precise or clear as might be supposed.	Yes. Postal voting is undoubtedly difficult to secure in a way which gives integrity to the democratic process. Quite apart from questions of integrity, postal voting should not occur for the simple reason that a postal voter is necessarily disabled from participating in a considerable part of the election process. After a vote has been cast the electoral campaign is of no consequence to the voter. However, the campaign is recognised as an integral part of the process. In any event the problems exposed in relation to postal voting (bearing on integrity) are, undoubtedly, only that small part of the iceberg which comes to be exposed.
<b>EL 061</b>	<b>Richard Price OBE QC and Dominic Spenser Underhill</b>	Yes.	Yes. There have been numerous extensive amendments to the statutes and statutory instruments that are the foundation of electoral law, particularly since 2000. They have been grafted onto the 1983 Act. Many of the amendments do not sit happily with the language and concepts that originated over 100 years ago. The sheer volume of statute law and regulations is vast and complex. This aim should be to rationalise, clarify and simplify the law, making it readily comprehensible for those who need to understand it, and fit for purpose in the 21st century.	Yes.	Yes.	Yes. The household registration system can easily be abused by a dishonest householder, who includes bogus or ineligible voters on the canvass form as being resident at his address. Registration officers commonly do not check the validity of such registrations. IER will only achieve clean, complete and accurate registers if the identifiers, particularly the NI number, can be easily and reliably checked. A system whereby clean and accurate registration can be achieved should be a project priority.	Yes.	Yes.	Yes. Until the arrival of postal voting on demand, there was very little electoral fraud in this country, mainly odd cases of personation. It enabled postal voting fraud to be carried out easily and simply on an industrial scale. The ways in which the frauds were carried out varied widely. Amending statutes and regulations were passed to try and prevent postal voting fraud, but the opportunities for fraud are still extant in the present system.
<b>EL 062</b>	<b>Loughton Residents Association (David Linnell)</b>	No comment.	No comment.	No comment.	No comment.	No comment.	[Yes.] The requirement that only political parties can put a logo on local election ballot papers should be considered. LRA is a local residents group that had to register as a political party in order for its handful of candidates to run in local town, district and county elections with its logo on the ballot papers.	No comment.	No comment.
<b>EL 063</b>	<b>Stockport Council (Steve Calendar)</b>	Yes. In addition, the scope should include parish polls if they are conducted by a local RO and neighbourhood planning referenda.	Yes. A consolidated and streamlined framework would help administrators and prospective candidates. It may also give electors greater confidence in the legislative framework.	The project should exclude electoral boundaries and voting systems, but it should consider the impact of combined polls across different franchises, which are significantly more complex.	Yes it should include consideration of the management and oversight of elections. It would be a missed opportunity not to address this issue given the changes that have been introduced in recent years.	Yes. Registration and residence would both benefit from consideration.	Yes.	No comment.	Yes. Current law is inflexible and problems have been addressed by adding new provisions that often are administratively complex and create new problems in turn. Assimilation into a single set of rules is preferable.
<b>EL 064</b>	<b>Waverley Borough Council (Tracey Stanbridge)</b>	Yes.	Yes. The consolidation and modernisation of electoral law is a much needed move forward. We welcome the breadth and scale of the proposed scope	Yes, the focus is on the technical and administrative aspects of electoral law.	Yes.	Yes.	Yes.	Yes.	Yes. Assimilation into a single set of provisions would be welcome.
<b>EL 065</b>	<b>Association of Electoral Administrators (AEA) (Karen Quaintmere)</b>	Yes. See also Q16 for local government polls.	Yes. Reform is essential and long overdue. There is considerable systemic complexity in the legal and structural framework for electoral administration in the UK. In many cases, the fragmentation of the law results in those required to apply the law to have regard to multiple sources. Given that there are inconsistencies as to whether particular provisions are contained within primary or secondary legislation, or within rules or regulations, it isn't always obvious to navigate. This complexity is exacerbated when elections are held on the same day, and where polls are combined. Moreover, electoral legislation uses legalistic language, which make the election communications difficult to understand. Central to this review should be the creation of a single Electoral Administration Act in accessible language setting out the high-level principles and framework for electoral administration, with the operational detail contained in secondary legislation.	[Yes and No]. The AEA generally agrees that the scope of the project should exclude the franchise, electoral boundaries and voting systems. However, there are consequential and procedural issues relating to the process of establishing boundaries and the combination of polls using different voting systems and franchises that should be considered as part of this review. The reform project should consider administrative areas, which must be properly constituted and in place in sufficient time ahead of the poll, in order to complete the consequential work in relation to polling district and place reviews, revision of electoral registers, and election planning and preparation. This is relevant to the management of electoral events, particularly if combined (due to cross-authority boundaries). Inconsistencies and incompatibilities can arise as a result of parliamentary boundaries being drawn based on wards that are subsequently redrawn by the local government boundary commissions.	[Yes] As regards the exclusion of fundamental change to the current institutional framework for electoral administration, it may be helpful to clarify what may be included and excluded as a result of this distinction. A number of statutory bodies and officers have specific management and oversight roles and responsibilities set out in electoral law. We cannot see how the legislative framework for electoral administration in the UK can be reformed without changes to these roles and responsibilities. All of these roles and powers are likely to be impacted by and impact on the legislative hierarchy. Comparisons with other jurisdictions should provide a complete view of constitutional environments. The review should include powers of direction and performance standards. The agreed principle of consistency will have to be worked out in practice. Also, event-specific fees and charges order is a mechanism for funding should be included within scope. Further, the use of premises for the purpose of election processes and the delivery of the poll should be considered.	Yes, this is vital. It should include a mechanism for ensuring that the changes being brought in to implement individual electoral registration are incorporated into consolidated and simplified electoral registration legislation. At present, the approach being taken is to further amend legislation that has already been amended on a number of occasions and which has therefore become extremely complex and difficult to navigate. The meaning of residence has continuously presented difficulties for electoral registration officers in determining applications to register, particularly in relation to people with second or multiple residences.	Yes. Candidates are key participants in the electoral process. It should be recognised that there are two types of candidate - those supported and endorsed by registered political parties and those "independent" candidates who do not have access to such support. The reform will need to address how these two categories of candidate are treated, particularly fairly to support independent candidates in understanding their responsibilities and rights within the system. Whilst we recognise that the determination of qualifications and disqualifications to stand is quite properly a matter for relevant Parliaments/ Assemblies, the qualifications relating to local elections would benefit from clarification. In general, a more accessible language and structure to setting out qualifications and disqualifications and a more modern and streamlined mechanism for the return of election expenses should be considered.	Yes. In accordance with the AEA's purpose and aims, our primary interest is in the legislative framework for electoral administration.	Yes. This consideration should form part of a strategic approach to electoral modernisation which to date has been a piecemeal process. There are provisions in primary legislation for the conduct of pilot schemes to test innovations in the manner of voting and we would welcome clarification as to whether these provisions will remain and how the new framework will facilitate and support technological innovation and change. Access to the process and security need to be balanced. Consideration should be given to the procedures around in-person voting (eg ID requirements, number list system); the specified tactile voting device (a better approach would be for the law to specify the objective rather than the means itself); absent voting (personal identifiers requirement as a barrier for disenfranchised voters; signature waivers; roles of political parties; application forms); design of ballot papers.

