

The May 2015 UK elections

Report on the administration of the 7 May 2015 elections, including the UK Parliamentary general election

July 2015

Translations and other formats

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We are an independent body set up by the UK Parliament. We regulate party and election finance and set standards for well-run elections. We work to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence.

Contents

Foreword.....	1
Summary of key facts and recommendations	3
1 Introduction	
About our role and this report.....	9
About the elections.....	10
2 Were the May 2015 polls well-run?	
Experience of registering to vote	20
Knowledge and awareness about the elections	22
People’s experience of voting	24
Completing the ballot paper	26
Confidence that the elections were well-run	27
Electoral integrity.....	29
3 What happened before, during and after polling day?	
Voter experience	33
Encouraging registration.....	33
Voter registration campaigns	34
Electoral registration	38
Absent voting.....	41
Polling district and place reviews and appeals.....	45
Disabled voters	47
Opinion polls published on polling day.....	48
Close of poll.....	49
Administration of the polls	49
Timing of legislation for the May 2015 polls.....	49
Administrative errors.....	53
Commonly used names	56
Job-share candidates	57
Secrecy of the ballot at postal vote openings.....	57
The election count in Northern Ireland.....	58

Candidates and campaigners.....	59
Campaigners at the UK Parliamentary general election	59
The regulatory framework.....	59
Changes to the rules on regulating campaigns.....	61
Registration of political parties	63
Campaigning trends and developments	65
The introduction of the changes to the non-party campaigning rules.....	68
Campaigning undertaken at constituency level.....	71
Controls on spending to promote prospective candidates ahead of by- elections	73
Exclusions for costs which are immaterial to the campaign activity	74
Donations and responsibilities of donors	75
4 Looking ahead	
Polls in 2016	77
Looking further ahead.....	80
Appendix 1	82
Appendix 2.....	85

Foreword

The May 2015 elections and referendums were notable for the complex and close political environment within which they were held, but they also involved several important new changes for voters, campaigners and electoral administrators: there was a new individual electoral registration system for England, Scotland and Wales, which also allowed people to apply to register to vote online for the first time; and there were additional rules for non-party campaigners in place for the first time at a UK Parliamentary general election.

The 2015 UK Parliamentary general election was also the first held under the Fixed-term Parliaments Act, which meant that the date of the elections had been known since autumn 2011. In several hundred local authority areas in England, the poll for the UK Parliamentary election was also combined with other polls including parish council elections, elections for local mayors and local referendums.

Despite the challenges of these changes and the complexity of the polls in some areas, the May 2015 elections were successfully delivered. Our research with the public demonstrates that the UK continues to enjoy well-run elections with high levels of voter satisfaction and confidence.

I want to extend my thanks to all those who delivered these elections and referendums: the Returning Officers and their staff in election offices, polling stations and count centres across the UK; the police; the candidates, political party volunteers and campaigners and of course the millions of voters who took part. The Commission's staff, too, worked hard to encourage people to register to vote, and provided advice and support to Electoral Registration Officers, Returning Officers, voters, parties and campaigners in the run up to the polls themselves, as well as on polling day. They will continue to examine spending returns and work with parties and campaigners during the post-poll period to ensure the campaign finance rules are enforced and we will report on any relevant lessons in our campaign spending report in spring 2016.

There are always lessons to be learned from the experience of elections and improvements which can be made for future polls and this year's elections are no exception. The new online registration system was extraordinarily successful in making it easier for people to apply to register to vote, but it may also have raised expectations that people should now be able to check online whether they are already registered before applying. Online registration should also now be extended to include Northern Ireland.

Campaigners and Returning Officers were able to plan for the May 2015 UK Parliamentary general election with earlier confirmation of the date of the poll than before. Nevertheless, the timetable for administering the polls still highlights risks of capacity and resources, particularly given the significant dependence of Returning Officers on printing and electoral management software suppliers to fulfil demand. We will continue to monitor these risks with our Electoral Advisory Board of senior Returning Officers, and we will need to work closely with suppliers and Returning Officers to improve this area of election delivery and to minimise these risks.

Our view at present is that there were high levels of compliance with the rules by parties and candidates. Later this year, we will receive and publish campaigners' spending returns which will give voters more transparency about the election campaigns.

The next few years will see no slow-down in election and electoral registration activity. There will be important elections across the UK in May 2016, for the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly and the Greater London Authority and Mayor, as well as Police and Crime Commissioner and local government elections, and there will be a referendum on the UK's membership of the European Union by the end of 2017. We have recently recommended that the transition to full Individual Electoral Registration should end in December 2016, although the UK Parliament may still bring this forward, and the UK Government has committed to extending the UK Parliamentary election franchise to all UK citizens living overseas.

We will continue to push for changes which we have identified to improve satisfaction and confidence in elections, including introducing an identification requirement for voters in polling stations in England, Scotland and Wales as is already the case in Northern Ireland. We will also, once again, run a programme of voter registration activity ahead of the May 2016 elections.

The next twelve months will be challenging for all of those who deliver elections but there are good foundations on which to build. The Commission will continue to work with the Electoral Advisory Board to ensure that we provide the right kind of guidance, support - and challenge when needed - to ensure that the polls in May 2016 are, once again, run as well as they can be.

Jenny Watson
Chair, Electoral Commission

Summary of key facts and recommendations

Key facts

About the elections

On 7 May 2015 elections were held for the **650 members of the United Kingdom Parliament** and for local councillors in all **36 metropolitan boroughs, 194 district authorities** and **49 unitary authorities** in England.

There were also elections for **Mayors in six English local authorities**, a **council tax referendum** in Bedfordshire, and **neighbourhood planning referendums** in Central Milton Keynes, Malpas & Overton (Cheshire West & Chester) and Wirksworth (Derbyshire Dales). It was also the first time that **parish council elections** were combined with a UK Parliamentary general election.

In almost 280 local authority areas in England, the poll for the UK Parliamentary election was combined with other polls. Of these, 239 local authorities held three or more types of election (including UKPGE, local election, parish council election, referendum or mayoral election) with one authority (Bedford) holding five polls on 7 May. There were no large-scale combined polls in Northern Ireland, Scotland, or Wales, although some local government ward by-elections were held.

Registration and turnout

A total of **46.4 million people were registered to vote** in the UK Parliamentary elections on 7 May 2015. Some **30.8 million votes were included in the count**, representing an overall **turnout of 66.4%**. Across the four countries of the UK, turnout ranged from 58.4% in Northern Ireland, to 71.1% in Scotland.

The electorate for local government elections in England was 31.5 million and approximately 20 million votes were cast.

Consistent with previous elections, turnout among postal voters at the UK Parliamentary elections was higher than among those who voted at polling stations: **86.0% of people who were sent a postal ballot pack voted**, compared with **63.5% of those who were entitled to vote at a polling station.**

Postal votes were issued to around 7.6 million electors and **6.2 million postal votes were included in the count.** Across England, Scotland and Wales, **the proportion of electors who chose to vote by post was 16.9%**. In comparison, 1.4% of the electorate were issued with a postal vote in Northern Ireland, where postal voting is not available on demand.

Approximately **150,000 electors had appointed a proxy to vote on their behalf**, representing 0.33% of the total electorate. In the final days before the close of polls, a further 8,500 electors appointed emergency proxies, across England, Scotland and Wales.

Voters' experiences and views

Overall the polls on 7 May 2015 were well-run and evidence from our research with voters shows that they had a positive view of the electoral process.

Registering to vote

Eighty-five per cent of those surveyed said that they were satisfied with the procedure for registering to vote, with 62% saying 'very satisfied'. Just 5% per cent were dissatisfied (3% 'very dissatisfied'). **Almost four in five respondents in Great Britain (79%) knew that it was possible to apply to register to vote online**, and those aged 18-54 were more likely to say so.

Information about the elections

Almost nine in ten respondents (88%) said they knew a great deal or a fair amount about the UK Parliamentary general election (UKPGE). Forty-five per cent of respondents said the same about the local elections in their area. Ninety per cent of respondents said that information on how to cast their vote at the UKPGE was very or fairly easy to access, although 3% said it was 'Fairly/very difficult'. Over four-fifths of people (84%) said the same of the local elections in England, although 7% said it was difficult to access.

Voting in polling stations

Nearly all (94%) of those respondents who voted in person at a polling station reported that they were very or fairly satisfied with the voting process with 72% being 'very satisfied'. People with disabilities were more likely to be dissatisfied with the process of voting at their polling station (5%) than those with no disability (2%). The majority of polling station voters (54%) found the support provided by polling station staff useful, although 4% said it was not useful.

Voting by post

Nearly all (97%) of those respondents who voted by post, reported that they were satisfied with voting in this way. More than nine in ten (92%) respondents who voted by post said it was easy to complete and return the postal ballot, with 5% saying it was difficult. A similar proportion of respondents (91%) found the written instructions on how to vote and return the ballot useful, although 2% said they were not useful.

Confidence in the administration and regulation of the elections

Nine in ten people (91%) reported that they were either very or fairly confident the elections were well-run on 7 May, although 7% of respondents said 'Not very confident/not confident at all'. People who voted were more likely to be confident that the May 2015 elections were well-run (93%) than those who did not vote (68%).

Almost two-fifths (39%) of respondents did not agree that the funding and spending of political parties and candidates at elections is open and transparent although a third of respondents (33%) agree (22% said 'Neither' and 6% said they did not know). Respondents were considerably more confident that the authorities would take

appropriate actions if the rules are broken: 63% agreed with the statement, with 36% agreeing strongly (although 22% disagreed).

Forty-five percent of respondents thought that hardly any or no electoral fraud took place at the May 2015 polls, although just over one-third (35%) of people said that they thought electoral fraud took place (with 29% saying it happened ‘a little’ and 6% saying ‘a lot’).

Recommendations

Voter experience

Recommendation 1: Registration information provided by broadcasters (page 37)

All broadcasters, particularly those with specific public purposes built into their remit, should continue to identify and take advantage of opportunities to include information about voter registration in their editorial coverage at elections.

Recommendation 2: Providing an online registration status check (page 39)

The UK Government should develop an online service to allow people to check whether they are already correctly registered to vote before they submit a new application to register.

Any such service would need to carefully manage and protect voters’ personal information.

Recommendation 3: Introducing online electoral registration in Northern Ireland (page 40)

Given the clear benefits for electors in England, Scotland and Wales, who can now apply to register to vote online, online registration should be introduced in Northern Ireland. The Chief Electoral Officer and Northern Ireland Office should publish a timetable setting out when this will happen.

This will require legislative change in the UK Parliament as well as significant changes to the management of the electoral register by the Electoral Office for Northern Ireland.

Recommendation 4: Improving the delivery of postal ballot packs to voters (page 42)

We will continue to encourage Electoral Registration Officers (EROs) and Returning Officers (ROs) to put plans in place to ensure that they make full use of provisions within the statutory election timetable to maximise the time available for electors to receive, complete and return their postal vote.

We, along with the Electoral Advisory Board (EAB), have identified that the capacity of print suppliers to fulfil demand is a significant risk to the ability of individual ROs to produce and despatch postal votes in sufficient time. We will work with the EAB to consider ways to improve this area of election delivery and to minimise these risks.

Recommendation 5: Improving access to the voting process for overseas electors (page 42)

We will work with the UK Government and Returning Officers to identify practical steps which could be taken to improve access to the voting process for overseas electors at the next scheduled poll where they are entitled to vote, including:

- Ensuring that all Returning Officers include the correct postage on postal ballot packs for overseas electors, so that they can be delivered to voters and returned as quickly as possible before polling day, including increasing the funding provided by the UK Government to Returning Officers for this purpose.
- Explaining the practical implications of different voting methods (such as postal voting or appointing a proxy) for overseas electors, particularly if they are making an application during the last month before polling day, including on the www.gov.uk/register-to-vote website.

We will work with the UK Government and Returning Officers to develop workable and effective proposals, which could be included in the proposed Votes for Life Bill if legislation is required, to make it easier for overseas electors to cast their votes in time to be counted at elections. We will also continue our work with the Electoral Advisory Board to consider how technology might be introduced into a wider range of election activity.

Recommendation 6: Extending the qualifying circumstances for appointing an emergency proxy (page 44)

We have previously recommended that the qualifying circumstances for appointing an emergency proxy should be extended, so that those who have unforeseen caring responsibilities or who have experienced the death of a close relative would also be eligible. This recommendation has not yet been taken forward by any government with legislative competence over elections within the UK; we continue to recommend that the UK Government and, for Scottish Parliament elections and local government elections, the Scottish Government, should consult on and bring forward secondary legislation to further extend the qualifying circumstances for appointing an emergency proxy to reflect the concerns highlighted by electors at the May 2015 polls.

The UK and Scottish Governments should ensure that any changes to the legislation relating to proxy vote applications for the May 2016 polls are clear by 5 November 2015, six months before polling day.

Administration of the polls

Recommendation 7: Ensuring statutory Welsh and English language election materials are treated equally (page 51)

We repeat our recommendation that the UK Government should work with relevant partners, including the Welsh Government, to re-examine its approach to the statutory provision of Welsh language forms, notices and ballot papers, and commits to providing the necessary statutory translation in good time before elections, consistent with the timing and approach taken to the provision of corresponding English language resources.

Recommendation 8: Ensuring legislation is clear in good time before elections (pages 49 - 52)

Governments with legislative competence over elections within the UK should manage the development and approval of legislation so that it is clear at least six months before it is required to be implemented or complied with by campaigners or electoral administrators.

All governments should normally be able to plan to ensure that legislation for elections is clear at least six months before it is required to be implemented or complied with. While there may be unexpected developments or exceptional circumstances in which legislation is required later than this, it is not acceptable that poor planning has routinely resulted in late legislation in recent years. This is particularly disappointing when the date of polling day has been fixed some time in advance.

If a government has not been able to make legislation clear at least six months before the date of a scheduled poll, it should table a formal statement in the relevant legislature, explaining why it has not, and setting out its assessment of the likely impact of the late confirmation of legislation for campaigners, electoral administrators and electors.

Recommendation 9: Clarifying the law relating to candidates' commonly used names (page 56)

The UK Government should amend the law to remove the requirement for the commonly used name to be different to any other forename or surname that the candidate has, while retaining the existing safeguard that ROs may reject the use of a commonly used name on the grounds that (a) its use may be likely to mislead or confuse electors or (b) it is obscene or offensive.

Candidates and campaigners

Recommendation 10: Registration of party names and descriptions for use on ballot papers (page 63)

We continue to recommend that where a candidate represents a political party on an election ballot paper, it should be clear to voters which party the candidate represents. We are concerned that the legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties.

The UK Government should reform or remove the provisions on party descriptions. It will be important to consult political parties, other governments with legislative competence over elections within the UK, and the Commission on the practical considerations of achieving this change.

Recommendation 11: Transparency and regulation of open primary party selection contests held close to an election or during a candidate regulated period (pages 73-74)

We recommend that governments with legislative competence over elections within the UK should consider transparency and regulation of open primary party selection contests held during a candidate regulated period.

