

‘Securing the ballot’ white paper: Electoral Services’ response to recommendations

No.	Recommendation	What we do at present	What we could do (if anything) in addition to present (within existing legislation)	Electoral Services Comments
1	Greater powers should be given to Returning Officers and the police to take action to address unwanted behaviour in and around polling stations (e.g. to be able to set up Cordons Sanitaire and to ensure that the police have the powers they need to disperse and deal with people who are ‘causing a nuisance’ or ‘leading people to feel intimidated’ outside a polling station). Guidance should indicate where such a power could or should be used.	We provide all polling station staff with Electoral Commission guidance at each election/referendum which sets out the powers available to maintain order in polling stations. The Electoral Commission also produces guidance for police forces which we share with our police Single Point of Contact (SPOC). The SPOC attends briefings for candidates and election agents and reiterates the guidance contained within this document.	Any additional measures would require a change in legislation and guidance from the Electoral Commission.	We would welcome the introduction of powers enabling Returning Officers and the police to manage behaviour in and around polling stations where necessary.
2	A lower test of ‘intimidation’ than the one currently set in the Representation of the People Act 1983 should be introduced.	Adhere to current legislation.	Any additional measures would require a change in legislation and guidance from the Electoral Commission.	We would welcome a revised and more clearly defined offence of undue influence.
3	The taking of pictures and use of cameras (including camera phones) in polling stations should be made illegal in order to prevent voters being intimidated into recording how they voted and to preserve the secrecy of the ballot.	All polling stations are supplied with no photography notices to display. Electoral Commission guidance provided to all polling station staff also covers this subject.	Any additional measures would require a change in legislation and guidance from the Electoral Commission.	This is a difficult area to control. Most mobile phones now have a built in camera and polling staff can’t always observe every single person voting to ensure they don’t take a photograph. It is more realistic to prohibit the publication, online or otherwise, of any photograph of a completed ballot.
4	The use of English (and Welsh, where appropriate) in polling stations should be required at all times, including any assistance given to electors by electoral staff.	Polling station staff already use English as the default language when assisting or giving instructions to electors.	To ensure those who have limited English language skills are afforded the same opportunity as English speaking voters, we will provide written guidance/notices in other languages as appropriate for each polling station.	The Electoral Commission have agreed to make it clear in their guidance that English should always be the default language used. They also support the provision of written guidance and notices in other languages.

No.	Recommendation	What we do at present	What we could do (if anything) in addition to present (within existing legislation)	Electoral Services Comments
5	Guidance and training should be strengthened to ensure that staff in polling stations enforce the rule that voters go to the booth individually.	<p>This is covered in our existing training which all polling staff must attend prior to each election or referendum.</p> <p>It is also covered in the Electoral Commission's guidance for polling station staff which is provided to everyone working in a polling station.</p>	<p>We will put more emphasis on this point in training.</p>	<p>The Electoral Commission have agreed to enhance their existing guidance to address this point more clearly.</p>
6	Guidance should be produced on layout of polling stations and actions to minimise scope for people to be able to take a ballot paper out of a polling station.	<p>We provide a sample layout of a polling station to all Presiding Officers.</p> <p>Further information is also contained in the Electoral Commission's guidance for polling station staff which is provided to everyone working in a polling station.</p>	<p>A more detailed explanation of why following the sample layout is important including minimising scope for people to be able to take a ballot paper out of a polling station will be provided at training.</p>	<p>No further comments to make.</p>
7	Completed postal ballot packs should only be handed in at a polling station by the voter or a family member / designated carer acting on their behalf – a limit of two should be applied for any one person handing in completed ballots and require an explanation as to why they are being handed in and signature provided.	<p>As legislation permits – polling station staff will accept postal votes handed in by anybody, in any quantity. They will however report to Electoral Services if they believe large quantities are being handed in by party workers, candidates or communities.</p>	<p>Any additional measures would require a change in legislation and guidance from the Electoral Commission.</p>	<p>We would welcome a more robust system for postal votes hand delivered to polling stations and will comply with any changes which may be made to legislation as a result of this recommendation.</p>
8	The Government should consider the options for electors to have to produce personal identification before voting at polling stations. There is no need to be over elaborate; measures should enhance public confidence and be proportional. A driving licence, passport or	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>We agree that the current system is unsatisfactory in terms of ascertaining an elector is who they say they are when they turn up to vote. The form of identification if required should probably be photographic as things such as utility bills would still enable personation to be committed. That said, even photo</p>