		<b>Q 9</b> <b>Polling day.</b> <i>Should the scope of the reform project include consideration of the rules on polling day?</i>	<b>Q 10</b> <b>Determining the result.</b> <i>Should the scope of the reform project include consideration of the rules for determining and declaring the result?</i>	<b>Q 11</b> <b>Election timetables.</b> <i>Should the scope of the reform project include consideration of the timetables for elections?</i>	<b>Q 12</b> <b>Combination of polls.</b> <i>Should the scope of the reform project include the combination of elections?</i>	<b>Q 13</b> <b>Legal challenge.</b> <i>Should the scope of the reform project include the process of challenging elections?</i>	<b>Q 14</b> <b>Electoral offences.</b> <i>Should the scope of the reform project include consideration of electoral offences?</i>	<b>Q 15</b> <b>National referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of national referendums?</i>	<b>Q 16</b> <b>Local referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of local referendums?</i>
EL 060	Timothy Straker QC	Yes.	Yes.	Yes.	Yes.	Yes. There are two interests, which are not readily reconciled: the interest of the population as a whole in securing an electoral system in which they can have faith; the interest of individuals (and often parties) who want to be elected and who may want to question the election of others. There is an inherent tension in the mechanism designed to police elections. The public benefit can only occur if a private action is brought.	Yes.	Yes.	Yes.
EL 061	Richard Price OBE QC and Dominic Spenser Underhill	Yes. When voters attend to cast their vote at a polling station, they should be required to provide visual ID, such as a driving licence, or an electoral identification card, as applies in NI. Such requirements are seen across almost every walk of modern life and are effective. This safeguard would strengthen the integrity of the voting process.	Yes.	Yes.	Yes.	Yes. The election petition process requires serious and detailed scrutiny. Rigid and inflexible time limits, and antiquated and arcane procedures abound. From a practical point of view, the bringing and defending of petitions are unnecessarily difficult, and, in particular, expensive. As regards in particular the vote tracing procedure, its abolition would be inimical to the interests of justice.	Yes.	Yes.	Yes.
EL 062	Loughton Residents Association (David Linnell)	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.
EL 063	Stockport Council (Steve Calendar)	Yes.	Yes.	Yes. Consideration needs to be given to the implications of the significant increase in demand for postal votes on the administration of elections.	Yes, because these are more common and different voting systems are being used.	Yes. Current process is costly and cumbersome. It should be effective, transparent and proportionate.	Yes. Offences are outdated and use language that is no longer familiar to electors or candidates. Offences also need to be brought in line with technology and social media.	Yes. They are becoming more common and if they can be combined with elections need to be compatible.	Yes. These should be included to ensure consistency.
EL 064	Waverley Borough Council (Tracey Stanbridge)	Yes.	Yes.	Yes, to reduce inconsistencies and the risk of administrative error.	Yes, see Q11.	Yes.	Yes.	Yes, because they use the same electoral framework and can be combined with other polls.	Yes, because they are often combined with other polls that being considered in this project.
EL 065	Association of Electoral Administrators (AEA) (Karen Quaintmere)	Yes. In particular, the arrangements for the close of poll requires careful consideration. Allowing any eligible voters in the queue at a polling station at the close of poll to be allowed to vote raise some concerns. In general, any changes must be clear, their practical application must be unambiguous, capable of being clearly communicated, understood and accepted by voters and applied consistently and fairly by polling staff. The potential impact on the processes which follow the close of poll would have to be thoroughly examined and tested to ensure that any changes would not result in unintended consequences.	Yes. A great deal is made of the timing of election counts and the length of time taken to declare results. However, accuracy of results is paramount. Good practice in the conduct of the count should be underpinned by the principles of timeliness, transparency, security, professionalism, accuracy, secrecy, accountability and equity. The legal framework must allow sufficient time for such decisions to be taken well in advance of the events to which they relate. Where there are complex combination arrangements the legislative framework should recognise that commencing the counting of votes within a few hours of the close of poll is not achievable. The verification process is a key area. In general, the legislative framework should be sufficiently flexible to allow for the potential future use of technology, particularly those dealing with multi-member vacancies (eg parish councils).	The relationship between the various deadlines within the timetables for all elections and referendums should be further considered to ensure that these are compatible, work well for voters, and are deliverable in terms of the effective administration of the poll. This is also an opportunity to draw together the various deadlines that currently do not appear in the timetable in various election rules, such as the registration and absent voting deadlines, and the deadline for the appointment of polling and counting agents. The impact of the implementation of IER will also need to be considered, including the relationship between the deadlines (both dates and times) for registration and postal vote applications. This will need to take account of any objections period which currently results in some postal votes being required to be despatched just five working days before polling day.	There should be a limit to how many electoral events can be delivered on the same day without overloading administrators, voters and campaigners. The impact of combination on election communications and stationery should be included within this consideration (eg how many ballot papers can be combined within a single postal ballot pack?). A wide view is needed, including the implications of holding multiple polls on the same day, as well as the specific rules governing the combination of polls.	Yes. The current arrangements have not moved with the times and would benefit from a robust examination. The shortcomings of the petitions process include the time to resolve challenges to an election, and access to the process, particularly where the complaint does not necessarily affect the outcome of an election. An alternative, local system of accountability might be considered in such circumstances.	Yes. There are also offences relating to the returns of election expenses by candidates that should be reconsidered, particularly in respect of parish and community elections. In particular, it should be looked at whether the offence and the penalty are set at an appropriate level. Moreover, a number of offences, such as undue influence and treating, use terms which are unlikely to be well understood by all those who have an interest in the electoral process, including volunteers.	Yes. See also Q4. The power of direction has a direct bearing on the legislative hierarchy. Moreover, concerns have been expressed about whether it is appropriate for the same body to have operational responsibility for the delivery of the referendum and to report on its administration. As regards the core referendum parameters, these should be left to the specific legislation proposing a referendum. However, the inclusion within the legislative framework of the Electoral Commission's guidelines for assessing referendums questions could be considered. Finally, any proposed legislation must be in place in good time (six months) before the referendum to which it relates.	Yes. Consistent and accepted conduct rules should govern these referendums. As they may be combined with other elections and referendums, they need to be included in the scope of the law reform project. Parish/community polls should be also included; their statutory framework should be reviewed and the question as to whether they are necessary and whether only parished areas should have access to this device raised. As regards <i>ad hoc</i> referendums, they may have a significant profile involving questions on substantive and contentious issues; the inclusion within the electoral law framework of a model for their conduct would underpin confidence in the administration of such polls.