If an open primary contest takes place **during** a candidate regulated period, the campaign spending that promoted the successful open primary contestant should be transparent and subject to appropriate limits, and relevant donations towards this spending should be subject to appropriate controls. Consideration should also be given to transparency of the costs of unsuccessful primary contestants and the central party in relation to such open primaries. We would be happy to work with political parties and relevant governments to discuss how this could be achieved within the existing regulatory framework.

Recommendation 12: Costs relating to an individual's disability (page 74)

Governments with legislative competence over elections within the UK should amend the definitions of political party and candidate spending so that reasonable expenses that can be attributed to an individual's disability are exempt, (as was recently set out in the revised PPERA rules for non-party campaigners).

Recommendation 13: Costs relating to translation from Welsh to English and vice versa (page 74)

As the PPERA non-party campaigner rules now exempt the costs associated with translating Welsh to English and vice versa, we recommend that equivalent legal provisions should be introduced into the election rules covering spending by political parties and candidates by the relevant government/s at that time.

1 Introduction

About our role and this report

Our role

1.1 The Electoral Commission is an independent body which reports directly to the UK Parliament. We regulate political party and election finance and set standards for well-run elections. We put voters first by working to support a healthy democracy, where elections and referendums are based on our principles of trust, participation, and no undue influence.

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

1.2 We want people across the UK to be confident that electoral registration and electoral events are well-run, and that they will receive a consistently high quality service, wherever they live and whichever elections or referendums are being held.

1.3 It should be easy for people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules. We provide comprehensive guidance for anyone who wants to stand as a candidate or be an agent which covers the whole process, including the main steps towards standing as a candidate, the campaign and election periods, the declaration of the result, and election spending. We also register parties and non-party campaigners and provide comprehensive guidance for political parties and non-party campaigners, including practical advice and assistance.

This report

1.4 This report provides our assessment of how well the May 2015 UK Parliamentary general election (UKPGE) and the local government elections in England were run.

1.5 Our analysis reflects the experience of voters, based on public opinion research, electoral data, and feedback provided by Returning Officers (ROs) as well as by candidates and agents.

1.6 It provides a forward look to upcoming elections, highlighting the issues which we consider need to be addressed to make sure that the interests of voters continue to be put first.

1.7 **Chapter 2** of this report sets out key data about the elections, including information about voters' views of their experiences.

1.8 **Chapter 3** highlights key issues which were relevant before, during and after polling day, and identifies recommendations for change.

1.9 **Chapter 4** looks forward to the important polls taking place in May 2016 and beyond, and highlights lessons for the UK's governments and legislative bodies, for electoral administrators and for campaigners in advance of those elections and referendums.

About the elections

1.10 On 7 May 2015, elections were held for the 650 members of the United Kingdom Parliament and for local councillors in all 36 metropolitan boroughs, 194 district authorities and 49 unitary authorities in England.

1.11 There were elections for Mayors in six English local authorities,¹ a council tax referendum in Bedfordshire, and neighbourhood planning referendums in Central Milton Keynes, Malpas & Overton (Cheshire West & Chester) and Wirksworth (Derbyshire Dales). It was also the first time that parish council elections were combined with a UK Parliamentary general election.

1.12 In almost 280 local authority areas in England, the UK Parliamentary election was combined with other polls. Of these, 239 local authorities held three or more types of election or referendum (including UKPGE, local election, parish council election, referendum or mayoral election) with one authority (Bedford) holding five polls on 7 May. There were no large-scale combined polls in Northern Ireland, Scotland, or Wales, although some local government ward by-elections were held.

1.13 Table 1 below, shows the different voting systems used, the number of candidates/parties, and the number of seats contested.

¹ Bedford, Copeland, Leicester, Mansfield, Middlesbrough, and Torbay

Table 1: The voting system, number of candidates and parties standing and the number of seats contested at the elections on 7 May

Election ²	Voting system ³	Number of candidates/ parties	Number of seats contested
UK Parliamentary elections	'First past the post' majoritarian	134 parties 3,971 candidates	650
Local government elections - England ⁴	'First past the post' majoritarian	c. 30,000 candidates	c.9,100 ⁵
Mayoral elections	Supplementary vote preferential	31	6
Neighbourhood planning referendum	Majoritarian	n/a	n/a

The transition to Individual Electoral Registration

1.14 In June 2014, the household system of electoral registration in England, Scotland and Wales was replaced by Individual Electoral Registration (IER), which means that every person applying to register to vote must now provide their date of birth and National Insurance Number to be verified against central government or local records before their application can be granted and they be added to the electoral register. To improve access to the registration process, people in England, Scotland and Wales, as well as British citizens resident overseas for fewer than 15 years, can now apply to register to vote online. IER has been in place in Northern Ireland since 2002, although the ability to apply to register online is not yet available there.

1.15 The transition to IER began in June 2014 in England and Wales, and in September 2014 in Scotland, with a data matching exercise – known as confirmation - which compared existing electors' details with the details held on the Department for Work and Pensions database. Electoral Registration Officers (EROs) then sent confirmation letters to those whose details had been matched ('confirmed') and so automatically transferred onto the new IER registers, and invitations to register to those existing electors who had not been confirmed. Alongside this write-out to existing electors, EROs sent household enquiry forms to addresses where they believed this would enable them to identify any potential eligible electors and invite them to register.

² Parish and town council elections are also held under the 'first past the post' majoritarian system however we do not collect or hold data on these elections.

³ For more information on the different voting systems see: About My Vote, www.aboutmyvote.co.uk/how-do-i-vote/what-are-the-different-voting-systems, accessed 10 July 2015.

⁴ At the time of publication, we have yet to receive final data figures and so figures for local elections are approximate. In early autumn 2015, we will publish final figures for local elections on our website. The Electoral Commission, *Electoral Data*, www.electoralcommission.org.uk/our-work/our-research/electoral-data, accessed 10 July 2015.

⁵ This figure has been amended since the report was first published in July 2015, and an updated version was published on 1 September 2015.

1.16 At the end of the transition to IER, any entries for electors who were not confirmed during the data matching exercise and who have not yet successfully applied to register individually will be removed from the registers. In June 2015, we published a report,⁶ which provided our assessment of progress with the transition up to the publication of the registers which were in force for the May 2015 polls, and set out our recommendation to the UK Government and Parliament on whether the end of the transition to IER should be brought forward from December 2016 (as currently specified in law) to December 2015.

1.17 To inform our assessment and recommendation, we collected data from EROs across England, Scotland and Wales on the registers in force for the May 2015 polls. The data we received from the EROs for all 380 authorities across England, Scotland and Wales showed that the Parliamentary and local government registers had increased in size compared with the last registers published in February/March 2014, under the previous household-based registration system.

1.18 Approximately 1.9 million entries on the May 2015 local government registers were for electors who were not registered individually – that is, those who had either not been confirmed or who had not successfully made individual applications to register to vote – and which were therefore retained in the registers under the IER transitional arrangements. This represented 4% of all register entries. Any of these electors would still have been able to vote in person at their local polling station at the May 2015 polls, but would not have been able to vote by post or appoint a proxy without first having successfully applied to register to vote individually under IER.

1.19 Taking into account the available data and evidence and the significant polls which are scheduled for May 2016, we recommended that Ministers should not make an Order to bring forward the end of the transition to IER and that the end date for IER transition should remain December 2016, as currently provided for in law. At the time of publishing this report, the UK Government had not responded to our recommendations or confirmed whether or not it planned to bring forward the end of the transition.

1.20 We discuss registration for the May 2015 polls later in this report on page 38.

Registration and turnout

1.21 A total of 46.4 million people were registered to vote in the UK Parliamentary elections on 7 May 2015.⁷ Some 30.8 million votes were included in the count, representing an overall turnout of 66.4%.⁸ Across the four countries of the UK, turnout ranged from 58.4% in Northern Ireland, to 71.1% in Scotland.

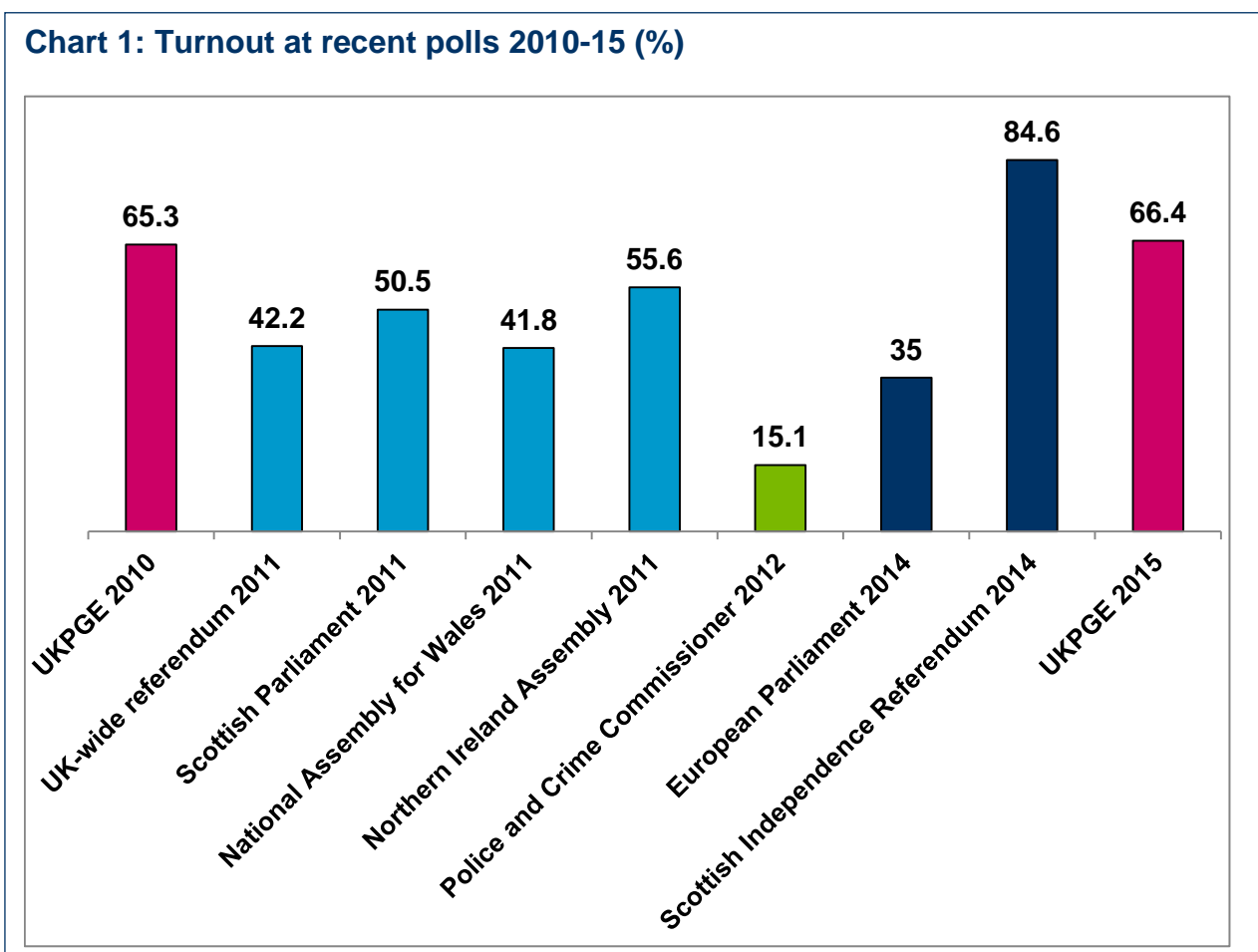
⁶ The Electoral Commission, *Assessment of progress with the transition to Individual Electoral Registration*. www.electoralcommission.org.uk/_data/assets/pdf_file/0006/190464/IER-June-report.pdf, accessed 10 July 2015.

⁷ To vote in a UK Parliamentary election, a person must be registered to vote; be 18 years of age or over on polling day; be a British citizen, a qualifying Commonwealth citizen or a citizen of the Republic of Ireland; and not be subject to any legal incapacity to vote.

⁸ Turnout figure includes valid votes and those rejected at the count.

1.22 The electorate for local government elections in England was 31.5 million and approximately 20 million votes were cast.⁹

1.23 Chart 1 below, shows the variation in turnout in national elections and referendums since the 2010 UK Parliamentary general election.¹⁰



1.24 Consistent with previous elections, turnout among postal voters at the UK Parliamentary elections was higher than among those who voted at polling stations: 86.0% of people who were sent a postal ballot pack voted, compared with 63.5% of those who were entitled to vote at a polling station.

1.25 Postal voting is available on demand across England, Scotland and Wales, and the proportion of electors who choose to vote by post has increased from 12.4% in 2005 and 15.7% in 2010 to 16.9% this year. In comparison, 1.4% of the electorate were issued with a postal vote in Northern Ireland, where postal voting is not available

⁹ To vote in a local government election, a person must be registered to vote and also be one of the following: a British, qualifying Commonwealth, Republic of Ireland or EU citizen living in the UK, or registered to vote as a Crown Servant or as a service voter.

¹⁰ Colour coded to differentiate by year.

on demand. This proportion is consistent with 2010 but has fallen from the 2.4% who were issued with postal votes in 2005.¹¹

1.26 For the UK Parliamentary elections, approximately 150,000 electors appointed a proxy to vote on their behalf, representing 0.33% of the total electorate. In the final days before the close of polls, a further 8,500 electors appointed emergency proxies across England, Scotland and Wales in comparison with 835 in 2010.¹² We discuss emergency proxies in greater detail on page 44.

Roles and responsibilities for managing and delivering the elections

1.27 At a UK Parliamentary election in England and Wales, the Returning Officer is a largely ceremonial position. The administration of the election is the responsibility of the Acting Returning Officer (ARO), who is normally a senior officer of the local authority. The Returning Officer only receives and returns the writ and declares the result at the end of the count – although they may choose to delegate these functions to the ARO.

1.28 In Scotland, the Returning Officer for a UK Parliamentary election is the same person as the Returning Officer for local government elections, and they are responsible for all aspects of the administration of the election, including the receipt and return of the writ and the declaration of the result. The term Acting Returning Officer is not used in Scotland. The Convener of the Electoral Management Board for Scotland (EMB) has no remit to give directions to RO/EROs at the UKPGE unlike at local government elections, and also at the independence referendum (as Chief Counting Officer) in September 2014. Following discussion in the EMB and consultation with RO/EROs, however, she issued some recommendations on how key elements of the delivery of the May elections should be planned for and managed.

1.29 Detailed planning and administration of elections in England, Wales or Scotland is usually carried out by members of the local authority's permanent staff.

1.30 The Chief Electoral Officer for Northern Ireland is the Returning Officer for all elections in Northern Ireland, including UK Parliamentary elections. The Chief Electoral Officer is appointed by the Secretary of State for Northern Ireland, and is supported by permanent staff in the Electoral Office for Northern Ireland. In 2015, the Chief Electoral Officer appointed nine Deputy Returning Officers who each oversaw two of the 18 constituencies in Northern Ireland.

¹¹ Postal voting in Northern Ireland is only available to those who can demonstrate that they are physically unable to vote in person at a polling station.