No.	Recommendation	What we do at present	What we could do (if anything) in addition to present (within existing legislation)	Electoral Services Comments
	<p>utility bills would not seem unreasonable to establish identity. The Government may wish to pilot different methods. But the present system is unsatisfactory; perfection must not get in the way of a practical solution.</p>			<p>ID like a passport which does not contain a person's address would not be a complete check, and for electors with a common name, or in households where 2 or more electors have the same name it would be difficult to identify which elector had voted. This needs to be carefully thought out as there are people who will not be able to provide photographic ID. This could lead to the introduction of electoral ID cards similar to those in Northern Ireland. Our own intelligence also indicates that personation is not a widespread issue with no incidents in Leeds in the past 20 years. We will be interested to read the reports published as a consequence of any piloting undertaken by those authorities selected to do so by the Electoral Commission.</p>
9	<p>Clearer guidance should be provided on the circumstances in which Electoral Registration Officers should seek further evidence as to an applicant's address.</p>	<p>Follow current guidance provided by the Electoral Commission</p>	<p>Any additional measures would require a change in legislation and guidance from the Electoral Commission.</p>	<p>Should the Electoral Commission update their guidance we will ensure we follow this.</p>
10	<p>The Government should consider how residence can be defined in law and what factors should be taken into consideration by Electoral Registration Officers in making that determination.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>We will ensure we follow any new guidance introduced.</p>
11	<p>The Government should produce statutory (if necessary) guidance for Electoral Registration Officers which ensures a consistent UK</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>We will ensure we follow any new guidance introduced.</p>

No.	Recommendation	What we do at present	What we could do (if anything) in addition to present (within existing legislation)	Electoral Services Comments
	wide approach to determining residence.			
12	Legislation should be amended to strengthen the requirement to provide a previous address, by requiring a reason for non-supply of a previous address by applicants.	Remove an elector from a previous address if supplied.	Any additional measures would require a change in legislation and guidance from the Electoral Commission.	We would be happy to follow up where an applicant has not provided a previous address, or given a reason why they have not done so. However we believe that this would require the addition of it being a requirement to provide a telephone number or email address so we are able to easily contact the elector to obtain this information. It is not practical or cost effective to have to write to every applicant who doesn't supply this information, particularly close to a registration deadline.
13	The Government should take action to address the clear vulnerability to the registration system as a result to the lack of systematic checks on nationality.	The nationality given on registration forms or online applications is taken at face value at present in accordance with regulations. Where no nationality is provided we follow this up as we cannot add an elector to the register without it.	Any additional measures would require a change in legislation and guidance from the Electoral Commission.	It would be very useful to have a practical facility to check the nationality given on registration applications in future. This should be part of the online application system (gov.uk/register-to-vote)
14	Registration application forms should be amended to contain warnings that nationality information may be checked against government records and to re-iterate the existing warnings on the criminal penalty for provision of false information.	We use registration application forms which must be used by law and are standard throughout the UK. We cannot amend the wording.	Any additional measures would require a change in legislation and guidance from the Electoral Commission.	Registration forms already include this information.
15	The Government should consider the feasibility of an automated approach to checking nationality, to work as part of the existing individual electoral registration infrastructure.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	See comments for 13 above.
16	To protect the integrity of the	N/a – this is a recommendation	N/a – this is a recommendation	It would make sense to introduce a

No.	Recommendation	What we do at present	What we could do (if anything) in addition to present (within existing legislation)	Electoral Services Comments
	electoral register and assist integration, the Government should work with councils to introduce a separate, voluntary municipal register for those who do not have voting rights, but do not have permission to reside in the UK.	about a new process or regulation.	about a new process or regulation.	'no franchise' flag so we are able to add ineligible citizens to our database, who are not included in electoral registers, but whose details can be included in copies sent to organisations like the Police and Credit Reference Agencies.
17	The Government should investigate the development of a facility in the IER Digital Service to retain the IP address used to make applications. This should be subject to a rigorous cost/benefit analysis to ensure that such an approach would be of genuine value to law enforcement.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	Fully agree with this. It would also be helpful if retaining the IP address could assist in the online system detecting duplicate registration applications for the same person, as well as looking at DOBs and NI numbers.
18	The offences contained in Section 66 of the Representation of the People Act 1983 which protect the secrecy of the ballot in relation to in person voting should be extended to postal ballots.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	We agree with this recommendation.
19	Political campaigners/activists should be banned from handling completed postal votes and postal vote envelopes. The provisions should not apply to family members and designated carers (subject to a limit of two, as per Recommendation 7).	We provide copies of the Electoral Commission's voluntary Code of Conduct regarding the handling of postal vote applications and postal votes to all candidates and agents at the time of an election, and to campaign groups at referendums. The Police attend our candidate and agent briefings and this is one of the topics they cover.	N/a – this is a recommendation about a new process or regulation.	No further comments to make.
20	In order to achieve a balance between preventing	We provide the current code of conduct which is updated prior to	N/a – this is a recommendation about a new process or	No further comments to make.