		<b>Q 1</b> <b>Elections and referendums.</b> <i>Should the scope of the reform project include the elections and referendums listed in paragraphs 1.10 and 1.11 of the scoping consultation paper?</i>	<b>Q 2</b> <b>Legislative Framework.</b> <i>Should the scope of the reform project include consideration of the current legislative framework for electoral administration including the place of rules within the legislative hierarchy?</i>	<b>Q 3</b> <b>Core electoral parameters.</b> <i>Do you agree the scope of the project should exclude the franchise, electoral boundaries and voting systems?</i>	<b>Q 4</b> <b>Management and oversight.</b> <i>Should the scope of the reform project include consideration of management and oversight of elections, but exclude fundamental change to the current institutional framework for electoral administration?</i>	<b>Q 5</b> <b>Electoral registration.</b> <i>Should the scope of the reform project include electoral registration, and if so, the meaning of residence?</i>	<b>Q 6</b> <b>Candidates and the campaign.</b> <i>Should the scope of the reform project include consideration of the rules on candidates and the campaign?</i>	<b>Q 7</b> <b>Political parties and national campaign publicity.</b> <i>Do you agree the scope of the project should exclude political party regulation and national campaign publicity?</i>	<b>Q 8</b> <b>Manner of voting.</b> <i>Should the scope of the reform project include consideration of the rules on manner of voting?</i>
EL 066	London Borough of Newham (Paul Libreri)	Yes. Wherever it is possible a consistent approach to all electoral events is desirable.	Yes. The current plethora of primary and secondary legislation is confusing for administrators, candidates, agents and most importantly the public. The meaning of the rules should be understood by a lay person without recourse to a lawyer to interpret them.	Yes. These are matters best left to Parliament and elected assemblies.	Yes [and No.] The scope should include consideration of management and oversight of elections. If "change to the current institutional framework" refers to the role of the Electoral Commission then it should be included in the project. The recent referendum on the AV voting system highlighted the problems created when the power of direction is at odds with the existing legislation e.g. the Electoral Commission directed that poll cards be delivered by a certain date when the election rules referred to "as soon as practicable after publication of the Notice of Election". A decentralised system may risk inconsistency but an overly centralised one stifles innovation and restricts the returning Officer's ability to use their local knowledge to ensure a successful delivery of the electoral process.	Yes. The meaning of residence requires consideration and the review system introduced is unwieldy and unnecessarily complicated. Other uses of the electoral register, like credit worthiness, should be considered.	Yes. Qualifications across different elections should be considered with a view to making them as consistent as possible. The issue of subscribers should also be considered. Finally, advising on and dealing with candidates' expenses should be responsibility of the Electoral Commission.	Yes.	Yes. In particular, the rules around proxy voting should be considered.
EL 067	Swale Borough Council (Katherine Bescoby)	Broad support for scope of project.	A simpler, more modern legislative framework which combines all the fragmented pieces of legislation would be of huge benefit.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
EL 068	Copeland Borough Council (Stephanie Shaw)	[Yes.] We agree with the scope of the electoral law project as set out in the consultation paper.	[Yes.] Law governing elections should be modern, fit for purpose and meet the expectations of citizens.	[Yes.]	[Yes.]	[Yes.]	[Yes.]	[Yes.]	Yes.
EL 069	Society of Local Authority Chief Executives (SOLACE) (Dave Smith)	Yes, but it might be more practical to outline the criteria for inclusion in this reform programme rather than mentioning specific examples, so that any future elections and referendums are included. Neighbourhood planning referenda conducted in accordance with the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004, local referenda under Local Government Act 2003 s 116 and all referendums under the Localism Act 2011 should also be included. Polls for BID ballots might also be worth including.	Yes. A clear legislative framework would assist the administration of elections and electoral registration. There is a need for consistency across the legislation with regard to allocation of provisions between primary or secondary legislation. The role of secondary legislation and any guidance or code of practice should be identified. In making the law simpler to administer, care must be taken to enable professional electoral administration, rather than producing an inflexible and unworkable legislative framework.	Yes. Whilst the Network does agree that the review should exclude the franchise, local boundaries and voting systems, it is essential that the product of the review is effective to cope with all the systems that might be in operation. This may simply be a matter of flexibility but in any event the legislation and processes must allow 'fit' with different systems. Furthermore, it would be helpful to have some ability to take advantage of new technology and better ways of doing things without the need to rewrite the law every time.	[Yes and No.] It is unclear how the management and oversight of elections can be considered without looking closely at the current institutional framework for electoral administration, and indeed this may be a missed opportunity to consider the matter and 'put it on a clear footing' for the future. Although this may not necessarily be the right place to raise this, the Network believes consideration could also be given to the role of central Government and the fragmentation within central Government and between central Government departments. It would appear that every department has the capacity to have an election, yet the effective involvement of returning officers can vary hugely between departments (the Neighbourhood Planning Referendum is a really good example of that) unless the Cabinet Office is directly involved.	Yes. The question of residence should be looked at, but not in isolation. It should not be looked at as an administrative requirement requiring evidence before a person can be added to the register. The underlying question is whether the ERO will be required to look at registration forms differently in the future, as at present the information provided is accepted.	Yes. This is an opportunity to make the rules relating to candidates and the campaign clearer, which would be of benefit to both the RO and to candidates and political parties. The possibility exists to remove perceived biases in favour of political parties in comparison to individual candidates.  It would be helpful to look at various gaps in the legislation which cause difficulties in particular the rules relating to purdah as it is felt that this is an issue which is treated differently by different authorities.	[No.] The Network would question the Commission's decision not to look into these areas. Para 3.91 states that party political registration, finance regulation and political broadcasts are politically sensitive areas, yet elections are by definition sensitive and the review is looking at areas which it could be argued are as sensitive, if not more, than these areas.	Yes. Without doubt, the current system of laws that surround the election process is inflexible and has been problem solved by bolt-ons to fix specific problems as they arise but in turn can often create problems in themselves. Assimilating the rules into a single set of measures has to be the way to approach this. The primary concern is that democracy is promoted and participation increased. Given that levels of democratic participation are declining, the process to enable citizens to vote should be made as straightforward as possible. The effectiveness of proxy voting (particularly emergency proxy and overseas voters) can be questioned. There may be a need to look at this again in order to ensure that there is a reasonable balance between the needs of the voter and the electoral management system.
EL 070	London Borough of Southwark (Deborah Collins)	Yes. The scope should be wide enough to include future elections or referendums on the basis of criteria.	Yes. A clear legislative framework would assist the administration of elections and electoral registration. There is a need for consistency across the legislation with regard to allocation of provisions between primary or secondary legislation. The role of secondary legislation and any guidance or code of practice should be identified. In making the law simpler to administer, care must be taken to enable professional electoral administration, rather than producing an inflexible and unworkable legislative framework.	Yes [and no.] Boundary issues do impact to a considerable degree on the administration of elections. Where ward boundaries do not match constituency boundaries, the returning officer has to create small polling districts for sections of wards which appear in a different constituency to the rest of the ward, creating voter confusion and management challenges.	[No.] It is unclear how this can be considered without looking closely at the current institutional framework for electoral administration. The Electoral Commission's preliminary submission on scope includes fundamental change to the current framework by advocating the introduction of a statutory code of practice. At present the Secretary of State is able to issue directions to the ERO/RO – this power is rarely used, as indicated in the scoping consultation. Any proposal to give this power to the Electoral Commission would alter the current institutional framework for electoral administration. A statutory code of practice, as suggested by the EC, would change the existing framework, and would reduce the flexibility of the RO to respond to local needs, and to be able to make judgments about what processes are necessary and appropriate in their particular electoral areas.	Yes. The project should consider the sharing of data between EROs to remove duplicates, the question of ID registration cards, the meaning of residence and whether there should be greater evidence required for registration.	Yes. The project is an opportunity to make the rules on candidates and the campaign clearer and to possibly remove perceived biases in favour of political parties. Also helpful to look at the rules relating to purdah and to campaigning at or near polling stations.	No comment.	Yes. The project should consider e-voting for overseas voters. Proxy voting is recommended to overseas voters as a way to make sure their votes are counted. Postal ballot packs are unlikely to reach overseas voters in time for them to be returned before close of poll. The issue of emergency medical and business proxy votes should be reconsidered.
EL 071	Lesley Walton	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	Yes. There should be flexibility but within fixed parameters. Specifically, would like to see the option of "none of the above" on all ballot papers to encourage everyone to participate in an election.