¹² Prior to the 2014 elections, an elector in England, Scotland or Wales could only request an emergency proxy in the case of a medical condition, illness or disability arising after the deadline for ordinary proxy applications or if the person was a mental health patient detained under civil powers. Following the Electoral Registration and Administration Act 2013 (ERA Act), an elector can now also appoint an emergency proxy if their occupation, service or employment means they cannot go to the polling station in person and they became aware of this fact after the deadline for ordinary proxy applications.

1.31 Responsibility for the conduct of local government elections in England lies with an officer appointed as Returning Officer by the county, district, unitary or metropolitan council.

1.32 Where the poll at a UK Parliamentary election is combined with other polls, including the poll at a local government or parish election, the RO for the Parliamentary constituency is responsible for any combined functions.¹³

Throughout this report, we use the term 'Returning Officer' or 'RO' to refer to the duties normally undertaken by the Acting Returning Officer for UK Parliamentary elections in England and Wales, the Chief Electoral Officer for Northern Ireland and the Returning Officer in Scotland.

Support for Returning Officers and our performance standards framework

1.33 As for previous elections, we provided comprehensive written guidance, tools and templates to support ROs in planning for and delivering the polls on 7 May.

1.34 During November 2014 and in preparation for the May 2015 polls, we hosted a series of high-level briefings across the UK for ROs and Electoral Services Managers (ESMs). In these sessions, we set out the key challenges facing ROs in planning for and delivering the polls and highlighted what ROs and their ESMs would need to consider in order to meet these challenges. The objective of the briefings was to support ROs and their staff in delivering well-run elections, by working to support understanding of the strategic issues and personal responsibilities of ROs, as they directly affect delivery of the elections.

1.35 This was also an opportunity for us to highlight our recently published guidance materials, including a new planning toolkit aimed at delivering an effective verification and count. Sessions were held in Wales and Scotland and at six locations across England. In addition to presentations from Commission staff, senior Returning Officers and Cabinet Office¹⁴ representatives also took part and there were opportunities for delegates to ask questions of the panel. Feedback from delegates was generally positive about the value of these events.

1.36 We set, monitor and report on performance standards for ROs in England, Scotland and Wales.¹⁵ Our performance standards framework is designed to support ROs in delivering a consistent high-quality service for voters and those standing for election.

¹³ For a full list of combined functions, please see paragraphs 3.15 and 3.16 of our guidance: The Electoral Commission, *Part A – (Acting) Returning Officer role and responsibilities*. www.electoralcommission.org.uk/_data/assets/pdf_file/0007/175363/Part-A-Returning-Officer-role-and-responsibilities-UKPGE-LGEW.pdf, accessed 10 July 2015.

¹⁴ The Cabinet Office is the UK Government department with responsibility for legislation and policy for UK Parliamentary elections.

¹⁵ More information about our performance standards framework for ROs is published on our website. The Electoral Commission, *Performance standards*, www.electoralcommission.org.uk/find-information-by-subject/performance-standards, accessed 10 July 2010.

1.37 The framework reflects what we and the UK Electoral Advisory Board (EAB)¹⁶ agree that ROs need to do to prepare for and deliver well-run elections. The standards focus on the key outcomes from the perspective of voters and those who want to stand for election and in particular, whether ROs are taking the necessary steps to deliver the following:

- Voters are able to vote easily and know that their vote will be counted in the way they intended.
- It is easy for people who want to stand for election to find out how to get involved, what the rules are, and what they have to do to comply with these rules, and they can have confidence in the management of the process and the result.

1.38 The standards cover the range of activities carried out by ROs in preparing for and delivering well-run elections including, for example, setting up and staffing polling stations, and delivering timely and accurate verification and count processes. The RO performance standards framework does not relate to the work of EROs, which is covered by a separate framework. We will publish our assessment of ERO standards in spring 2016.

1.39 A risk-based sample of ROs was selected for detailed monitoring at the May 2015 polls, taking into account factors such as: the experience of the RO; any previous issues; and factors specific to the May 2015 polls, such as the extent of the combination of polls in the local authority area.

1.40 In a small number of instances in the build up to polling day, we recommended minor improvements to Returning Officers' plans (in relation to, for example, overall planning for the delivery of the polls and arrangements for the verification and counting of votes), but no significant concerns were identified in the course of our monitoring.

1.41 For further details of our assessment of the performance of ROs in England, Scotland and Wales at the May 2015 polls, see page 54.

1.42 The performance standards framework does not currently extend to Northern Ireland, although the Northern Ireland (Miscellaneous Provisions) Act 2014 includes a provision for it to be so extended.

1.43 At the UK Parliamentary general election, the Chief Electoral Officer nevertheless shared his plans with us through his Strategic Planning Group. Our aim is to have a performance standards framework for electoral events in place for the 2016 Northern Ireland Assembly elections. We are also working with the Chief Electoral Officer on the introduction of electoral registration performance standards.

¹⁶ The EAB is an advisory group convened by the Electoral Commission and made up of senior Electoral Registration and Returning Officers, and also attended by representatives from the Society of Local Authority Chief Executives (SOLACE) and the Association of Electoral Administrators (AEA). The EAB gives the Commission strategic advice about elections, referendums and electoral registration.

Electoral integrity

1.44 Ensuring the security of the ballot is a vital aspect of our electoral process and there are a number of safeguards built into the system to strengthen it against abuse, including:

- **Registration** - Under IER (paragraph 1.14), EROs must ensure that electors' identities are verified before they can be entered onto the electoral register. This process helps make the electoral register more secure and resistant to electoral fraud,¹⁷ a key objective of the change to IER. The ERO may not always be able to verify an applicant's identity following receipt of a completed application. In these cases, applicants should be directed to the exceptions process set out in legislation, which asks applicants to provide other forms of evidence that confirm their identity. Until the requisite information is provided, they will not be added to the register.
- **Absent voting** – electors must supply their date of birth and signature when they apply to become a postal voter; they must also provide them on the postal voting statement when they return their postal ballot pack. These personal identifiers are then verified (i.e. matched) against those previously provided. If the identifiers fail verification, the ballot paper is not included in the count. The law requires every postal vote statement to be checked in this way. See pages 24 - 26 for details of rejected postal votes at the May 2015 polls.
- **In person voting** – Although electors in Northern Ireland have been required to provide identification before voting since 2002, polling station voting in England, Scotland and Wales remains vulnerable to fraud because there are currently few checks available to prevent someone claiming to be an elector and voting in their name. We have therefore recommended that there should be a requirement for electors across England, Scotland and Wales to present an acceptable form of identification prior to voting at the polling station. We are currently undertaking further work to identify and develop a proportionate and accessible scheme for verifying the identity of electors at polling stations and will publish our conclusions by the end of 2015.

1.45 Prior to the elections, we had identified 17 local authority areas¹⁸ where there was a higher risk of allegations of electoral fraud. We based this assessment on previous history of fraud allegations, combined with a range of demographic factors that have been shown to increase the risk of electoral fraud allegations. We worked closely with the relevant EROs and ROs, as well as the local police, in the lead up to the election period to ensure that:

- The risk of electoral fraud had been robustly assessed locally
- Appropriate preventative measures were in place in advance of the polls

¹⁷ Throughout this report, the term 'electoral fraud' refers to breaches of the Representation of the People Act (RPA) 1983.

¹⁸ Birmingham, Blackburn with Darwen, Bradford, Burnley, Calderdale, Coventry, Derby, Hyndburn, Kirklees, Luton, Oldham, Pendle, Peterborough, Slough, Tower Hamlets, Walsall, and Woking

- Local elections staff and the police were equipped to respond quickly to any allegations of criminal activity

1.46 We held a number of events to help facilitate preparations for the May polls. In February 2015, and in conjunction with the Association of Chief Police Officers,¹⁹ we organised a seminar in Birmingham for the Single Points of Contact (SPOC) officers for electoral fraud from police forces across the UK. In March 2015, we held a similar briefing with the EMB for officers from Police Scotland. These seminars provided opportunities to share best practice and for connections to be forged across local authorities and police forces to aid in sharing knowledge and experience of different approaches to supporting electoral integrity. The seminars were well attended, not only by SPOCs but by electoral administrators. Also in February, we held our regular twice-yearly roundtable conference on electoral integrity, which was similarly well attended. The Electoral Integrity Roundtable provides an opportunity for electoral administrators, SPOCs, civil servants and political party representatives to discuss current issues and approaches to preventing and detecting electoral fraud.

1.47 In February 2015, the UK Government made available a fund of up to £500,000 to support efforts to improve electoral integrity in the 17 identified areas. The Cabinet Office, having consulted us, awarded grants of around £25,000 to each area, with further funding going to three additional projects. Each area used this money to fund activities ranging from prevention and protection messages for vulnerable groups on the radio, social media, bus shelters and vehicles; advice leaflets for postal ballot packs; and additional, dedicated policing support on polling day. The three additional projects that received funding included animations in various languages about voting and campaigning integrity and two projects to enhance the integrity of the electoral registration process in the longer-term. At the time of publication, the UK Government is assessing the success of these schemes, and we look forward to working with them to consider how best to build on these activities and identify what can be done in advance of future polls.

1.48 Our monitoring before and during the election period meant that we were confident that ROs and police forces in all 17 areas had appropriate plans in place to minimise the risk of electoral fraud and to respond effectively to any cases of alleged electoral fraud that might be reported. Some ROs also sought to agree local codes and protocols with campaigners, although not all local parties and campaigners agreed to sign up to them. We will continue to share learning from these areas with other ROs and EROs to help them plan the risk of electoral fraud.

1.49 We also worked in partnership with Crimestoppers, the national anonymous crime reporting charity, to support and promote the option for people to report evidence or concerns about electoral fraud without giving details which could identify them. We will work with Crimestoppers, the National Police Chiefs' Council and individual police forces to review the operation of this new facility and to consider whether to continue the partnership at future elections.

¹⁹ The Association of Chief Police Officers has subsequently been replaced by the National Police Chiefs' Council.

Campaigner behaviour

1.50 In 2014, we consulted on a revised *Code of Conduct for Campaigners*.²⁰ The new version was published in autumn of 2014 and included enhanced requirements regarding what we consider unacceptable behaviour by campaigners. Among other provisions, it made clear that campaigners should not handle completed postal vote applications. We also highlighted that we would support Returning Officers who had identified the need to develop specific local provisions which supplement the terms of the Code, in order to address identified local risks, where they had consulted appropriately to seek agreement to their proposals.

1.51 Electoral administrators and political parties highlighted a small number of instances to us during the period leading up to the May polls, where they were concerned that campaigners may have breached the Code of Conduct. We were able to raise those concerns directly with the officers of the political parties involved and, where necessary, agree that appropriate action would be taken to comply with the Code. We are pleased that the campaigners we contacted during the period before and during the elections responded quickly and positively when they were alerted to potential breaches of the Code by their candidates or members.

1.52 We are also aware that some concerns were dealt with locally by ROs contacting local campaigners directly. We will continue to encourage ROs to make contact with national party officers wherever possible, so that they can take appropriate action to deal with their members or campaigners if they are found to have breached the Code of Conduct.

1.53 We will continue to review the operation and effectiveness of the Code of Conduct for Campaigners with political parties, police forces, EROs and ROs. In particular, we will consider how to improve awareness of the Code among campaigners, and also to ensure ROs can quickly and effectively raise concerns directly with political party officers. We will also continue to encourage political parties to include compliance with the Code in their membership and candidacy agreements, and to take action themselves against campaigners who are found to have breached the Code, including expelling them from the party.

1.54 In 2015, we also published a Guide for Voters²¹ which set out, in clear language, which behaviours are and are not acceptable by campaigners and others during the election period. We produced the guide in response to research conducted on our behalf, which indicated that some voters were unclear as to what activity was lawful for friends, family, community members and campaigners during the election. The text was circulated to Returning Officers, police forces, political parties and our registration campaign partners, who were encouraged to use it to help raise awareness and understanding about acceptable campaigner behaviour.

²⁰ The Electoral Commission, *Electoral fraud responsibilities*, www.electoralcommission.org.uk/find-information-by-subject/electoral-fraud/electoral-fraud-responsibilities, accessed 10 July 2015.

²¹ The Electoral Commission, *Guide for Voters*. www.electoralcommission.org.uk/_data/assets/word_doc/0018/183501/Guide-for-Voters-at-election-time.docx, accessed 10 July 2015.

2 Were the May 2015 polls well-run?

2.1 Overall the polls on 7 May 2015 were well-run and evidence from our research with voters shows that they had a positive view of the electoral process. This chapter sets out the key findings from our research, alongside data about the elections.

2.2 There were some instances, however, where voters, candidates and others did not receive the standard of service they should be able to expect, and these are highlighted and explained in Chapter 3 of this report.

Experience of registering to vote

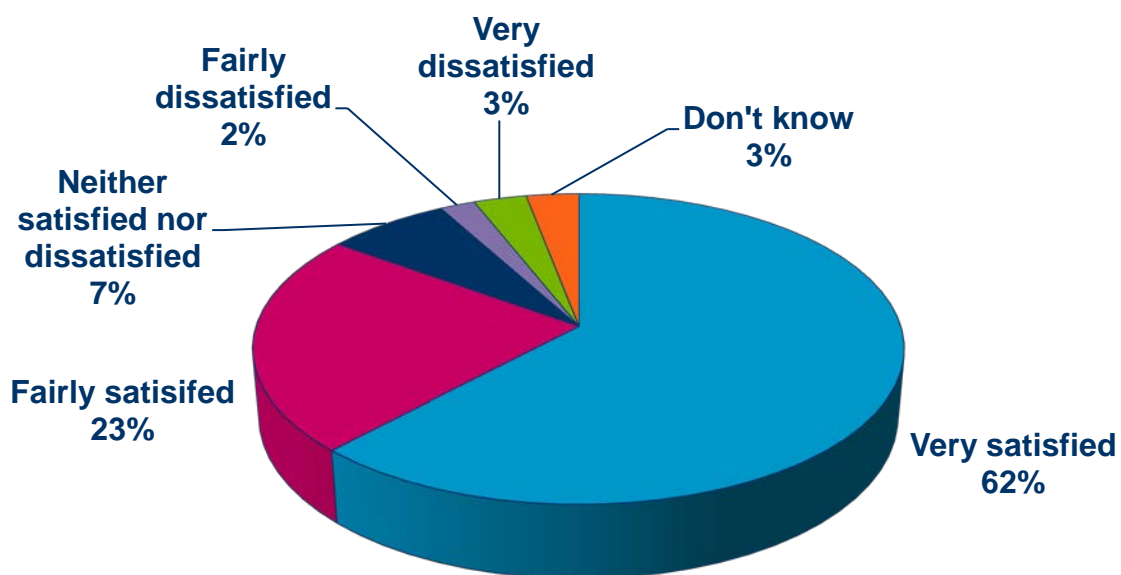
2.3 As discussed in the previous chapter, the household system of electoral registration in England, Scotland and Wales has now been replaced by Individual Electoral Registration (IER) whereby each person is responsible for registering to vote individually.