No.	Recommendation	What we do at present	What we could do (if anything) in addition to present (within existing legislation)	Electoral Services Comments
	<p>unscrupulous behaviour and permitting legitimate campaigners to provide assistance to help people participate, the Code of Conduct should reflect legislation. If a particular behaviour is unacceptable, it should be prohibited across the board in legislation, and then enforced equally across all parties/candidates.</p>	<p>each election or referendum by the Electoral Commission.</p>	<p>regulation.</p>	
<p>21</p>	<p>Requests for a waiver of the need to provide a signature for a postal vote should require attestation, and the restrictions on people who can attest the waiver application should be the same as for proxy voters on the grounds of blindness or other disability.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>We support this recommendation as currently waiver applications could allow fraud to take place.</p>
<p>22</p>	<p>The option to permanently request a postal vote should be removed, and the option to apply for a postal vote for a specified period should be subject to a 3 year limit. After this period, the applicant should be required to submit a new postal vote application (with identifiers), and the Electoral Registration Officer should be required to review the application to satisfy themselves that the individual is currently resident at the address.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>We do not support this recommendation. The current system of refreshing an absent voters' personal identifiers every 5 years could be altered to every 3 years instead. We have over 100,000 postal voters and to constantly review applications and ask electors to reapply would not be practical or cost effective.</p>
<p>23</p>	<p>It should be standard practice for local authorities to provide guidance in postal ballot packs</p>	<p>Information on the secrecy of the vote is included.</p>	<p>We will include in our additional instructions information relating to reporting electoral fraud for all</p>	<p>The Electoral Commission will issue guidance relating to the exact wording to be included.</p>

No.	Recommendation	What we do at present	What we could do (if anything) in addition to present (within existing legislation)	Electoral Services Comments
	on the secrecy of the vote and how to report electoral fraud.		future elections and referendums.	
24	The provisions on an ID requirement in polling stations should apply to those casting a vote as a proxy on behalf of a voter.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	See comments for 8 above.
25	A power of enquiry should be available to Returning Officers to question applications for an emergency proxy.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	Even with a power of enquiry we believe it would be quite difficult to question an application and make a decision, particularly on polling day.
26	Consideration should be given to changing the deadline, to 5pm on the day before polling day – for emergency proxies (other than those for medical reasons or administrative failure by the Returning Officer) – so that Returning Officers have sufficient time to exercise the power of enquiry.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	This would essentially disenfranchise people on polling day who are unexpectedly unable to attend their polling station. We do not therefore support this recommendation.
27	The legislation on offences relating to proxy voting should be clarified around compelling/preventing someone applying for a proxy vote and altering someone’s completed application.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	We support this recommendation.
28	The limit on the number of close relatives for whom a person can act as a proxy should be reduced to two.	We carry out all the necessary checks to ensure that the current rules surrounding proxies are adhered to.	N/a – this is a recommendation about a new process or regulation.	We do not support this recommendation. We believe this would put some electors at a disadvantage and cannot see what benefits this would bring to the ERO or the electoral system.
29	Given the concerns raised in Tower Hamlets and elsewhere regarding the running of election counts, there should be clearer	We follow the comprehensive guidance for Returning Officers on planning and delivering election counts.	N/a – this is a recommendation about a new process or regulation.	We will ensure we follow any new guidance introduced.

No.	Recommendation	What we do at present	What we could do (if anything) in addition to present (within existing legislation)	Electoral Services Comments
	and robust guidance for Returning Officers and electoral administrators to ensure best practice in all election counts.	A debrief of the Election Project Board is held following any election or referendum where we look at lessons learnt and discuss ways to make improvements for future polls.		
30	The system for challenging elections should be brought into ordinary civil procedure and a single right of appeal should be available on both points of law and fact.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	No further comments to make.
31	A single elector should be able to challenge the outcome of any election.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	We support this recommendation. It would be sensible to standardise the number of people who can bring a challenge for all elections, as the number currently differs between the type of poll.
32	Returning Officers should have standing to bring election petitions. This should be limited to breaches of electoral law relating to the administration of the election or registration of electors and the Returning Officer should be able to test the effect on the result before proceeding.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	This would be a sensible addition to current legislation. Currently, if the Returning Officer was aware of an administrative error which affected the result of an election he would have to approach a voter or candidate to bring a petition, it would not be possible for him to do so himself.
33	Political parties should be able to bring election petitions in the name of the party.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	No further comments to make.
34	The Government should change the law if necessary to remove all doubt as to the court's ability to make protective costs or expenses orders.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	No further comments to make.
35	Where an election court finds evidence implicating non-named	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or	No further comments to make.