	<b>Q 9</b> <b>Polling day.</b> <i>Should the scope of the reform project include consideration of the rules on polling day?</i>	<b>Q 10</b> <b>Determining the result.</b> <i>Should the scope of the reform project include consideration of the rules for determining and declaring the result?</i>	<b>Q 11</b> <b>Election timetables.</b> <i>Should the scope of the reform project include consideration of the timetables for elections?</i>	<b>Q 12</b> <b>Combination of polls.</b> <i>Should the scope of the reform project include the combination of elections?</i>	<b>Q 13</b> <b>Legal challenge.</b> <i>Should the scope of the reform project include the process of challenging elections?</i>	<b>Q 14</b> <b>Electoral offences.</b> <i>Should the scope of the reform project include consideration of electoral offences?</i>	<b>Q 15</b> <b>National referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of national referendums?</i>	<b>Q 16</b> <b>Local referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of local referendums?</i>	
<b>EL 066</b>	<b>London Borough of Newham (Paul Libreri)</b>	Yes. The current rules for the polling station result in a lot of paperwork for Presiding Officers. Other areas for consideration include the rules around dealing with electors at a polling station who have not received postal ballot papers or who have claimed not to have applied to vote by post; close of the poll; use of the corresponding numbers list.	Yes. In particular, the inability of ROs to correct obvious administrative errors at the count should be questioned.	Yes.	Yes. The cross referencing of election rules necessary when running combined elections is very complex and time consuming. The writing out in full of the combination rules is worthy of consideration.	Yes. A more accessible system of appeal could be considered, but the project should be mindful of not encouraging frivolous challenges.	Yes. The current offences are out of date. Further, the role of the ROs should be clarified and the agencies with power should be clearly identified, as candidates and electors often wrongly assume that ROs have sweeping powers concerning the conduct of the elections.	Yes. Most referendums will be run by the same people who run elections, so that it makes sense to include them within the scope of the review	Yes. See Q15.
<b>EL 067</b>	<b>Swale Borough Council (Katherine Bescoby)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
<b>EL 068</b>	<b>Copeland Borough Council (Stephanie Shaw)</b>	Yes.	Yes.	[Yes.]	[Yes.]	[Yes.]	[Yes.]	[Yes.]	[Yes.]
<b>EL 069</b>	<b>Society of Local Authority Chief Executives (SOLACE) (Dave Smith)</b>	Yes. Any proposal that seeks to create consistency around polling day and gives returning officers clear and precise guidance to protect a person's right to vote on polling day should be supported.	Yes, given that often little guidance is given and the processes around determining and declaring the result can vary hugely between authorities.	Yes. This should be done in a manner which looks as much as possible as to how elections are carried out in the future, so that amendments will not be required in the medium term. The focus needs to be on simplifying the elections process for the voter to increase participation.	Yes. Combination elections are becoming more likely than "single" elections. Simplifying the process for the voter must be at the heart of this review.	Yes. This is an area that is long overdue for reform and there is a pressing need for an effective, transparent and proportionate system.	Yes. Very little has been done on this in all the recent updates and much of the tone of what were offences either corrupt or illegal, need revisiting and brought into line with modern times and technology.	Yes. Referendums are featuring more heavily in the election timetable and if they are to be combined with existing elections, must be compatible.	Yes. Because local referendums are increasingly likely to be combined with other polls, they should fall within the scope of the reform project.
<b>EL 070</b>	<b>London Borough of Southwark (Deborah Collins)</b>	Yes. The project should consider those areas that the law is silent or unclear, like campaigning in the vicinity or displaying material around polling stations.	Yes. In particular, the project should look at the timing of the count as the 4 hours requirement places intolerable burdens on the RO and their staff, particularly at combined polls.	Yes. This should be done in a manner which looks as much as possible as to how elections are carried out in the future, so that amendments will not be required in the medium term.	Yes, even though it is difficult to see how this could be done effectively until all the issues relating to the holding of each individual election have been resolved.	Yes.	Yes.	Yes. In particular, the use of ROs as counting officers, the relationship between the CCO and the Ross, and the functions of the Electoral Commission in the context of national referendums should be considered.	Yes. In particular, the need for extensive legislative provisions and the use of polling hours from 7am to 10pm should be looked at.
<b>EL 071</b>	<b>Lesley Walton</b>	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.



		<b>Q 1</b> <b>Elections and referendums.</b> <i>Should the scope of the reform project include the elections and referendums listed in paragraphs 1.10 and 1.11 of the scoping consultation paper?</i>	<b>Q 2</b> <b>Legislative Framework.</b> <i>Should the scope of the reform project include consideration of the current legislative framework for electoral administration including the place of rules within the legislative hierarchy?</i>	<b>Q 3</b> <b>Core electoral parameters.</b> <i>Do you agree the scope of the project should exclude the franchise, electoral boundaries and voting systems?</i>	<b>Q 4</b> <b>Management and oversight.</b> <i>Should the scope of the reform project include consideration of management and oversight of elections, but exclude fundamental change to the current institutional framework for electoral administration?</i>	<b>Q 5</b> <b>Electoral registration.</b> <i>Should the scope of the reform project include electoral registration, and if so, the meaning of residence?</i>	<b>Q 6</b> <b>Candidates and the campaign.</b> <i>Should the scope of the reform project include consideration of the rules on candidates and the campaign?</i>	<b>Q 7</b> <b>Political parties and national campaign publicity.</b> <i>Do you agree the scope of the project should exclude political party regulation and national campaign publicity?</i>	<b>Q 8</b> <b>Manner of voting.</b> <i>Should the scope of the reform project include consideration of the rules on manner of voting?</i>
<b>EL 072</b>	<b>Diverse Cymru (Eli Hicks)</b>	No comment.	[Yes.] Complexity and fragmentation of electoral law can present significant barriers to individuals understanding the rules, both as electors and candidates. This can have a disproportionate effect on individuals from different cultures and backgrounds, for those whose native language is not English, and for some disabled people, such as people with mental health issues, learning disabled people and people with cognitive impairments.	No comment.	No comment.	Yes. The law should be simpler, more flexible and responsive to future policy changes. Some disabled and older people find it difficult or impossible to provide a signature. Also any requirement to present identification at voting should be accompanied by clear, accessible, simple information on the new requirements. In reforming the law consideration should be given to ways to allow for greater access to the disabled. The equality impacts of legislative reform should be established through comprehensive and evidence-based equality impact assessments.	Yes. Consideration should be given to the barriers to candidacy that exist within the legislative framework and to reducing these barriers as part of the reform project. Many disabled people and people whose first language is not English face significant barriers understanding what is required of them to stand as a candidate in elections, or in complying with nomination requirements. This is compounded not only by the use of complex legislative language, which is unfamiliar to most people, but also by the variety of procedures and deadlines used for different elections.	No comment.	Yes. We agree with the Electoral Commission that the current regulations regarding the format of ballot papers are "overly restrictive and does not meet voters needs." The requirements regarding a specific font and size and format of the instructions to voters contribute significantly to the issues that many disabled people have in understanding how to vote and to not being able to read ballot papers without assistance. We also feel that overly prescriptive legislation regarding access adjustments and aids, such as the description of the tactile voting device to be used down to the last detail, prevent the adoption of secure new technology as it develops and therefore improvements are impaired that would ensure that as many disabled people as possible are enabled to vote.
<b>EL 073</b>	<b>East Lindsey District Council (John Medler)</b>	Broad support for scope of project.	A simpler, modernised electoral law framework would benefit society and support the effective, consistent administration of elections. Any new and on-going changes to electoral law should be incorporated into the review at the appropriate stage.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.		Broad support for scope of project.	Broad support for scope of project.