2.4 Our post-election public opinion survey indicates that the change to the system of individual registration had no significant impact on people's satisfaction (Chart 2 below) with the procedure for registering as 85% per cent of those surveyed said that they were satisfied, with 62% saying 'very satisfied'. Just 5% per cent were dissatisfied (3% 'very dissatisfied'). This level of satisfaction is in line with our previous post-election surveys.²²

2.5 People in Scotland and Wales (88% in both) were more likely to be satisfied than respondents in England (85%) and Northern Ireland (84%). Satisfaction increases with age as those aged 55+ (91%) were more likely to be satisfied than those in the 35-54 group (85%) and 18-34 (78%). Voters were significantly more likely to be satisfied than non-voters (89% vs. 66%) and those who never vote were more likely to be dissatisfied (11%) than everyone else.

²² Full details of all our public opinion research, including data tables and further analysis can be found on our website. The Electoral Commission, *Public opinion surveys*, www.electoralcommission.org.uk/our-work/our-research/public-opinion-surveys, accessed 10 July 2015.

Chart 2: How satisfied are you with the procedure for registering?



May 2015 elections - Post-elections opinion survey. Source: Ipsos MORI/The Electoral Commission.

Base: 3,564 (unweighted).

Q: How satisfied or dissatisfied are you with the procedure for getting your name on the electoral register?

2.6 IER introduced important changes to the system of electoral registration and in our public opinion survey, we tested people's awareness about some of the new measures.²³

- **Online registration:** almost four in five respondents in Great Britain²⁴ (79%) knew that it is true that it is possible to register to vote online (13% 'False' and 9% 'Didn't know'). Those aged 55 and over (71%) were less likely to know online registration is possible;
- **Household registration:** we asked if 'one household member is able to register other members of the household' and 49% said 'True' (43% 'False' and 8% 'Didn't know'). Respondents aged 35 and over were more likely than those 18-34 to think it is still possible for one household member to register other members.

2.7 The results show that people in younger age groups were more likely to be aware of the changes, although this may be because they are more likely to move and therefore, to have used the new system.

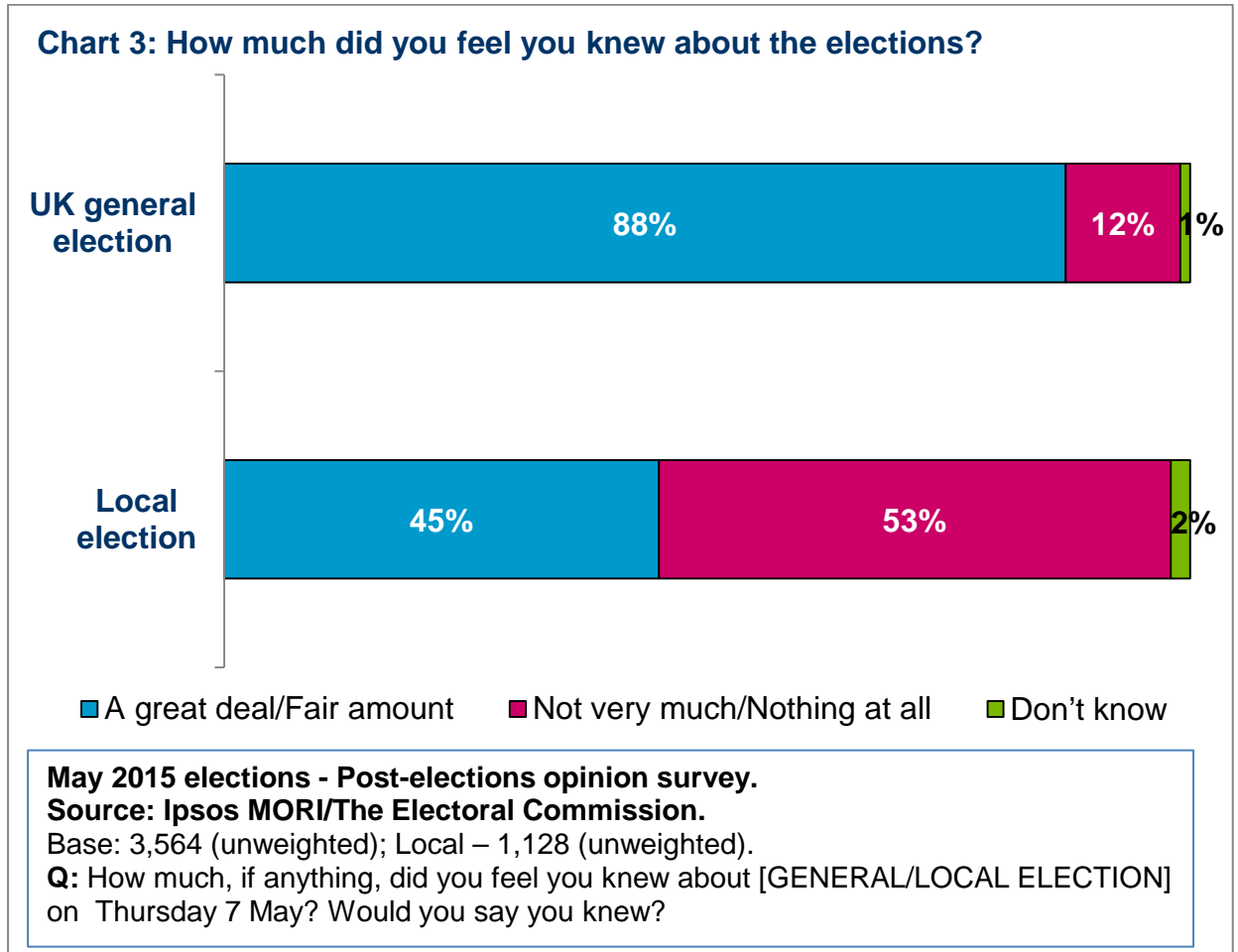
²³ Interviewers read some statements and asked respondents whether these were true or false.

²⁴ In Northern Ireland, 61% incorrectly said it is possible to register to vote online.

Knowledge and awareness about the elections

Did people feel informed about the elections?

2.8 Our public opinion research asked people how much they felt they knew about the elections on 7 May 2015.



2.9 Almost nine in ten respondents (88%) said they knew a great deal or a fair amount about the UK Parliamentary general election (UKPGE). Forty-five percent of respondents said the same about the local elections in their area, however, over half (53%) said they knew 'not very much/nothing at all' about them.

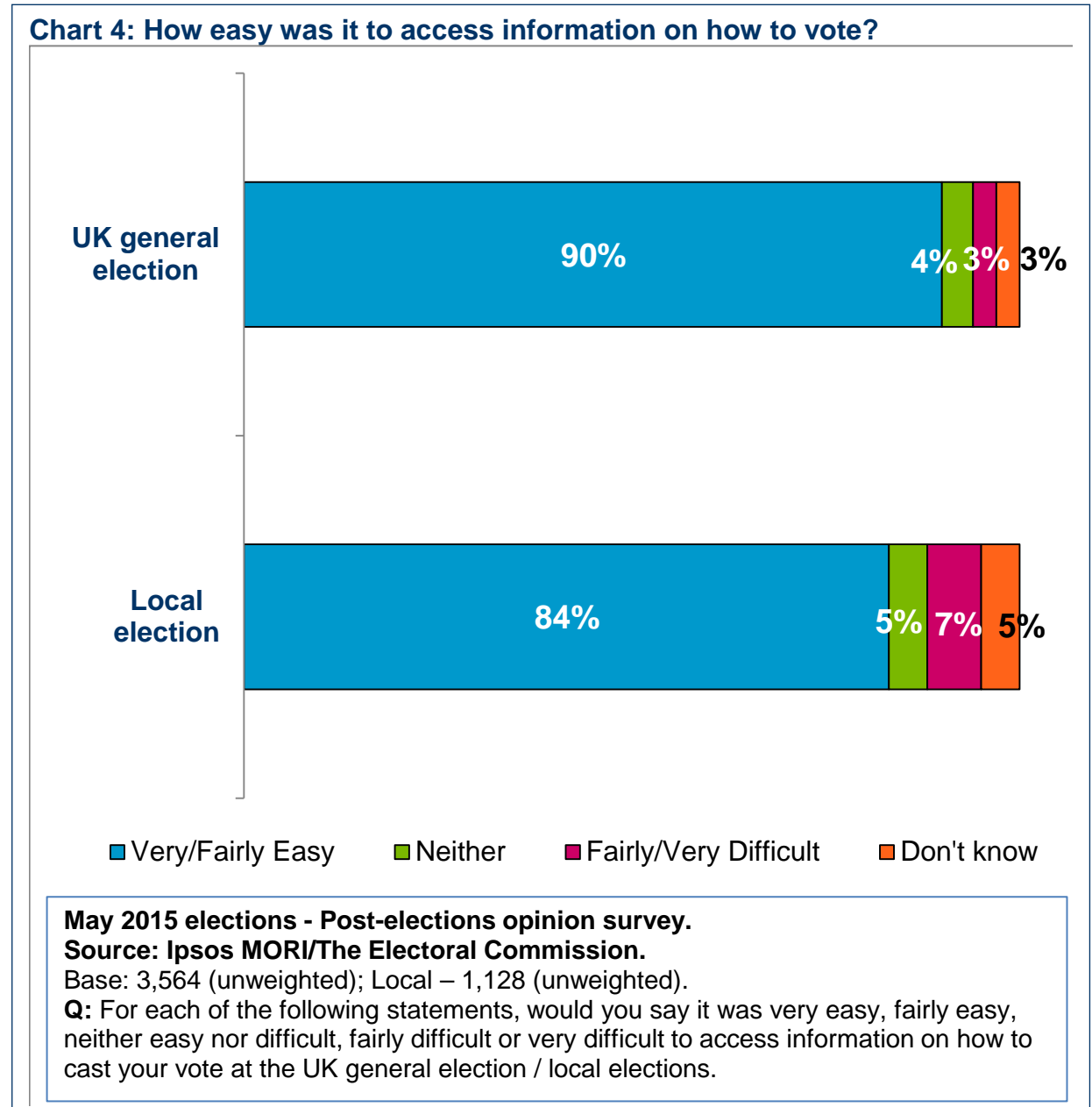
2.10 People who cast a vote were, unsurprisingly, more likely than non-voters to report they knew a great deal or a fair amount about the elections. For example, 91% of voters compared to 64% of non-voters said they knew about the UKPGE. The corresponding figures for the local elections are 48% and 27%.

2.11 We conducted a separate survey in the six areas where a mayoral election had also taken place: Bedford, Copeland, Leicester, Mansfield, Middlesbrough and Torbay. Among those that voted in these areas, 89% said they knew 'a great deal/fair amount' about the UKPGE, in line with the comparable 'voter only' figures in the rest of the UK (91%). However, voters in the mayoral areas were more likely to say they knew about the local elections (60% v 48% of voters in local election areas in the rest of the UK). The survey also recorded lower levels of knowledge about the mayoral election, with

50% of voters in the six areas saying that they knew 'a great deal/fair amount' about them.²⁵

Access to information

2.12 Our public opinion research asked people how easy they had found it to access information on how to cast their vote at the May polls.



²⁵ In Bedford, we also asked about the referendum on increasing the police share of Council tax, about which, 48% of voters said they knew 'a great deal/a fair amount'.

2.13 Ninety per cent of respondents said that information on how to cast their vote at the UKPGE was very or fairly easy to access, although 3% said it was 'Fairly/very difficult'. Over four-fifths of people (84%) said the same of the local elections in England and 7% said it was difficult.

2.14 In areas with mayoral elections, we asked the same questions to voters only. Seventy two per cent of voters said it was 'very/fairly easy' to access information on how to cast their vote for the mayoral election.²⁶

People's experience of voting

2.15 Voters continue to remain very positive about their experience of voting, whether in person at a polling station or by post:

- **Nearly all (94%) of those respondents who voted in person at a polling station reported that they were very or fairly satisfied with the voting process** with 72% being 'very satisfied'. Only 2% reported that they were dissatisfied. These figures are consistent with the results from our research following the 2010 UKPGE, when 93% reported being satisfied.
- **People with disabilities were however, more likely to be dissatisfied with the process of voting at their polling station (5%) than those with no disability (2%).** Those who are 'not working' (such as pensioners) were more likely to be 'very satisfied' than those who are (79% vs. 69%). Satisfaction was also higher among people aged 55+ (98%) than among people aged 18-54.
- **The majority of polling station voters (54%) found the support provided by polling station staff useful, although 4% said it was not useful.** Just over one third (37%) said they didn't need any help or assistance. Almost two in three (64%) found the written instructions on how to vote (i.e. poster in the polling booth or guidance on the ballot paper) useful, although 3% said they were not useful (32% didn't use/need them).
- **Nearly all (97%) of those respondents who voted by post, reported that they were satisfied with voting in this way.** More than nine in ten (92%) respondents who voted by post said it was easy to complete and return the postal ballot with 5% saying it was difficult. A similar proportion of respondents (91%) found the written instructions on how to vote and return the ballot useful and 2% said they were not useful.

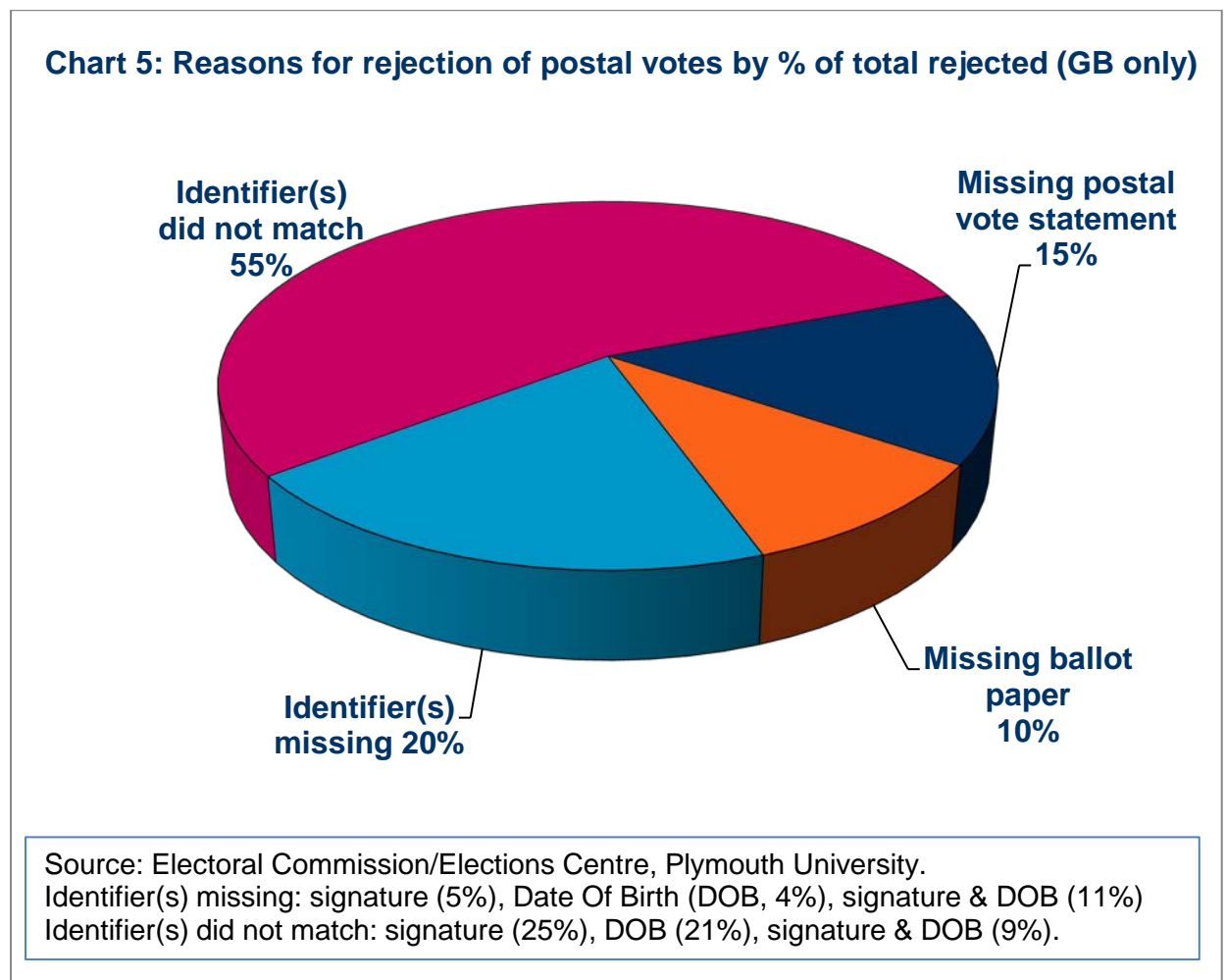
Rejected postal votes

2.16 When a postal ballot pack is returned, the signature and date of birth (personal identifiers) provided on the postal vote statement are verified (i.e. matched) against those previously provided by the elector. Where either or both the signature and date of birth are missing or do not match, the postal vote is rejected and is not included in the count. This is a vital stage in the process and these checks are in place to ensure that the ballot paper has indeed been returned by the registered elector.