No.	Recommendation	What we do at present	What we could do (if anything) in addition to present (within existing legislation)	Electoral Services Comments
	<p>individuals as beneficiaries of electoral fraud, it should be possible for a petition or process to be raised against them within the usual timeframe, starting however from the date of the election court's judgement rather than the date of the election.</p>		<p>regulation.</p>	
36	<p>It should be possible to apply to extend the maximum time limit for an election petition to be lodged, and to amend the grounds of an election petition once it has been submitted. Consideration should be given to the length of the extension period and the circumstances where it should be available.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>No further comments to make.</p>
37	<p>The criminal standard of proof should be retained for election petitions.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>No further comments to make.</p>
38	<p>In conjunction with the devolved administrations, the Government should consider implementing a process for electors' complaints about the administration of elections (which to not aim to overturn the result) to be investigated by the Local Government Ombudsman in England as a means of providing an appropriate and accessible channel for considering complaints of a less serious nature.</p>	<p>We currently use the Council's complaints system to investigate and respond to complaints of a less serious nature, which includes an option for the complainant to refer their complaint to the ombudsman should they remain dissatisfied with our response.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>No further comments to make.</p>
39	<p>The procedures around candidate nominations should be reviewed to consider the</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>N/a – this is a recommendation about a new process or regulation.</p>	<p>Nominations are taken at face value in line with current legislation. It would be helpful to have a more clear</p>

No.	Recommendation	What we do at present	What we could do (if anything) in addition to present (within existing legislation)	Electoral Services Comments
	prevention of sham nominations and ensuring that nominations are validly made.			procedure to follow in the event of suspicion that a nomination contains false information and we support this recommendation.
40	The Government should consider increasing the maximum sentences for electoral fraud relating to postal voting, personation and registration.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	Any deterrent is welcome.
41	The offence of undue influence should retain a reference to spiritual / religious influence.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	No further comments to make.
42	The learning from the work undertaken by local authorities in 17 areas at higher risk of electoral fraud ahead of the May 2015 polls should be utilised to inform guidance and practices that can assist areas in dealing with electoral fraud.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	No further comments to make.
43	The role of the Electoral Commission should be revisited to identify how the Commission may best operate in providing guidance, training and support with relation to the administration of electoral events. The Electoral Commission should also more narrowly focus on its core functions – of party finance and overseeing national campaign expenditure.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	No further comments to make.
44	The Government should consider how the performance management regime should be reformed and focus more clearly on key outcomes. Such a system of benchmarks would be better	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	No further comments to make.

No.	Recommendation	What we do at present	What we could do (if anything) in addition to present (within existing legislation)	Electoral Services Comments
	undertaken by the Cabinet Office, subject to the statutory framework being approved by Parliament.			
45	Work should be undertaken by Government to link with the Association of Police and Crime Commissioners, the College of Policing, the National Police Chiefs' Council and the National Crime Agency to ensure that electoral fraud is seen as a significant issue, and that there is a consistency of approach/response across police forces to dealing with allegations of electoral fraud and impropriety.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	No further comments to make.
46	The Government could consider how the National Crime Agency, which has a remit to look at organised, economic and cyber-crime, might play a greater role in investigating and co-ordinating complex cases of electoral fraud, especially where it interacts with other financial or benefit fraud.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	No further comments to make.
47	Officers at the most senior level in a local authority, such as Chief Executives and Heads of Paid Service, should be appointed as Electoral Registration Officers and Returning Officers and should undertake relevant training to ensure that they have the skills required for the roles.	<p>The Chief Executive is appointed as the Returning Officer and Electoral Registration Officer.</p> <p>The Chief Executive has attended training and attends meetings with the Electoral Commission in relation to these roles.</p>	N/a – this is a recommendation about a new process or regulation.	No further comments to make.
48	That the position of Electoral Registration Officers and	We currently consult with the AEA and/or other Electoral Administrators	N/a – this is a recommendation about a new process or	It would help with consistency or responses between local authorities

No.	Recommendation	What we do at present	What we could do (if anything) in addition to present (within existing legislation)	Electoral Services Comments
	Returning Officers is clarified with respect to Freedom of Information rules and they are made subject to the relevant provisions to release information.	before responding to an FOI request.	regulation.	and boost transparency and public confidence. We support this recommendation.
49	A protocol for reporting within a local authority on issues relating to electoral fraud should be developed and guidance given by the Electoral Commission in conjunction with the National Police Chiefs Council and other relevant bodies.	Currently follow the Electoral Commission's guidance for Returning Officers which sets out advice about how to manage the reporting of allegations of electoral fraud and referrals to the police.	N/a – this is a recommendation about a new process or regulation.	No further comments to make.
50	The Government should undertake a review of how democratic checks and balances can be increased in local government executive structures where power is concentrated.	N/a – this is a recommendation about a new process or regulation.	N/a – this is a recommendation about a new process or regulation.	No further comments to make.