<b>EL 074</b>	<b>Eastern Branch of AEA (Laura Lock)</b>	[Yes] Having considered the response from the AEA nationally, we would like to echo the points that they have made and fully support their comments.	[Yes.]	[Yes and No]. There are consequential and procedural issues relating to the process of establishing boundaries which should be considered (see national AEA response).	[Yes.]	[Yes.]	[Yes.]	[Yes.]	[Yes.]
<b>EL 075</b>	<b>North East &amp; Yorkshire Branch of AEA (Mags Evers)</b>	Yes. The project should also include consideration of parish polls held under the LGA 1972. The priority must be to make the law a more useable tool, rationalising discrepancies and making it more accessible.	Yes. From the perspective of the administrator the goal of this review must therefore be to reduce the physical extent of the law, to consolidate its various components, to make it more accessible for its users and to ensure a consistent approach is applied to all electoral events.	Yes. These would rightly be considered matters of policy. Any legislation resulting from this review should be structured in such a way that any future policy changes in these areas can be incorporated other than through additional Acts. The goal should be to create a consolidated resource that can accommodate future policy changes without further accretion of legislation, which is the current approach.	Yes. Institutional reform is certainly beyond the scope of this project. Wholesale reform of the management of electoral administration is not necessary as the current model remains fit for purpose and electoral administrators in England and Wales are already best positioned to deliver. Within the local authority environment there is wealth of expertise and resources at their disposal, from communications teams and diversity officers through to public works departments and polling station premises providers. Any appetite for a move towards a management structure more in line with the Australian or Canadian model is not shared by the electoral administrators tasked with delivery of registration and polls.	Yes. The ambiguous nature of residence for the purposes of registering to vote causes difficulty. Administrators are left to make a judgement call on a case by case basis, which must increase the potential for inconsistency. The effect of the 5 day period for objection to applications to register should also be considered. The mechanism by which the edited register is maintained and made available for sale should be included within scope.	Yes, with a view to considering whether inconsistencies and fragmentation can be reduced or eliminated. From candidates' point of view, rules could be simplified and made more accessible.	Yes, although the Branch has little concern for this issue.	Yes. Beware of an ad hoc approach to ballot paper design; it could create uncertainty pending determination before an electoral event. A better approach would be to prescribe format and design on the basis of voting system. The vote tracing procedure, though deterring impersonation, does crop up with considerable frequency at polls. Occasionally electors refuse to exercise their franchise on the basis that it is not a secret ballot. A single point of reference for the rules on absent voting, which have changed considerably since 2000, would be enormously beneficial.
<b>EL 076</b>	<b>Professor Bob Watt, University of Buckingham</b>	Yes. There is considerable merit in designing a framework with an Elections Administration Act 201x forming the centrepiece of all electoral administration. Elections and referendums could then be "connected up" with the relevant portion of a single administration Act with Regulations and Statutory Codes of Practice to cover the detail. This would accord with iIDEA International Electoral Standards.	Yes. Assuming the centrepiece of the legislation is the Elections Administration Act 201x, consideration should be given to means by which such an Act could be "updated by substitution" after appropriate legislative scrutiny. This could be done by means of a purpose-built Commons Committee with appropriate expert advice.	Yes, the focus should be electoral administration. However, the Government should be encouraged to think about a Democracy Act 201x. Whilst this is political and outside scope it would have a number of clear advantages. First, it could be used to entrench an elected Parliament as the centre of our democratic practice. It could contain a list of elected bodies, so if Parliament wanted to have elections to a new body it could simply add one to the list without having to resort to a fresh Act. Second, Parliament could control the width of the franchise. If it wished to make it clear to the ECtHR that convicted prisoners were not going to be enfranchised the debate on the issue would resolve the point.	[Yes.] In other words should we have an executive EC or, as at present, an advisory one? Advances in communications technology mean that much of the work of electoral administration can be done centrally, or at least in a number of regional centres. Using regional centres will advantage political parties over individual, independent candidates. Whilst centralisation is tidier, more efficient and cheaper it could work together with the Registration of Political Parties provisions of PPERA 2000 to reduce electoral choice. For that reason I am inclined to advocate no change to the current institutional framework, however that does not rule out an increased role for the Electoral Commission.	[Yes and No] "It should include registration but residence is a political rather than a technical matter and should be excluded. See Hipperson v ERO Newbury [1985] 1QB 1060 or Fox v Stirk [1970] 2QB 250."	Yes. Campaign conduct must be controlled. The Fiona Jones case is the most striking example of that which occurs up and down the country at every election. Furthermore if we look at the Aston and Bordesley Green petitions, the Woolas case or the 2001 Fermanagh and South Tyrone petition we can see the scope for misbehaviour by candidates and their agents. All of these matters need to be controlled.	Yes. Electoral administration is in urgent need of reform and any revision of the law should be narrowly focused on that. Separate legislation may be the most effective means of dealing with this issue. It may be a heterodox view, but I think that the provisions of PPERA 2000 which shape political parties and led to the refusal of nominations in the Balabanoff case ([2002] EWHC 670) are unduly restrictive and may be contrary to Art.3 of the 1st Protocol ECHR (had they been elections to a legislature).	[Yes.] My initial thought on this was 'no', however, on reflection I realised that this answer stemmed from my experience ... The debacle of the 2004 European Elections and the disgraceful antics reported by Mr Commissioner Mawrey QC in the Birmingham petitions should remain at the forefront of people's minds when considering the scope of reform of manner of voting. In these circumstances part of my answer must be 'yes' provided proper consideration is given to preserving the principles laid down in the 1872 Ballot Act which allow only voting in a polling station. It may be that the Law Commission would be better advised to leave the debate on new voting mechanisms on one side and reform the administration of voting alone.
<b>EL 077</b>	<b>Scope and Mencap (Cristina Sarb)</b>	No comment.	Yes. Project should address problems resulting from excessive prescription in primary legislation and look at whether existing guidance could be put on a statutory footing. Attention should be also given to the interplay between electoral law and the Equality Act 2010, in particular to clarify how the bodies involved in the delivery of elections are subject to the reasonable adjustments duty and public sector equality duties.	Yes.	[Yes.] There are important distinctions between different types of electoral events and different jurisdictions across the UK with regard to providing a power to a body or person to direct electoral administrators in the discharge of their functions. Our view is that the current system lacks adequate mechanisms to ensure an appropriate level of consistency. Were powers of direction to apply to all elections, we believe that this would have a positive impact on the experiences of disabled people who otherwise are faced with varying levels of service when participating in the electoral process depending on where they live. While not wishing for the Commission's inquiry to stray into areas of institutional reform, we believe that it is absolutely necessary for the issue of consistency to be appropriately resolved within the context of the new statute.	Yes. Ambiguous drafting of legislation pertaining to registration is another cause of inconsistency and should be reformed.	No comment.	No comment.	Yes. We agree with this proposal. In relation to voting at a polling station, we have already commented on the inflexible approach to ballot papers that exists under the current framework. We agree that there would be merit in looking at the prospects of bringing provisions on absent voting (including postal and proxy voting) together into one statutory framework.