²⁶ In Bedford, 66% of voters said it was easy to access information on how to vote at the referendum on increasing the police share of Council tax.

2.17 Data provided by Returning Officers (ROs) for the UKPGE shows that 4.6% of returned postal ballot papers were not able to be included in the count after the required checks on voters' personal identifiers had been carried out. This is an increase on the 2010 UKPGE (3.8%) and to a lesser extent, the 2014 European Parliamentary elections (4.4%).

2.18 It continues to be the case that the most common reasons why returned postal votes are not included in the count are because either or both the signature or date of birth provided by the voter do not match the records held by the Electoral Registration Officer (ERO), as well as people not returning either their postal vote statement or their ballot paper (see Chart 5 below).



2.19 While it is clearly important that measures are in place to detect and prevent postal voting fraud, it is also important to ensure these controls minimise the risk that otherwise valid votes are not counted simply because electors have made mistakes in completing their postal voting statements.

2.20 After the European Parliamentary elections in May 2014, for the first time EROs in England, Scotland and Wales were required to inform electors where the signature and/or date of birth they supplied on the postal voting statement failed to match those held on record or had simply been left blank. These provisions are designed to help ensure that those people can participate effectively in future elections and not have

their postal vote rejected at successive polls because of signature degradation or because they are making inadvertent errors.

2.21 EROs must contact affected postal voters within three months after the elections²⁷ and where a postal vote has been rejected because the signature on the postal voting statement could not be verified against the signature on the postal vote application, EROs have a power to collect a fresh copy of the voter's signature to ensure that their records are accurate; they do not, however, have an equivalent power to collect the elector's date of birth. Despite these steps, the number and proportion of returned postal votes which were rejected increased at the May 2015 polls compared with the May 2014 polls.

2.22 Given the increase in the number of postal voters participating in this year's elections, the May polls provide an important opportunity to measure the effectiveness of the write out to inform electors that their postal vote had been rejected due to mismatched or missing identifiers. We will be collecting data on the number of voters contacted by EROs after the 2015 polls and the proportion of these voters who subsequently supply a fresh copy of their signature or other updated details.

Completing the ballot paper

2.23 Almost all (97%) of those respondents who said that they had voted in the 2015 UKPGE felt it was very or fairly easy to complete their ballot paper, with 86% saying 'very easy' (2% responded 'Neither easy nor difficult' and 1% said they did not know). Similarly, 94% of those who had voted in the local elections in England also reported finding it very or fairly easy to complete their ballot paper, with 78% saying 'very easy' and 4% saying it was 'Fairly/very difficult'.

2.24 Ninety-four per cent of voters in areas with more than one election said it was easy to fill in the different ballot papers on the same day for different elections (81% very easy; 13% fairly easy).

2.25 In the six areas where there was also a mayoral election, 81% of voters found it 'Very/fairly easy' to fill in the Supplementary Vote ballot paper used for this type of election. In Bedford, 89% of voters said it was easy to complete the referendum ballot paper.

2.26 For the UK Parliamentary elections, the percentage of votes rejected at the count was 0.33% across the UK, ranging across the four countries from 0.13% in Scotland, to 0.66% in Northern Ireland.

²⁷ The requirement to send a rejection notice does not apply if an ERO has any concerns that a postal vote may have been completed fraudulently, or where the person is no longer shown in the EROs records as an absent voter.

Confidence that the elections were well-run

2.27 There were high levels of confidence that the May 2015 elections were well-run.

2.28 Nine in ten people (91%) reported that they were either very or fairly confident the elections were well-run on 7 May 2015, although 7% of respondents said 'Not very confident/not confident at all'.²⁸

2.29 This figure exceeds the levels of confidence following the 2010 UKPGE (71%) as well as the 2011 Referendum on the voting system for UK Parliamentary elections (72%) and the 2014 European Parliamentary elections (73%).

2.30 People who voted were more likely to be confident that the May 2015 elections were well-run (93%) than those who did not vote (68%).

2.31 Of those who responded to our surveys, 84% of candidates and 72% of agents said they were very or fairly satisfied with the administration of the UKPGE in their constituency. Around 10% of agents and 7% of candidates, however, said that they were very or fairly dissatisfied with how the election was run. Responses to our survey of candidates indicated some areas of particular dissatisfaction, including: the time taken for the count and other issues of count management, how deposits were collected, and specific difficulties resulting from running as a candidate for a smaller party, or as an independent.

2.32 Responses from candidates and election agents to our surveys suggest that many found the Commission a useful source advice and guidance. The clearest difference between these two groups can be seen in the proportion who agreed with this statement. Sixty-five per cent of agents who responded found the Commission to be a useful source of advice and guidance (an improvement of 12 percentage points compared with the 2010 UKPGE), compared to 49% of candidates. Correspondingly, the proportion of candidates who reported that they did not use our advice and guidance was 24% - compared to only 9% of agents. This meant that those who used our advice and guidance were more likely to report that they found it useful.

2.33 Seventy-three per cent of agents and 64% of candidates thought our written guidance was clear and easy to use (7% of agents and 4% of candidates did not find it so).

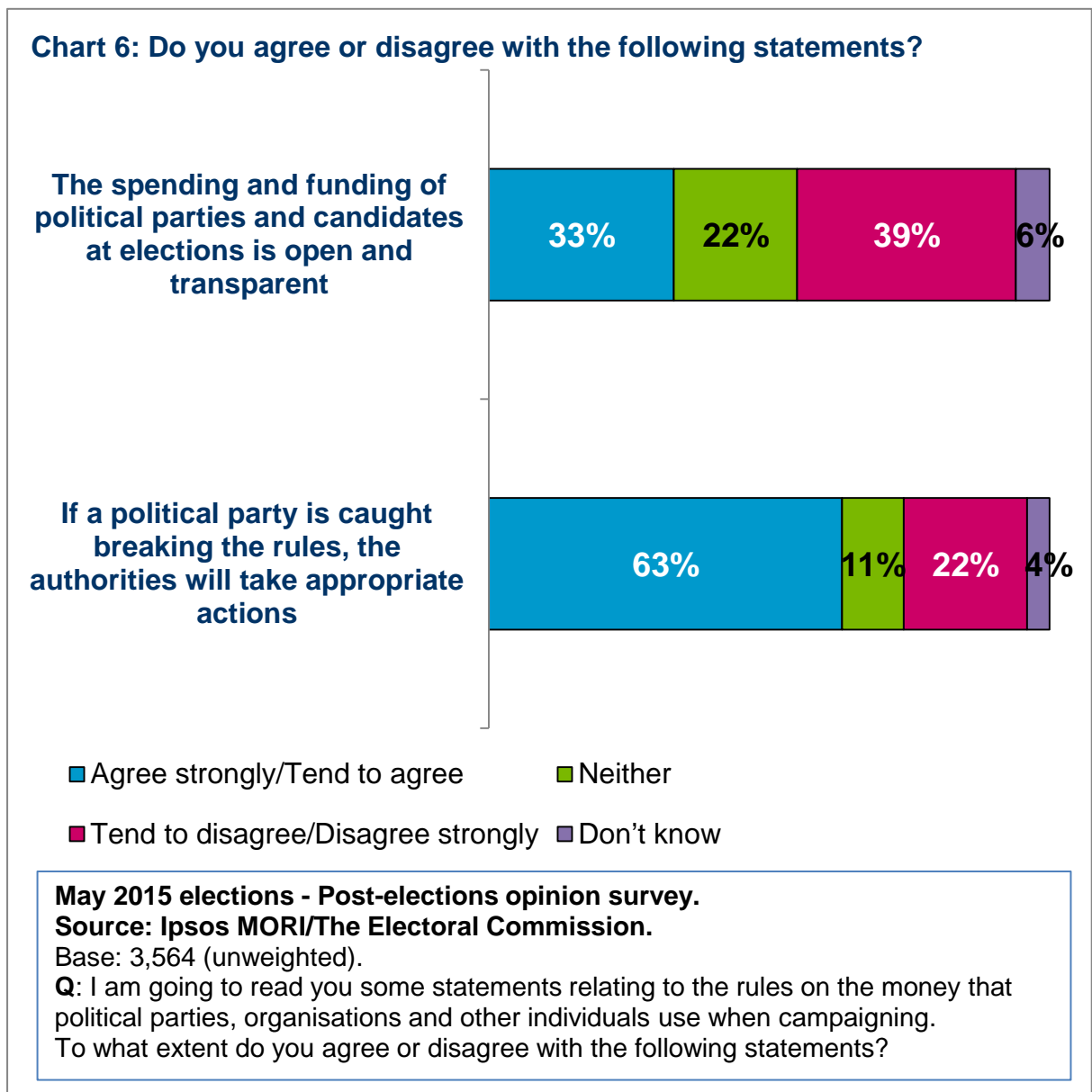
²⁸ These levels of confidence were consistent across the four countries of the UK, although respondents in Scotland (94%) and Northern Ireland (93%) were more likely to report that they were confident compared to the UK average, while in Wales, respondents were more likely to say 'Not very confident/not confident at all' (10%).

Campaign finance

2.34 We also asked members of the public for their opinion on the system of party and election finance and their confidence about the enforcement of the rules (Chart 6 below).

2.35 Almost two-fifths (39%) of respondents did not agree that the funding and spending of political parties and candidates at elections is open and transparent, although one in three respondents (33%) did agree. A further 22% said 'Neither' and 6% said they did not know.

2.36 Respondents were considerably more confident that the authorities would take appropriate actions if the rules are broken: 63% agreed with this statement with 36% saying that they strongly agreed, although 22% disagreed.



Electoral integrity

2.37 Evidence from cases of alleged electoral fraud reported to police forces shows that electoral fraud is not widespread across the UK, and significant cases of electoral fraud have been concentrated in a small number of local authority areas in England. Nevertheless, our research has identified a consistent underlying level of concern about electoral fraud which is shared by a broad range of people including voters, those standing for election and those running elections.

2.38 Throughout this report, the term ‘electoral fraud’ refers to breaches of the Representation of the People Act (RPA) 1983.

Concern that fraud took place at the May 2015 elections

2.39 Forty-five percent of respondents to our public opinion research thought that hardly any (32%) or no (13%) electoral fraud took place at the May 2015 polls. Just over one-third (35%) of people however, said that they thought electoral fraud took place, with 29% saying it happened ‘a little’ and 6% saying ‘a lot’.²⁹

2.40 Those respondents who said that they thought electoral fraud had taken place on 7 May were asked which out of a list of options best described why they thought this. As in previous years, the reasons why people thought that fraud had taken place frequently related to a general impression that fraud was a problem (15%) and because they had seen stories in the media about electoral fraud (23%). Significant national media coverage of the result of the high-profile electoral court trial relating to the May 2014 elections in Tower Hamlets during the two weeks immediately before polling day, is likely to have had some effect on people’s perceptions of electoral fraud.

2.41 More than three in four (77%) see voting in general as being safe with those who always vote (80%) significantly more likely to see it as safe than those who have never voted (55%). Voting at polling stations is perceived as more likely to be safe than postal voting (83% vs. 56%) but 82% of postal voters see the method they use to cast their vote as safe. These figures are in line with results from previous post-election surveys.

2.42 Candidates and agents were also asked how much electoral fraud they thought took place. 16% of candidates said that a little or a lot took place, and 10% of election agents said they were similarly concerned.³⁰

Allegations of electoral fraud

2.43 We have worked with the UK’s police forces to collect data about cases of alleged electoral fraud each year since 2008. We receive monthly returns from all 45

²⁹ This question was not asked after the polls in 2010, however, that survey included the question, ‘How concerned, if at all, are you that electoral fraud and abuse took place at the General Election on Thursday 6th May? Would you say you are...’ to which 64% said not concerned and 33% were concerned.

³⁰ This question was also not asked to candidates and agents after the polls in 2010, although they were asked how ‘..concerned, if at all, were you about electoral fraud or abuse...’. These surveys found that a quarter of candidates and 13% of election agents were very or fairly concerned electoral fraud and abuse took place.

forces across England, Scotland, Wales and Northern Ireland, and we publish the data for each calendar year on our website.³¹

2.44 Between 1 January and 12 June 2015, a total of 391 cases of alleged electoral fraud were recorded by police forces across England, Scotland and Wales.³² This figure represents a snapshot of the number of cases reported during the first half of 2015, including the May 2015 polls, but further changes to the total number of cases should be expected during the rest of the year. Trends from previous years' data suggest that, following police investigations, a significant proportion of cases of alleged electoral fraud are found to have involved no offence or to have insufficient evidence that a crime had actually taken place. We expect to publish full data for cases of alleged electoral fraud reported during 2015, including outcomes where available, by March 2016.

2.45 The number and nature of electoral events differs from year to year and so it is not possible to draw reliable conclusions from a comparison of the number of cases of alleged electoral fraud recorded by police forces. Increased awareness of how to report concerns about electoral fraud may also have an impact on the number of cases recorded by police forces. The number of cases recorded by police forces has varied each year:

- 2010 – 271 cases
- 2011 – 268 cases
- 2012 – 408 cases
- 2013 – 178 cases
- 2014 – 272 cases

2.46 Thirteen of the 45 forces have reported no cases at the time of publishing this report. The forces which had reported the highest number of cases since the start of 2015 were: the Metropolitan Police Service (35 cases), Avon and Somerset (32 cases), Nottinghamshire and Lincolnshire (28 cases each).