	<b>Q 9</b> <b>Polling day.</b> <i>Should the scope of the reform project include consideration of the rules on polling day?</i>	<b>Q 10</b> <b>Determining the result.</b> <i>Should the scope of the reform project include consideration of the rules for determining and declaring the result?</i>	<b>Q 11</b> <b>Election timetables.</b> <i>Should the scope of the reform project include consideration of the timetables for elections?</i>	<b>Q 12</b> <b>Combination of polls.</b> <i>Should the scope of the reform project include the combination of elections?</i>	<b>Q 13</b> <b>Legal challenge.</b> <i>Should the scope of the reform project include the process of challenging elections?</i>	<b>Q 14</b> <b>Electoral offences.</b> <i>Should the scope of the reform project include consideration of electoral offences?</i>	<b>Q 15</b> <b>National referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of national referendums?</i>	<b>Q 16</b> <b>Local referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of local referendums?</i>
<b>EL 072</b>	<b>Diverse Cymru (Elsie Hicks)</b>	Yes. In particular, the language in the statute that refers to "electors/voters with disabilities" should be changed to reflect modern acceptable language, such as "disabled voters". Consider also how the rules applicable to polling stations can be made more suitable for electors who need assistance beyond "blind, disabled or illiterate" electors, and also regarding access to the polling stations, mobility and signage	No comment.	No comment.	No comment.	No comment.	No comment.	No comment.
<b>EL 073</b>	<b>East Lindsey District Council (John Medler)</b>	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.	Broad support for scope of project.
<b>EL 074</b>	<b>Eastern Branch of AEA (Laura Lock)</b>	[Yes.]	[Yes.]	[Yes.]	[Yes.]	[Yes.]	[Yes.]	Yes. In particular, a review of parish poll legislation is vital, if only to update the rules to reflect changes under the Electoral Administration Act 2006 regarding stamping instruments and counterfoils.
<b>EL 075</b>	<b>North East &amp; Yorkshire Branch of AEA (Mags Evers)</b>	Yes. Balance between safeguarding minimum standards on staffing polling stations, and local judgment, needs considering, as do the rules on close of poll. The basic polling process becomes more complicated when voters require assistance or there is doubt as to eligibility; the rules governing these should be reviewed.	Yes. In particular, consideration should be given to the correction of RO's errors in the declaration. The best practice and common sense guidance should have some legal effect, not on an event-specific basis but by reference to the voting system in question.	Yes. The issue of inconsistent timetables across different elections should be reviewed.	Yes. The issues of timetables and combination being interrelated, and should be within scope as they cause significant issues for administrators. The elimination of inconsistencies between timetables would make the combination of polls more readily achievable. The project should also look at the rationale for combining polls.	Yes. Challenging the result is a vital component of any electoral system and this process should be accessible and not precluded based on a person's resources. Equally, it should deter frivolous challenges.	Yes. Law on offences has developed in an <i>ad hoc</i> fashion with the result that the language and concepts are outdated.	Yes. Rules should be made generic so far as possible, thus reducing the need for an excess of overly specific legislation.
<b>EL 076</b>	<b>Professor Bob Watt, University of Buckingham</b>	Yes.	Yes. It is worth noting that sometimes ROs are bullied by over-enthusiastic candidates and their agents into holding unnecessary recounts. A clear statutory framework would both simplify and calm election counts.	Yes.	Yes.	Yes. This is the key question in the entire project. The current treatment of the law as a private matter between two parties ignores the overwhelming public (or democratic) interest in ensuring that elections are free and fair. Under the present system an election could be grossly unfair but a disappointed candidate could simply be unwilling to enter a challenge, and members of the public could be discouraged from entering a petition because of the need to provide security for costs. The Electoral Commission would fulfil a useful function to challenge questionable elections.	Yes. Whilst the principles of the current set of offences ought, by and large, to be preserved, the offences are not clearly drafted and some need to be revised in the light of the ECHR. A clear set of offences should be constructed allowing for both electoral (unseating and disqualification) and criminal penalties to be imposed in circumstances when a person or group of people have tried to corrupt an election. Incidentally, the separation into corrupt and illegal offences can no longer be supported.	Yes.
<b>EL 077</b>	<b>Scope and Mencap (Cristina Sarb)</b>	Yes. The duties on polling staff are critical to ensuring the inclusiveness of elections. This is likely to include issues like ensuring each polling station has large print ballot papers and tactile voting devices or the permission of a companion to assist disabled voters. The project should also take the opportunity further to clarify the nature of existing duties, like training requirements relating to the tactile voting device.	No comment.	No comment.	The complex rules around the combination of elections, including where different voting systems are used, have created an administrative burden for electoral staff, with a knock-on effect on their ability to ensure the electoral process is accessible to all voters. This brings potential confusion for all voters, particularly those with learning difficulties. Streamlining of these rules is expected to have a positive effect in terms of disabled voters' experience of the electoral process.	Yes. Currently, disabled voters who may have been unable to vote due to the process being inaccessible or reasonable adjustments not being made are left with no option for complaining or seeking redress. It is highly desirable to introduce a legal recourse for voters who have experienced a poor service but where the outcome of an election may not have been affected as a result.	No comment.	Yes.

		<b>Q 1</b> <b>Elections and referendums.</b> <i>Should the scope of the reform project include the elections and referendums listed in paragraphs 1.10 and 1.11 of the scoping consultation paper?</i>	<b>Q 2</b> <b>Legislative Framework.</b> <i>Should the scope of the reform project include consideration of the current legislative framework for electoral administration including the place of rules within the legislative hierarchy?</i>	<b>Q 3</b> <b>Core electoral parameters.</b> <i>Do you agree the scope of the project should exclude the franchise, electoral boundaries and voting systems?</i>	<b>Q 4</b> <b>Management and oversight.</b> <i>Should the scope of the reform project include consideration of management and oversight of elections, but exclude fundamental change to the current institutional framework for electoral administration?</i>	<b>Q 5</b> <b>Electoral registration.</b> <i>Should the scope of the reform project include electoral registration, and if so, the meaning of residence?</i>	<b>Q 6</b> <b>Candidates and the campaign.</b> <i>Should the scope of the reform project include consideration of the rules on candidates and the campaign?</i>	<b>Q 7</b> <b>Political parties and national campaign publicity.</b> <i>Do you agree the scope of the project should exclude political party regulation and national campaign publicity?</i>	<b>Q 8</b> <b>Manner of voting.</b> <i>Should the scope of the reform project include consideration of the rules on manner of voting?</i>
EL 078	South Ayrshire Council (David Anderson)	Yes. Any resulting legislation should be flexible enough to embrace any future polls. Consideration should also be given to including local authority referendums, community buy-out polls, BID polls and Scottish community council elections.	Yes. Most current election legislation is based in mid 19th century legislation and does not fit with the modernisation agenda set out by the Electoral Commission. The expectations of voters have changed and election processes have not kept pace with technological developments.	[Yes and no.] The review should include matters such as the franchise. The existing franchise should be consolidated, but remain sufficiently flexible to be adapted, eg to change the age of majority. However it is also recognised that the franchise could be the subject of a separate review.	[Yes and No.] If the review is to succeed it ought to include the institutional framework such as the Election Management Board, Chief Electoral Officer for Northern Ireland, Electoral Commission and the various legislatures in the UK and their powers to make laws on elections.	Yes.	Yes. Rules should be consistent across all elections. The nomination process needs to be streamlined and standardised. Defining the period when a person is a (prospective) candidate. Note the interaction with Q 7 concerning promotional material (much of which is superseded by electronic communication).	[No.] The campaign issues covered in question 6 overlap with the subject matter of question 7.	Yes. The law has not significantly changed since the 19th century. There have been alterations over the years, but they have tended to be reactionary rather than proactive. The power of the Secretary of State to determine a ballot paper design should be removed; the Electoral Commission should advise on ballot paper design, where consistency is fundamental but flexibility should be allowed to amend details and to make it, in principle, future proof.
EL 079	Dr Caroline Morris, Queen Mary University of London	Yes. An all-encompassing approach is essential, considering all elections together. Referendums should also come within the scope of the project, as direct democracy mechanisms raising many similar administrative matters.	Yes. The framework needs consideration because inconsistencies exist as to the placement of rules in primary or secondary legislation and this leads to much repetition. It also creates problems with access to the law and sheer volume of law.	Yes. The distinction between political and technical aspects is clear enough to be maintained.	Yes and No. Management and oversight should be included within scope but fundamental change to the current institutional framework should not be excluded. "If the review is to be effective, it needs to take a root and branch approach to electoral administration. It may well be that elections could be better administered centrally or regionally or by a single body, but if the review is restricted to aspects of management only then this opportunity to improve the system will be lost. It should be borne in mind that problems at the last election where electors encountered problems with casting their vote arose because local authorities made different choices about the allocation of resources - this may have been avoided if there had been more central direction or perhaps if elections had been run at a higher level."	Yes, but bring a light touch approach. The issue of residence should be considered.	Yes. But the extent of the review should be clarification and simplification of existing law and identifying and eliminating inconsistencies in administration and process rather than delving into substantive matters like expenses limits or manner of calculation.	Yes.	[Yes]. This is a difficult question because the manner of voting is, in the end, a political question about the extent to which people have the freedom to exercise the franchise. On balance, I support the inclusion of this question in the review, not least for the reason that there is inconsistency and complexity in myriad of rules that accompany the different methods of voting which needs to be addressed. I am also of the view that as this area of electoral law has proven vulnerable to fraud in the past, it would be useful to examine this area of law with a view to making it less so.
EL 080	SOLAR and the Electoral Management Board for Scotland (Gordon Blair)	Yes. BID ballots should also be included since the local authority's RO is required to run the ballot. The same applies to the Crofting Commission elections and the Health Board elections. Consideration should also be given as to whether community council elections in Scotland should be included in the project's scope.	Yes. The project should also take cognisance of the modernising agenda for electoral law and practice, eg the introduction of e-counting for Scottish local government elections and the GLA elections.	Yes, but only to the extent that franchise issues raise policy matters which are properly for the relevant Executive to determine. Thus, the current legal provisions on policy matters such as boundaries should be included within the scope of the project to the extent of being consolidated into the eventual reformed legislative framework.	Yes. The chief purpose of the review should be to simplify and consolidate the legal framework for running elections and to ensure that the law governing elections is modern, fit for purpose and meets the expectations of citizens by putting their interests as voters first. Fundamental change to the current institutional framework is a matter of policy, for Ministers to formulate and Parliaments to legislate upon, concerning the extent to which, if any, the management of elections should be centralised. The review should include the legislative hierarchy, statutory directions to ROs and EROs, supplementary guidance to which ROs and EROs must have regard, and purely advisory guidance. The review needs to produce clarity concerning the roles of those involved in the management of elections.	Yes. Residence is a key issue that requires clarification and consistency of approach within the rules for all elections within the scope of the project.	Yes. The scope should include a rationalisation of the rules governing candidates and the campaign. In particular, nomination procedure, clarification and standardisation of the calculation of time periods set out in the statutory timetables, the rules setting limits on candidates' election expenditure, simplification of the forms for return of candidates' expenditure, simplification and rationalisation of the imprint rules and the classification of unacceptable or prohibited conduct.	Yes. However, as in answer to Q6, there should be a clear distinction in the legislation between what constitutes local campaign publicity for which candidates and their election agents are responsible, and national campaign publicity for which registered political parties are responsible through their treasurer, since returns of such expenditure are made differently.	Yes, but not including alternative voting systems or special voting procedures which are matters of policy for Ministers to formulate and Parliaments to legislate on. In particular, the rules for the production of ballot papers should be within the scope of the project, with the question of the consistency of the place of rules within the legislative framework hierarchy a key part of the project. For example, the key principles should be within primary legislation, i.e. what information must be included on the ballot paper and in what order such information should appear on the ballot paper. Secondary legislation should deal with the detailed rules on how the required information is to be set out, eg font size, use of emboldened and capital letters, spacing for and between candidates' details.
EL 081	Designated election judges in Scotland (Eassie and Paton LL)	No. The elections for National Parks, the Crofting Commission (and perhaps Health Boards) are sufficiently <i>sui generis</i> as to make it expedient to leave them out.	Yes.	Yes. These are essentially political matters.	Yes.	Yes.	Yes, subject to the restrictions indicated in the scoping paper.	Yes.	Yes.
EL 082	Cabinet Office	Yes. The rationalisation of the administrative rules for national referendums should be included within scope, while issues of constitutional importance and political judgement (eg use of thresholds or supermajorities) and rules on donations and spending should be excluded. As regards local referendums, the review should include the rationalisation of existing conduct rules.	Yes. Simplification of the many different pieces of legislation would be helpful in electoral management terms for those involved. Any new legislative framework should be sufficiently flexible to align with wider legislative changes, new electoral systems, and Government policy initiatives. It should also take into account emerging technologies and their possible future application. Reform of the extant law could bring greater stability and predictability and has the potential to increase voter confidence in the system.	Yes. It is right that these areas are outside of the scope of the review and should be left to Ministers and Parliamentarians to consider. Government welcomes the broad thrust of the review. The scope of the exercise should be to consider how to simplify existing electoral law and to improve the administration of elections rather than expand into wider policy considerations outside of proposing changes to the legislative framework. Government accepts that it is possible that there could be consequential and procedural issues associated with any future revision of any of the areas not included in the review that could impact on the legislation that is within scope. The Law Commission will want to ensure that the future structure of the project is sufficiently flexible to meet these challenges.	Yes. Government recognises that the reform project will need to include some consideration of management and oversight of elections, but should not extend to fundamental change to the current institutional framework for electoral administration. Our view is that the focus of this project is to consider existing law and matters of administration and not areas which would require policy development or change.	Yes. Government considers that there are some potential issues here that should be considered by the review given the Government's commitment to introduce Individual Electoral Registration. Government also agrees that the meaning of residence should be within the scope of the review project.	The Government believes it is appropriate for the project to consider the rules on candidates insofar as this relates to qualification and nomination but that issues relating to the regulation of donations and election expenditure should be excluded in light of the Government's commitment to seek agreement on the reform of party funding.	Yes, the Government agrees these areas should be excluded.	Yes. The Government agrees that this area should be within scope of the review. However we consider that the Law Commission should focus on the current framework of in-person, postal and proxy voting and the legislation which exists for those and that that scope of the review should not be widened to consider new methods of voting e.g. electronic voting.