2.47 The majority of allegations reported in 2015 were campaign offences: 205 (52% of total reported allegations). The most commonly reported offence during this period was Section 110 (RPA) 1983 lack of imprint³³ (71 cases; 18%) followed by Section 106(1) (RPA) 1983 false statement as to candidates (70 cases; 18%). One-hundred and thirty-six cases (35%) were marked as 'Other', although we expect this figure to drop once more details have been obtained from forces and a more precise classification may result.

2.48 There were 28 allegations relating to nomination offences (7% of the total). Most of these relate to complaints about false statements on nomination papers or

³¹ The Electoral Commission, *Electoral fraud responsibilities*.

³² At the time of publication, we have not received any returns from Northern Ireland.

³³ An imprint must be added to printed election material (e.g., leaflets, posters or adverts) that can be reasonably be regarded as intended to promote or procure the election of a political party, candidate or groups of candidates. Imprints show who is responsible for the production and promotion of the material and help to ensure that there is transparency about who is campaigning at elections.

allegations that a candidate was ineligible to stand in the election. There were 58 allegations (15% of all allegations) of voting offences – including allegations of impersonation at a polling station or when voting by post or proxy, as well as allegations of bribery, treating³⁴ or tampering with ballot papers. Thirty-one cases (8% of all allegations) related to registration.

2.49 At the time of publication, 277 cases out of the 391 reported allegations have already been resolved with the majority of resolved cases (55%) being closed as requiring no further action following investigation. Ninety-seven cases remain under investigation at the time of writing and seven are awaiting prosecution advice. There were 61 locally resolved cases, of which 40 related to alleged imprint offences.³⁵

Election petitions

2.50 Following the May 2015 polls, five election petitions were lodged at the Royal Courts of Justice challenging the results of elections in England, and one was lodged with the Court of Session in Scotland. Of these six petitions, three related to UK Parliamentary elections, and the remaining three related to local government elections:

- Mid-Bedfordshire UK Parliamentary constituency: the Petitioner (an independent candidate at the election) alleges that the First Respondent (the successfully elected Conservative Party candidate) made false statements relating to the Petitioner's personal character and conduct and did not include an imprint on election material.
- Orkney & Shetland UK Parliamentary constituency: the Petitioners (four electors in the constituency) allege that the First Respondent (the successfully elected Liberal Democrat Party candidate) made a false statement relating to his own personal character.
- Woking UK Parliamentary constituency: the Petitioner (the Magna Carta Conservation Party Great Britain candidate at the election) alleges that the First Respondent (the successfully elected Conservative party candidate) was not duly elected because he was disqualified. On 25 June 2015, the High Court ordered that there should be no further hearings in relation to this petition after the Petitioner failed to provide the required security for costs.
- Birmingham City Council, Washwood Heath Ward: the Petitioner (a Liberal Democrat party candidate at the election) alleges that the First Respondent (the successful Labour Party candidate) and/or his agents were guilty of bribery, undue influence (particularly undue spiritual influence) and making false statements about the personal character or conduct of another candidate.

³⁴ Treating is the practice of providing food and/or entertainment with the explicit intention of influencing somebody's decision to vote or to not vote. See Section 114 RPA 1983.

³⁵ Six cases have been classified as 'other' including a case where the candidate involved decided to obtain separate legal advice. We would expect most of these cases to be reclassified following discussion with the relevant SPOC. In three cases the outcomes have not been included with the returns and we will be follow up with the relevant force to clarify their status. One case is marked as having been passed on to another force to investigate, we will contact both forces to establish the exact status of this case and reclassify it accordingly.

- Bournemouth Borough Council, Kinson South Ward: the Petitioner (a Labour Party candidate at the election) alleges acts or omissions by the Returning Officer meant that ballot papers were issued to electors at one polling station which did not contain the names and particulars of all candidates as shown in the statement of persons nominated, and other related errors.
- Winsford Town Council, Cheshire: the Petitioner (a Liberal Democrat Party candidate at the election) alleges that three candidates who were elected were not validly nominated due to their nomination papers being signed by people who were not residents or electors in the area.

2.51 If any of these petitions proceed to an election court hearing, the results of the elections could be voided and fresh elections ordered. Election petitions are often resolved within several months of the original election, but a complex trial could take as long as a year to conclude.

3 What happened before, during and after polling day?

3.1 The evidence highlighted in Chapter 2 shows that, overall, the polls on 7 May 2015 were well-run and that voters had a positive view of the electoral process. This was largely the result of good planning by Returning Officers (ROs) and their teams across the UK. Using our performance standards framework, we monitored a risk-based sample so we could target support where it was most needed; and we provided guidance and support to ROs more generally, and in particular where issues were identified.

3.2 During the election period, however, some issues arose which meant that some voters, candidates and campaigners did not receive the service they should be able to expect. These issues arose primarily in areas of England where the poll for the UK Parliamentary general election (UKPGE) was combined with polls for local government elections, including parish council elections. We consider these issues below, and make recommendations for future elections where appropriate.

Voter experience

Encouraging registration

3.3 Electoral Registration Officers (EROs) have a duty to promote participation in the electoral process in their area. Maximising the number of voters registered relies on an effective local public engagement strategy with robust processes behind it. The challenge of maximising registration ahead of the May 2015 polls, took place against the backdrop of the transition to Individual Electoral Registration (IER) (see pages 11-12).

3.4 Following the publication of the revised registers,³⁶ considerable work was undertaken by EROs, we ourselves and many others to maximise registration ahead of 20 April – the registration deadline for the May 2015 polls – in order to ensure that as many people as possible were able to participate on 7 May. For all EROs, the period leading up to the May 2015 polls provided an opportunity to encourage those people missing from the register to apply, and to check that there were no inaccurate entries on the register.

Household notification letters

3.5 Sending a letter to all households listing who was registered to vote at that particular address was identified as a key activity which could contribute to helping EROs ensure that their registers were as accurate and complete as possible ahead of the May polls. This ‘household notification letter’ (HNL) showed who was registered to

³⁶ In December 2014 in England and Wales and April 2015 in Scotland.

vote at that address and prompted anyone who was not yet registered to do so. The Cabinet Office made £6.8m available to EROs across England, Scotland and Wales to support activity to maximise registration, and many EROs used their share to fund sending out HNLs.

3.6 This approach had a number of clear benefits, all of which contributed to helping EROs to ensure that their registers were as accurate and complete as possible, including: prompting those who had not yet registered to do so, helping to register those who had recently moved within or into the registration area, and giving residents an opportunity to check that their details on the register were accurate.

Partnership work to target typically under-registered groups

3.7 Partnership working has proved to be an important strand of national and local engagement activity, building on, promoting and complementing other work to help to ensure that as many people as possible are registered to vote. In preparing for and delivering the transition to IER, EROs have benefitted from developing effective partnerships, working across and beyond their local authority as well as with local groups including political parties and campaigners, to encourage people to take the action they needed to be registered under IER (see also paragraph 3.14 below for details of our work with partners).

3.8 EROs undertook significant work to boost registration locally. For example, a large number of EROs worked in partnership with Operation Black Vote to arrange for its registration bus to visit their area to help to encourage Black and Minority Ethnic residents in registering to vote. Additionally, in key university towns, EROs built on partnerships with local universities, the National Union of Students (NUS) and other youth organisations to host registration events to maximise registration among students and young people.

Voter registration campaigns

3.9 To support the public engagement and registration activity undertaken locally by EROs, we worked with the UK Government and others to develop and coordinate a programme of public awareness activity to make sure electors understood what they needed to do under the new registration system. To ensure the registration message reached a wide audience, we undertook stakeholder and partnership work and ran a mass-media public awareness campaign across TV, digital and outdoor (posters and billboards) media to encourage people to register to vote by the 20 April deadline for participation in the May 2015 polls.

3.10 Our report on the registers in England, Scotland and Wales, published in July 2014, showed that approximately 7.5 million eligible people were not correctly registered to vote.³⁷ This report also showed that people were less likely to be correctly registered if they had moved house in the last year or were: living in rented accommodation, aged 18-24 years old, a student, from a black or minority ethnic

³⁷ The Electoral Commission, *The quality of the 2014 electoral registers in Great Britain* (July 2014). www.electoralcommission.org.uk/_data/assets/pdf_file/0005/169889/Completeness-and-accuracy-of-the-2014-electoral-registers-in-Great-Britain.pdf, accessed 10 July 2015.

community, a member of the Armed Forces, or a British citizen living overseas. In our subsequent report, *Analysis of the December 2014 electoral registers in England and Wales*, published in February 2015,³⁸ we identified a number of actions to be undertaken to maximise registration ahead of the May 2015 polls, including recommending that EROs write to all households regardless of whether or not they currently had any registered electors, specific action to target students, and continuing to develop partnership working (see paragraph 3.14 below).

3.11 We delivered the registration campaign based on insights about the type of messaging and media that people who were less likely to be registered to vote would respond to, this built on the 2014 campaigns supporting the introduction of IER in England, Scotland and Wales. We also encouraged other organisations to do the same, using consistent messaging and branding to link local and national activity run by us and third parties, to increase the impact of our combined efforts.

3.12 In England, Scotland and Wales, our campaign included TV and online advertising, partnership and public relations activities. In Northern Ireland our campaign ran across TV, online, radio, outdoor and press advertising. In Northern Ireland, we used the same TV and online advert as England, Scotland and Wales; however we amended the message to reflect the fact that online registration is not currently available for electors in Northern Ireland.

3.13 We also worked in partnership with Channel 4 on an advert that adopted the style of and featured some of the cast from their popular show, *Gogglebox*; ran 'reactive' advertising, where, in some of our online adverts, we made reference to a topic that was unrelated to registering to vote, but that was receiving significant media coverage at different times throughout our campaign; and formed partnerships with Facebook and Twitter.

3.14 Recognising that some people in the groups we had identified as not already registered may be less likely to respond to our TV and online adverts, we formed partnerships³⁹ with almost 80 corporate, voluntary and public sector organisations who could help us reach these people, including the National Union of Students, the Ministry of Defence, disability groups, estate agents and housing associations. We facilitated partners' support by providing guidance, producing resources and maintaining regular contact through electronic bulletins, phone calls, emails and meetings. A full list of our partners is available on our website.⁴⁰

³⁸ The Electoral Commission, *Analysis of the December 2014 electoral registers in England and Wales* (February 2014). www.electoralcommission.org.uk/_data/assets/pdf_file/0008/182375/Analysis-of-the-December-2014-electoral-registers-in-England-and-Wales.pdf, accessed on 10 July 2015.

³⁹ We worked with a number of organisations throughout the UK and abroad to help increase awareness of voter registration. These partner organisations agreed to carry out online and/or face-to-face voter registration activity without financial charge during the campaign. This 'in-kind' activity helped achieve the joint goal of providing helpful information to people, which was to lead to registering to vote.

⁴⁰ The Electoral Commission, *Partner Organisations*, www.electoralcommission.org.uk/find-information-by-subject/electoral-registration/partnership-working/partner-organisations, accessed 10 July 2015.

Overseas voters

3.15 British citizens living abroad can vote in UK Parliamentary elections and European Parliamentary elections, but cannot vote in local elections or in elections to devolved bodies such as the Scottish Parliament, National Assembly for Wales or Northern Ireland Assembly.⁴¹ We encouraged British citizens living overseas to register to vote by running a campaign using online advertising, partnership and public relations activities.

3.16 British citizens who live overseas are a particularly challenging audience to reach. The dispersed nature of, and lack of data on, the potential overseas electorate makes it difficult to produce reliable statistics and while there are some estimates of the total number of expatriates,⁴² there is no estimate at all for the sub-set of **eligible** electors who meet the requirement of being on a UK register within the last 15 years.

3.17 The number of overseas electors on the electoral register in May 2015 was 105,845. This represented a significant increase of nearly four times the number registered in December 2014.⁴³

3.18 This increase is likely to be due to the new online registration system, also promoted by our campaign, which has made it easier for those living abroad to apply to register to vote (see discussion at paragraph 3.33 below).

3.19 We ran our overseas voter registration campaign from 2 February to 17 April, much farther in advance than our campaigns in England, Scotland and Wales or in Northern Ireland, as we recognised that overseas voters would benefit from registering as soon as possible. Our key messages included making sure British citizens overseas knew they could be eligible to take part in the elections and raising awareness of the online registration application system.

3.20 We facilitated support from a much broader range of partners than in previous campaigns by providing template press releases, content for websites and social media messages. We aimed to create links with organisations that had access to expat audiences beyond our traditional reach, including international online grocery stores, and English information websites which British citizens overseas would usually visit without the intention of seeking information on British politics and elections.

⁴¹ British citizens living abroad for more than 15 years are not eligible to register to vote in any UK elections however, in the 2015 Queen's Speech, the UK Government stated its intention to abolish this limit. GOV.UK, *The Queen's Speech 2015* (May 2015).

www.gov.uk/government/uploads/system/uploads/attachment_data/file/430149/QS_lobby_pack_FINAL_NEW_2.pdf, accessed 11 July 2015.

⁴² There have been two relatively recent estimates of the total number of UK citizens living abroad; one in 2006 by the Institute for Public Policy Research put the number at 5.5 million, and one in 2010 by the World Bank, estimated it to be 4.7 million.

⁴³ The number of overseas electors on the register in December 2010 was 32,685. Figures for May 2010 are not available. Historically, figures on overseas electors have been published by the Office for National Statistics in December of every year, when the full registers are published. Although the figure for 2010 does not refer to the registers in use at the 2010 UKPGE, the number in 2015 is significantly higher, indicating that British citizens overseas have registered in greater numbers in 2015 than in 2010.

3.21 We worked in partnership with the Foreign and Commonwealth Office (FCO), who co-ordinated efforts with consulates and embassies at key points during the campaign. We also ran a dedicated day of media and online activity to launch the campaign on Thursday 5 February, with the support of partner organisations, the FCO and British Embassies and Consulates around the world. We saw an unprecedented spike in online registration activity from people living overseas on this date.

Campaigning by other organisations

3.22 A wide range of other organisations also promoted voter registration to the audiences we targeted. For example, the UK Government ran an online campaign targeting British citizens living overseas and Armed Forces personnel, and not-for-profit organisation, Bite the Ballot, ran a significant digital campaign targeting young people.

3.23 Several newspapers ran voter registration drives, including the *Daily Mirror* which focussed on under-registered audiences; the *Guardian* on young people; and *Telegraph Expat* on overseas citizens. *Sky News* ran their 'Stand Up and Be Counted' campaign encouraging 16 – 25 year olds to register. The campaign engaged young people across a number of different social media platforms and also ran a portable studio and bus where people were encouraged to register. A group of organisations also received UK Government funding to promote voter registration, including: British Youth Council, Citizens Advice, Citizens UK, Homeless Link, Mencap, Operation Black Vote, UK Youth and National Union of Students.

3.24 Full details about the performance of our advertising, public relations and partnership activities, are available in our campaign evaluation report.⁴⁴

Leaders' debates

3.25 The televised Leaders' debate and interview programmes were clearly an important feature of the campaign, attracting significant viewing figures. At the last two UKPGEs, these programmes have been organised through direct negotiations between the broadcasters and the political parties involved, a process that has clearly been complex, controversial and has itself generated significant debate.

3.26 Despite the fact that there has been some public discussion about how such programming should be arranged in the future, our view is that it is right we have no statutory role in this area. As part of our registration campaign, however, our public relations work did include asking those responsible for broadcasting the debates to promote voter registration during these and their other key election programmes.

3.27 In particular, both ITV and the BBC responded to this call, specifically highlighting the online registration site during their debate programmes, with clear spikes in the number of visits to the registration site being recorded as they did so. Indeed, when David Dimbleby highlighted the registration site in the televised BBC debate which he

⁴⁴ The Electoral Commission, *Public awareness activity to promote voter registration ahead of the May 2015 UK elections* (July 2015). www.electoralcommission.org.uk/_data/assets/pdf_file/0006/190941/May-2015-polls-public-awareness-activity-report.pdf, accessed 14 July 2015.

chaired on 16 April, the number of people visiting the site immediately afterwards peaked at almost 25,000, one of the single largest spikes in activity throughout the campaign.

3.28 Such activity was not restricted to the debates. We were pleased that a number of other broadcasters, including local and national TV and radio stations, highlighted voter registration messages as part of their pre-election programming.

Recommendation 1: Registration information provided by broadcasters

All broadcasters, particularly those with specific public purposes built into their remit, should continue to identify and take advantage of opportunities to include information about voter registration in their editorial coverage at elections.

Electoral registration

3.29 The polls held on 7 May 2015 were the first to be held since the introduction of IER across England, Scotland and Wales. A system of IER has been in place in Northern Ireland since 2002, but electors may not apply to register online and must provide a signature.

3.30 As set out in paragraph 1.17, we collected data relating to the May 2015 election registers from all EROs in England, Scotland and Wales. The total number of entries on the Parliamentary register for the 7 May 2015 elections was 45,336,013; an increase of 1% since February/March 2014 (the last registers produced under the household registration system).

3.31 The scale of the transition to IER should not be underestimated, and the increase in electorate size reflects the significant work undertaken by EROs, as well as by ourselves, our partners and other organisations to encourage registration in the period leading up to the May 2015 polls.

3.32 It is clear that transition has progressed well, and that the work and effort put in by EROs and their teams has been instrumental in delivering it effectively to this point. Respondents to our post-election survey of election staff (RO survey) reported that the work involved in implementing IER stretched small teams, and often took a significant amount of time and staff resource which would otherwise have been dedicated to election planning. It is testament to their professionalism that, despite the considerable changes to the registration system in England, Scotland and Wales, only a few localised issues were identified in the run up to and on polling day.

Online registration applications

3.33 The availability of online registration applications in England, Scotland and Wales – which was introduced at the same time as the transition to IER began – has already demonstrated clear benefits, with 77% of all applications since then being made online. The service has also been particularly popular among some of those groups who are typically under-registered, such as overseas voters and young people. For example, the number of registered overseas voters at the time of the May 2015 UK Parliamentary general election was over 105,000, approximately three times the number as were registered around the time of the 2010 UKPGE.

3.34 Respondents to our RO survey did however, cite some concerns about whether the increased convenience and accessibility of online registration may have had the unintended effect of increasing the number of applications which duplicated existing entries, and which therefore required some unnecessary work by elections teams at a critical period in the election timetable. We received feedback from ROs, and from electors themselves, that it would be more helpful if it were possible for people to use the online registration system to check whether they were already correctly registered to vote before submitting a new application. Similar facilities are already offered to voters in other comparable democracies, including Australia⁴⁵ and New Zealand.⁴⁶

3.35 ROs also highlighted that some electors may not have been aware that, although the online service allowed them to apply to register, it did not result in automatic or immediate approval of their application. All applications to register, whether on paper or online, must go through the same verification procedure before being entered onto the electoral register. In some cases, where an applicant's data cannot be verified against Department for Work and Pensions or local records, the individual has to provide evidence in support of his or her application before they can be added to the register.

3.36 As part of the online application procedure, applicants were able to check a box to indicate that they would like to apply to become a postal voter once they had become registered. Checking this box would have resulted in a newly registered elector being emailed or sent a postal vote application form, which they would need to complete and return to the ERO in order to become a postal voter. Feedback from some ROs and voters suggests that this process was not always fully understood, and it appears that some electors may not have completed the separate application form. Feedback also suggests that people did not always realise that the form would be emailed to them and so were not alert to its arrival.

3.37 We will continue to work with the UK Government Digital Service to make sure that the information provided on the online registration service website is as clear and accurate as possible, taking into account feedback from electors and Returning Officers at this year's polls.

Recommendation 2: Providing an online registration status check

The UK Government should develop an online service to allow people to check whether they are already correctly registered to vote before they submit a new application to register.

Any such service would need to carefully manage and protect voters' personal information.

⁴⁵ Australian Electoral Commission, *Check my enrolment*, <https://oevf.aec.gov.au/>, accessed 10 July 2015.

⁴⁶ Electoral Commission New Zealand, *Check Your Enrolment*, <https://enrol.elections.org.nz/app/enrol/#/check>, accessed 10 July 2015.

Electoral registration applications in Northern Ireland

3.38 IER is well established in Northern Ireland, having been introduced through the Electoral Fraud (Northern Ireland) Act 2002. Although the provision of personal identifiers, such as a National Insurance number, is the same as in England, Scotland and Wales, anyone registering to vote must also provide a 'wet signature' on their application form. As such, the electoral registration process in Northern Ireland is paper based. The online registration system in England, Scotland and Wales was implemented alongside the introduction of IER and was not extended to Northern Ireland in time for the UKPGE.

3.39 As part of our public awareness activity in Northern Ireland, we encouraged people to download, complete and return a registration form before the 20 April deadline. As the deadline drew closer however, questions were raised by the public and the media in Northern Ireland as to why the online registration process in England, Scotland and Wales was not available to them.

3.40 The Chief Electoral Officer supports the extension of online registration applications to Northern Ireland and has begun preparatory work with the Northern Ireland Office and the Cabinet Office to proceed with it.

Recommendation 3: Introducing online electoral registration in Northern Ireland

Given the clear benefits for electors in England, Scotland and Wales, who can now apply to register to vote online, online registration should be introduced in Northern Ireland. The Chief Electoral Officer and Northern Ireland Office should publish a timetable setting out when this will happen.

This will require legislative change in the UK Parliament as well as significant changes to the management of the electoral register by the Electoral Office for Northern Ireland.

The London Borough of Hackney

3.41 We became aware during the week before polling day that there appeared to be problems affecting a number of electors in Hackney, who had applied to register online via the Government Digital Service and who subsequently had not had their registration confirmed nor received poll cards or postal votes. Data relating to approximately 1,300 applications had either not been added to the electoral management system used by the ERO for Hackney, or had been added but not processed. These applications had been made prior to the registration deadline of 20 April 2015.

3.42 We provided the ERO for Hackney with advice about whether these electors could be added to the register under legal provisions which allow EROs to correct clerical errors. Hackney took steps to issue a communication alerting electors to the problem and to provide polling stations with lists of the affected electors so that they would be able to vote if they attended their polling station.

3.43 Following the May elections, the ERO for Hackney has asked a senior ERO and RO from outside of the Borough to review their registration practices in the run up to polling day. The ERO for Hackney is also investigating the cause of the problems with his electoral management system supplier, so that they can be resolved. As a result of

investigations to date, the ERO has concluded that action needs to be taken in respect of the electoral management system, and processes need to be significantly improved to ensure that all application data processing takes place in a timely manner and that all data is tracked throughout, with additional controls in place to ensure that the mistakes of May 2015 are not repeated. We recommend that the outcome of the review and lessons learned are published as soon as possible.

3.44 The RO performance standards framework discussed earlier in this report (pages 15 - 16, and below at pages 54 - 55) does not relate to the work of EROs, which is covered by a separate framework. We will publish our assessment of ERO standards in spring 2016.

Absent voting

Timing of postal vote despatch

3.45 The Electoral Registration Act 2013 (ERA) extended the timetable for UK Parliamentary elections from 17 to 25 working days. As part of this, it allowed ROs to send postal ballot packs to electors at an earlier stage in the election timetable than had previously been possible. Prior to this, ROs were not permitted to send postal votes out until 5pm on the 11th working day before polling day. The change to the law means that ROs are now able to issue postal votes as soon as practicable, which for the May 2015 polls meant as soon as practicable after the close of nominations at 4pm on 9 April 2015. At this point, the details of candidates standing for election were confirmed and so ballot papers could be finalised and printed.

3.46 The ability for ROs to send out postal ballot packs earlier in the election timetable has benefits for electors – particularly those who require their postal ballot packs to be sent overseas – who would have more time to receive and return their completed postal votes. Our guidance to ROs was clear that they should send out postal votes as early as practicable in all cases, and in particular, that they should prioritise the issue of postal ballot packs to overseas electors and members of the British Armed Forces posted overseas.

3.47 Despite the changes to the timetable, and advance knowledge of the date of polling day, there are a number of logistical issues that may affect when postal ballot packs can be despatched as well as the time the elector has to receive and return their vote, in particular: the elector must be on the register before a postal vote can be issued, ballot papers cannot be printed and packs compiled until after nominations are finalised, and the limitations of postal services both in the UK and abroad.

3.48 As noted above, postal ballots cannot by law be despatched until the elector has been added to the register. The process of registration is not immediate; an application must be received, the elector's identity verified against UK Government or local records or after additional checks, and the statutory five day objection period must be observed before an application is determined. For example, an elector who applied to register at the deadline for the May polls, which fell on 20 April 2015, could not have been added to the register until the final election notice of alteration on 29 April – just one week before polling day; only at that point could their postal ballot pack be despatched. This would have been a particular issue for overseas electors which will be discussed at pages 42 - 43 below.

Voter materials and print suppliers

3.49 A key factor influencing how quickly postal ballot papers can be despatched is the capacity of the print industry, due to the limited number of print companies that are able to produce election material. This limited capacity, coupled with the volume of materials to be produced had a significant impact on the timing for individual ROs producing and despatching postal votes.

3.50 This year's polls were further complicated by the combination of multiple different polls, with at least three sets being run by the majority of ROs in England, along with parliamentary constituencies that crossed boundaries into neighbouring authorities. These factors together meant that ROs and their suppliers found it difficult to meet their despatch schedules, especially once compounded by printing errors, which are discussed in more detail at page 53, and the additional challenges these posed. Almost all printing errors occurred in England, where the challenge posed by the complexity of this year's polls was greatest.

Recommendation 4: Improving the delivery of postal ballot packs to voters

We will continue to encourage Electoral Registration Officers (EROs) and Returning Officers (ROs) to put plans in place to ensure that they make full use of provisions within the statutory election timetable to maximise the time available for electors to receive, complete and return their postal vote.

We, along with the Electoral Advisory Board (EAB), have identified that the capacity of print suppliers to fulfil demand is a significant risk to the ability of individual ROs to produce and despatch postal votes in sufficient time. We will work with the EAB to consider ways to improve this area of election delivery and to minimise these risks.

Overseas voters

3.51 British citizens who have lived abroad for fewer than 15 years are eligible to register to vote at UK Parliamentary and European Parliamentary elections.⁴⁷ Overseas electors may apply to vote by post or appoint a proxy to vote on their behalf.

3.52 Despite the welcome changes to the electoral timetable set out in paragraph 3.45 above, which allowed postal ballot packs to be sent out earlier than at previous elections, we have heard many reports of overseas postal voters who did not receive their postal ballot pack in sufficient time to return it to the RO before polling day, and some who did not receive their postal ballot pack at all before polling day.

3.53 We are grateful for the feedback that we have received directly from overseas voters and also from MPs, partner organisations and other groups who have been contacted by voters who were unable to cast their vote for these reasons.

3.54 Within the UK, ROs are required to include sufficient pre-paid postage on return envelopes for voters to send their completed postal ballot papers back; they are not however, currently required, or funded, to provide the additional postage necessary to

⁴⁷ At the 2015 UKPGE, overseas voters from Northern Ireland could register as a British or Irish citizen for first time, as a result of the Northern Ireland (Miscellaneous Provisions) Act 2014.

enable packs to be returned to the UK from other countries. The UK return postage is normally printed onto the return envelopes, and it appears that in some cases it was also included on return envelopes in postal ballot packs sent to overseas addresses.

3.55 This led to confusion for some overseas voters who may have mistakenly assumed that the pre-paid postage on the envelope would be sufficient for them to return their postal ballot pack to the UK. We also understand that some postal ballot packs for overseas electors did not have the correct postage to be delivered to electors in some countries.

3.56 We are also aware that some overseas voters were disappointed that, although they were able to apply to register to vote using the online service, they could only apply to vote by post or appoint a proxy by completing and signing a physical form which needed to be returned to an ERO in the UK. As discussed in paragraph 3.35, partner organisations have also told us that some overseas electors may not have fully understood that two separate applications are required to be able to register and to vote by post or proxy. As previously discussed, some overseas electors and particularly those who applied to register to vote close to the deadline for applications on 20 April 2015 (see paragraph 3.48), were unlikely to be sent a postal ballot pack in time to complete and return it before polling day.

3.57 The Cabinet Office wrote to Returning Officers on 30 March 2015 advising of recommended last postage dates for overseas and service voters. For some parts of the world, the recommended last postage date was Monday 13 April 2015. As nominations closed at 4pm on Thursday 9 April 2015, this allowed as little as two working days for postal packs to be printed and issued. Respondents to our RO survey appreciated the postage information supplied by the Cabinet Office, however it would have been more beneficial at an earlier stage so that it could have been used to inform planning and contracts with print suppliers.

3.58 These problems are likely to have affected overseas electors living in a range of countries, and not just those furthest away from the UK or where the postal system is less reliable.

3.59 As a result of a number of recent proposals and together with increasingly successful overseas registration campaigns, it is likely that the number of overseas electors will rise in the coming years:

- The UK Government has indicated that its Votes for Life Bill, which is expected to be introduced during the current Parliamentary session, will remove the 15 year limit on eligibility for overseas electors to vote in UK Parliamentary and European Parliamentary elections. The Bill will also consider opportunities to make it easier for overseas electors to cast their votes in time to be counted.
- The next scheduled elections at which overseas electors would be entitled to vote will be the 2019 European Parliament elections, although the UK Government has also proposed that overseas electors should be entitled to vote in the referendum on the UK's membership of the European Union which would be held before the end of 2017.

3.60 With the Electoral Advisory Board (EAB) we have identified the challenges for specific groups of voters who may find it harder to vote than others, including overseas voters, and we have already begun work with the EAB to look at how technology might be used to improve voting and electoral administration processes across a range of activities.

Recommendation 5: Improving access to the voting process for overseas electors

We will work with the UK Government and Returning Officers to identify practical steps which could be taken to improve access to the voting process for overseas electors at the next scheduled poll where they are entitled to vote, including:

- Ensuring that all Returning Officers include the correct postage on postal ballot packs for overseas electors, so that they can be delivered to voters and returned as quickly as possible before polling day, including increasing the funding provided by the UK Government to Returning Officers for this purpose.
- Explaining the practical implications of different voting methods (such as postal voting or appointing a proxy) for overseas electors, particularly if they are making an application during the last month before polling day, including on the www.gov.uk/register-to-vote website.