	<b>Q 9</b> <b>Polling day.</b> <i>Should the scope of the reform project include consideration of the rules on polling day?</i>	<b>Q 10</b> <b>Determining the result.</b> <i>Should the scope of the reform project include consideration of the rules for determining and declaring the result?</i>	<b>Q 11</b> <b>Election timetables.</b> <i>Should the scope of the reform project include consideration of the timetables for elections?</i>	<b>Q 12</b> <b>Combination of polls.</b> <i>Should the scope of the reform project include the combination of elections?</i>	<b>Q 13</b> <b>Legal challenge.</b> <i>Should the scope of the reform project include the process of challenging elections?</i>	<b>Q 14</b> <b>Electoral offences.</b> <i>Should the scope of the reform project include consideration of electoral offences?</i>	<b>Q 15</b> <b>National referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of national referendums?</i>	<b>Q 16</b> <b>Local referendums.</b> <i>Should the scope of the reform project include consideration of the electoral administration of local referendums?</i>	
<b>EL 078</b>	<b>South Ayrshire Council (David Anderson)</b>	Yes. The practice of folding the ballot paper or not should be included as should polling day rules and the hours of poll. The notice requirements for different elections should be reviewed taking account of impact on voters, the practicalities of displaying information and getting messages effectively conveyed. Close of polls should be considered.	Yes. In particular, the project should include e-counting, the timing of the count, adjudication of doubtful papers and the declaration of the result. The right balance between rules and managerial discretion of the returning officer must be struck. The legal status of Electoral Commission guidance should also be addressed.	Yes. Timetables should continue to be harmonised as differences are confusing for candidates, their agents and party workers. A standard computation of time would help with clear deadlines showing the time of day specified.	Yes. In particular, there should be standard separate rules for combined elections and referendums rather than complicated amendments to single poll election rules.	Yes. There should be a process for dealing with complaints about election matters (maladministration) in a similar way to other areas of the public sector. Clear timescales and procedures would be required to be devised together with who would be liable to pay for proceedings.	Yes. There needs to be a rationalisation of criminal sanctions, what nullifies an election and what disqualifies a person from seeking election or being removed from office after being elected.	Yes. They are similar to elections and so should be included. The dual role of the Electoral Commission in managing referendums and monitoring the performance standards for them should be reviewed. See also Q12	Yes. Standardised rules for local referendums should be in place rather than each local authority compiling its own rules.
<b>EL 079</b>	<b>Dr Caroline Morris, Queen Mary University of London</b>	Yes. Attending a polling station to cast a vote is a symbolic moment which has significant constitutional and political consequences and where the ability to vote is frustrated or impeded, the foundations of the system are called into question.	Yes. Because of each set of electoral rules' particular drafting history, there is much divergence in the approach taken. These matters should be considered with the view to providing consistent and clear guidance.	Yes. Timetable differences can lead to significant confusion, particularly in the case of combined polls.	Yes. Many problems arise, particularly because the rules for the combined elections are different- sometimes for no discernable reason.	Yes. The reform is long overdue. The challenge process, based on a Victorian model, does not reflect the reality of the modern political process where parties are the central actors in the political contest. There should also be some alternative process to a petition for correcting minor electoral infringements that, while they may not affect the result, should still be noted and corrected. The Australian model could be looked at.	Yes. The language and concepts in these offences are proper subjects for review and in some cases the existence of specific legal offences could be questioned as well.	Yes. See Q1.	Yes. See Q1.
<b>EL 080</b>	<b>SOLAR and the Electoral Management Board for Scotland (Gordon Blair)</b>	Yes. This is one of the fundamental parts of the electoral process failures in which risk damage to public confidence. The law should be simplified and rationalised and address in particular the following issues: folding of ballot papers by voters; voter identification ; queuing of voters at close of poll (given the introduction of a new rule for the Scottish local government elections in May 2012).	Yes, with a view to modernising and rationalising them. The key principles underpinning such review should be: accuracy; compliance with rules and directions; maintenance of security of and documentation; transparency; and timely results. Discretion should be retained by ROs as to the timing of the count (subject to any power of direction), to organise counts (to reflect local logistics and circumstances) and to correct a counting error after the result has been declared. Further, the implications of e-counting should be consolidated into the statutory rules, including the provision of post-election voting information.	Yes. The aim should be to make the law simpler, elections more readily combined and to reduce the risk of voter confusion and administrative error. There needs to be a complete overhaul of the timetables for all elections to determine who should do what, when and why at each stage of the process, from notice of election to polling day and beyond including return of candidates' election expenses to ROs and the retention and inspection of election documents. There should be a standard approach so far as possible across all elections, comprehensive and consistent deadlines, among other matters.	Yes. This area is one of the most difficult areas of electoral law to understand and comply with. It is essential, for effective and timely planning for particular polls, that the legislation sets out clearly all aspects of the electoral process which are affected when polls are combined.	Yes. It is essential that the balance is struck appropriately between simplifying and facilitating challenges where the result is called into question, and safeguarding the certainty of elected office. The challenge process must not unreasonably increase the risk of uncertainty as to who was elected. Challenges which affect the result of an election should continue to be made through a formal legal process, while complaints which do not affect the result should be channelled through separate procedures (eg complaints to the Scottish Public Services Ombudsman).	Yes. It is essential for the purpose of enforcing serious breaches of electoral law, and thereby maintaining public confidence in the electoral process, that the legislation clearly sets out the types of conduct which are illegal or criminal, and their consequences, eg: election result altered or annulled; disqualification of guilty person from participating in the electoral process or holding elected office; criminal sanctions, commensurate with the seriousness of the offence in relation to the threat to the electoral process; extent of vicarious liability of candidates for their agent's conduct or omissions.	Yes. The legislation largely mirrors the statutory framework for elections, and they are run by the same persons. There should be a generic set of rules enshrined in legislation for running these referendums, with individual issues (eg whether to hold a particular referendum, the question to be asked, the franchise to be used, the use of thresholds and supermajorities, the date of the poll and combination of polls) excluded. The regulatory powers of the Electoral Commission should also be consolidated so that there is a clear division between operational and regulatory responsibility.	Yes. The project should also look at the possibility to combine these local referendums with elections or national referendums, and if so, whether such combination should be mandatory or at the discretion of the relevant ROs and COs. A basic framework for running <i>ad hoc</i> referendums on local issues should also be put in place to add legitimacy to such advisory polls, which should apply irrespective of whether a commercial polling agency runs the referendum, provided it is carried out on behalf of the local authority and its RO.
<b>EL 081</b>	<b>Designated election judges in Scotland (Eassie and Paton LL)</b>	Yes, while some matters may prove to be essentially political questions during the life of the project.	Yes.	Yes.	Yes, where the political decision to combine has been taken.	Yes.	Yes.	Yes.	Yes, although this is relevant only to England and Wales.
<b>EL 082</b>	<b>Cabinet Office</b>	Yes, with the exception of those areas which are about revising policy.	Yes. In so far as these relate to process and not to policy, consideration should be given to the impact a combination of polls can have on polling day.	Yes. Where the combination of elections occurs, consideration should be given to the impact a combination of polls can have on timetables.	Yes. Combination of polls is an area of particular complexity. See also Q10 and Q11.	Yes. There is at present no method by which the management of the poll can be questioned without challenging the outcome of the poll. The petition process may well be an effective and proportionate system for challenging the result but there is scope to consider provision of a process to allow complaints around the conduct of the poll separately from the outcome.	Yes. The extant law could usefully be simplified and modernised. Additionally, the statutory language used to describe electoral offences is in some cases arcane. Any changes to the current law on electoral events should reflect the current electoral landscape and other areas, for example around the issues around conduct and disqualification of Parliamentarians.	Yes.	The review should cover the electoral administration of local referendums under the Local Government Act 2000, the Local Government Finance Act 1992, the Town and Country Planning Act 1990 and the Local Government Act 1972 but does not include s116 of the local government act 2003 or parish polls given their ad hoc nature and the absence of defined rules.