We will work with the UK Government and Returning Officers to develop workable and effective proposals, which could be included in the proposed Votes for Life Bill if legislation is required, to make it easier for overseas electors to cast their votes in time to be counted at elections. We will also continue our work with the Electoral Advisory Board to consider how technology might be introduced into a wider range of election activity.

Emergency proxy appointments

3.61 The ERA extended the circumstances in which electors in England, Scotland and Wales⁴⁸ could apply to appoint a proxy to vote on their behalf at late notice (after the normal deadline to appoint a proxy six working days before polling day, and up to 5pm on polling day itself in cases of personal medical emergency); they now include people who were called away unexpectedly by their employer or for military service.

3.62 We have previously recommended that the qualifying circumstances for appointing such an ‘emergency proxy’ should be extended further so that those who have unforeseen caring responsibilities or who have experienced the death of a close relative would also be eligible.

3.63 Our view that gaps still remain in the emergency proxy provisions is supported by the queries we received from electors and ROs about whether they could also include other circumstances, such as attending a job interview, attending a funeral or caring for a sick or dying relative.

⁴⁸ Electors in Northern Ireland may only appoint a proxy for reasons of personal medical emergency.

3.64 Our guidance and advice was clear that the legislation only allows for an emergency proxy application to be accepted if it satisfies one of the following conditions:

- In the case of a medical condition, illness or disability arising after the deadline for ordinary proxy applications
- If they are a mental health patient detained under civil powers
- If their occupation, service or employment means they cannot go to the polling station in person and they became aware of this after the deadline for ordinary proxy applications

3.65 Approximately 8,500 emergency proxies were appointed before 5pm on 7 May 2015; in comparison, the equivalent number at the 2010 UKPGE (before the qualifying criteria were extended) was 835. Several respondents to our RO survey reported difficulties in dealing with the administrative burden on polling day, and others were of the view that the emergency proxy for work reasons was being incorrectly requested by a number of electors who had not applied for a postal vote or standard proxy vote before the respective deadlines.

Recommendation 6: Extending the qualifying circumstances for appointing an emergency proxy

We have previously recommended that the qualifying circumstances for appointing an emergency proxy should be extended, so that those who have unforeseen caring responsibilities or who have experienced the death of a close relative would also be eligible. This recommendation has not yet been taken forward by any government with legislative competence over elections within the UK; we continue to recommend that the UK Government and, for Scottish Parliament elections and local government elections, the Scottish Government, should consult on and bring forward secondary legislation to further extend the qualifying circumstances for appointing an emergency proxy to reflect the concerns highlighted by electors at the May 2015 polls.

The UK and Scottish Governments should ensure that any changes to the legislation relating to proxy vote applications for the May 2016 polls are clear by 5 November 2015, six months before polling day.

Polling district and place reviews and appeals

3.66 Local authorities in England, Scotland and Wales must review their UK Parliamentary polling districts and polling places during each 'compulsory review period', which occurs every five years. In Northern Ireland, the Chief Electoral Officer reviews UK Parliamentary polling places. There is a right for some persons and bodies to appeal to us following the conclusion of a review. The most recent review period began on 1 October 2013 and ended on 31 January 2015 (in Northern Ireland it ended on 31 December 2014).

3.67 This year, we have issued six decisions on polling place review appeals.⁴⁹ We directed Tamworth Borough Council, Barnet Borough Council and the Chief Electoral Officer for Northern Ireland to either change or create a new polling place. We also recommended that Northampton Borough Council and Northumberland County Council complete a review of their polling districts and places as they had not done so within the compulsory review period. In an appeal relating to Forest of Dean District Council, we found that the review met the reasonable requirements of the electors.

3.68 In the appeal relating to Tamworth Borough Council's review, we directed a change to be made to a polling place because the Council did not have sufficient evidence of consultation with persons or organisations with disability expertise and the polling station was not reasonably accessible. In the case of Barnet Borough Council, we directed that a new polling place should be created, as proposed by the RO during the review, because we were satisfied that the Council had not given sufficient weight to the convenience to electors in its decision and had given too much weight to the risk of confusion caused by any change in polling places. The reviews carried out by the Chief Electoral Officer for Northern Ireland, Northampton Borough Council and Northumberland County Council contained procedural errors – for example in Northern Ireland there was no consultation on a significant change to polling places (discussed further below) and in the other two cases, the Council did not carry out and/or complete a review during the statutory timeframe.

3.69 The timing of the compulsory review period raised problems both for those who wished to appeal against the outcome of a review and for our consideration of those appeals. In England, Scotland and Wales, the review period ended on 31 January 2015, just over three months before polling day, and there is no deadline for making an appeal. We received a number of appeals between February and late March 2015, which presented us with a considerable challenge to determine them in time for any polling arrangements to be changed and be effective for the May polls. In two cases, appeals were received too late for them to be decided in time for the election. We will be giving further consideration to the timing of the compulsory review period and the submission of appeals relating to future review cycles and we will make any recommendations for change, whether for the UK Government or the Law Commission in their review of electoral law, before the next compulsory review period.

Howard Primary School, Fermanagh and South Tyrone

3.70 At the European Parliamentary election in 2014, a protest took place outside Howard Primary School, Moygashel, Dungannon, Co Tyrone, on the evening of polling day. There were claims that this protest and the presence of police created a tense atmosphere that deterred some people from voting. We recommended that the Chief Electoral Officer should review the arrangements at this polling station, which he said he would do as part of his polling scheme review in autumn 2014. In January 2015, the Chief Electoral Officer announced that Howard Primary School would no longer be used as a polling place, and Dungannon Leisure Centre and Roan St Patricks Primary School, Eglis, Dungannon, would be used instead.

⁴⁹ Our appeal decisions can be found on our website: The Electoral Commission, *Polling place review appeals*, www.electoralcommission.org.uk/i-am-a/electoral-administrator/polling-place-reviews/polling-place-review-appeals, accessed 10 July 2015.

3.71 In March 2015, we received two appeals against the removal of Howard Primary School as a polling place. In considering the appeals, we noted that although the original list of polling places included in the review suggested the retention of Howard Primary School as a polling place, in the list announced in January it had been removed. Following the review process, the Chief Electoral Officer concluded that it would be appropriate to close Howard Primary School as a polling place, with alternative arrangements put in place. Voters in the area were not, however, made aware of the change to polling places until the final announcement was made.

3.72 We concluded that in order to ensure that the review was conducted in such a way as to meet the reasonable requirements of those who previously voted at Howard Primary School, they should have been given an opportunity to provide their views on this change to their polling arrangements. As a result, we directed the Chief Electoral Officer to reinstate Howard Primary School as a polling place. We reached our decision solely on the basis that the proper consultation process had not been followed and not on the overall merits of using Howard Primary School as a polling place.

3.73 The Chief Electoral Officer held a further review of Howard Primary School polling place and conducted a consultation, and in April he confirmed that Howard Primary School would no longer be used as a polling place. On polling day, a group of protestors, including elected representatives, took part in a walk from Howard Primary School to Dungannon Leisure Centre to show their opposition to the decision. At the time of publication of this report, we have received two appeals relating to this second review, which we are now considering.

Disabled voters

3.74 Our post-election public opinion survey (Chapter 2) found that people with disabilities were more likely to be dissatisfied with the voting process at their polling station (5%) than those with no disability (2%).

3.75 Although satisfaction rates are generally high, and despite the work that has already been carried out by ROs and ourselves to improve accessibility, we know that some disabled voters still encounter difficulties when voting in person or by post. Problems reported to the Leonard Cheshire Disability organisation⁵⁰ immediately after the elections included: a lack of level access, inaccessible polling booths and ballot boxes, difficulties in accessing the hearing loop, and finding the print size used on postal ballot pack materials to be too small.

3.76 We recognise that people living with a learning and/or physical disability can face challenges when registering to vote and casting their vote. We take seriously the need to ensure that they can exercise their rights, as does the EAB. Everyone who is eligible should be able to register and to cast their vote without impediment.

⁵⁰ Leonard Cheshire Disability, *Barriers to voting (18 May 2015)*, www.leonardcheshire.org/who-we-are/news-and-media/news-stories/barriers-voting-disabled-voters-polling-stations-inaccessible#.VZpwbOnbJGE, accessed 10 July 2015.

3.77 Our guidance and resources for those administering elections highlight the importance of ensuring that the voting process is accessible to all. We have published briefing materials for training staff who work in the polling station, which cover what assistance is available to disabled voters at the polling station. This information is also contained in our handbook for polling station staff,⁵¹ the content of which we shared with disability groups for comment. As set out above (page 45), local authorities also have a duty to review the accessibility to disabled voters of all polling places and to ensure that every polling place, and prospective polling place, for which it is responsible is accessible to disabled voters, ‘so far as is reasonable and practicable’.

3.78 We worked closely with Mencap in the build up to the registration deadline and on polling day. We jointly designed a voting factsheet⁵² which was placed both on our and on Mencap’s websites and was circulated to all partners via our fortnightly Bulletin, as was our guidance⁵³ which we shared with other disability organisations. We also worked with Mencap on polling day. Mencap set-up a dedicated call centre so that anyone living with a learning disability could call and seek advice if they had trouble either accessing polling stations or had been denied the right to vote. A week before polling day, we set up a workshop to advise Mencap on how to deal with specific or bespoke queries and we also established a system to allow Mencap to refer any critical cases to us on polling day to be dealt with immediately.

3.79 We will continue to work with disability organisations to improve understanding of the support available to disabled people and provide a means for them to raise any concerns about the service that has been provided. We will also continue to work with disability organisations, the EAB and governments with legislative competence over elections within the UK, to identify ways to improve the experience and service that voters with disabilities receive.

Opinion polls published on polling day

3.80 Section 66A of the Representation of the People Act 1983 makes it an offence to publish exit polls (based on information about how people have actually voted, rather than their voting intention) before the close of poll on polling day. While the rules for broadcasters on polling day are also clear that, ‘discussion and analysis of election and referendum issues must finish when the poll opens’, similar rules are not in place for print publications, including the rolling news blogs that many major national newspapers and others now run on election day.

3.81 On polling day, we received a number of queries about whether opinion polls where the information had been collected before polling day, but which were then

⁵¹ The Electoral Commission, *Handbook for polling station staff*. http://www.electoralcommission.org.uk/_data/assets/pdf_file/0004/175621/Polling-station-handbook-UKPGE.pdf, accessed 15 July 2015.

⁵² The Electoral Commission, *What you need to do if you want to vote on 7 May*. www.electoralcommission.org.uk/_data/assets/pdf_file/0017/184013/2015.051-EC-voting-factsheet.pdf, accessed 10 May 2015.

⁵³ The Electoral Commission, *Disabled people’s voting rights*. http://www.electoralcommission.org.uk/_data/assets/pdf_file/0005/116906/Disabled-people-voting-rights-factsheet-GB.PDF, accessed 10 July 2015.

published on polling day itself, broke the law. This included high profile polls published by Lord Ashcroft Polls and Guardian/ICM that were reported on throughout polling day by some national print media outlets through their online channels. We confirmed in response to these queries, that the law did not prohibit this kind of publication.

Close of poll

3.82 At the last UKPGE in May 2010, some 1,200 people (out of a total of almost 30 million people who had voted at polling stations that day) were still queuing at 27 polling stations in 16 of the 650 constituencies at the close of poll at 10pm, and so were unable to be issued with a ballot paper and cast a vote. We were pleased that the UK Parliament implemented our recommendation and amended the law in 2013 to allow any voter who is in a queue waiting to vote at their polling station at 10pm to be issued with a ballot paper.

3.83 There were queues at some polling stations at 10pm on 7 May 2015. Anecdotal evidence suggests that the queues were often the cumulative result of the additional time needed for voters to mark their ballot papers for several different elections, especially in areas which held parish polls where voters could vote for up to 15 candidates, in addition to voting in the UKPGE and local elections.

3.84 We were pleased that the changed procedures worked well at the first UKPGE for which they had been in place, and that no difficulties arose as a result of the new provisions. Electors who were in a queue at their polling station at 10pm were issued with their ballot paper(s) and were able to cast their votes.

Administration of the polls

Timing of legislation for the May 2015 polls

3.85 The Fixed-term Parliaments Act received Royal Assent on 15 September 2011. The Act set the date of the next UKPGE for 7 May 2015 and fixed the term of the UK Parliament to five years, except in certain limited circumstances. Prior to this Act, the Prime Minister could decide when to ask the Queen to dissolve the UK Parliament and call a general election up to five years after the previous election. The UK Government therefore, had more than three and a half years notice of the date of the 2015 UK Parliamentary general election, and the local elections in England were scheduled by law to take place in May 2015.

3.86 We have recommended that all governments should manage the development and approval of legislation so that it is clear at least six months before it is required to be implemented or complied with by campaigners or electoral administrators. This means that we should have sufficient time to finalise and communicate our guidance, and for campaigners and electoral administrators to finalise their plans and deliver their important roles in the lead up to polling day. Clarity about the substantive legislative framework for the May 2015 polls meant that we were able to issue our core guidance for ROs in September 2014, seven months before polling day.

3.87 Nevertheless, several pieces of legislation were not made until just weeks before polling day, including the Welsh Forms Order, some changes to the local government elections regulations, and legislation and guidance on the funding for ROs for the UK Parliament elections, as set out below. We are not aware of any reasonable explanation for this late finalisation of legislation, which appears to have resulted from inadequate planning by the UK Government.

3.88 The complexity of the polls scheduled for May 2016 under each legislature poses a particular challenge in managing and delivering the necessary guidance. Delays to legislation will pose a risk to the successful running of these polls and we cannot stress strongly enough the need for all legislation relating to any and all of these polls to be clear at least six months before it is required to be implemented or complied with.

Changes to voter facing forms and ballot papers

3.89 In June 2014, the Northern Ireland Office (NIO) consulted on new forms to be used at elections in Northern Ireland. These would generally bring the forms into line with those in England, Scotland and Wales but would recognise the differences in Northern Ireland, such as the different postal voting arrangements and the requirement for photographic identification at polling stations.

3.90 In our response to this consultation we agreed to conduct user testing research of the forms with voters in Northern Ireland, which was completed in September 2014. The NIO agreed to take on board the recommendations resulting from this research, but advised us in advance that this would mean that they would be unable to pass this legislation six months prior to polling day. Given the improvements made to the forms and the fact that voters in Northern Ireland had input to more accessible forms, we accepted this.

3.91 The Parliamentary Elections (Forms) (Northern Ireland) Regulations 2015 came into force on 12 February 2015.

3.92 Legislation was also passed to facilitate the removal of numbering from ballot papers used in UK Parliamentary,⁵⁴ local government,⁵⁵ and parish council⁵⁶ elections. Although we recommended that these changes be introduced, we were disappointed that the regulations were not in force until March 2015, just two months before polling day. The late laying of this legislation led to uncertainty and inhibited effective planning by ROs, particularly in relation to the production of ballot papers, electoral forms and stationery.

3.93 Some respondents to our RO survey noted that the removal of numbers from ballot papers resulted in greater difficulty in the counting of multi-member wards and five responses reported difficulties in the application of the tactile voting device which is used as an aid for visually impaired voters. These issues have, however, been a minority and the removal of numbers from UK Parliamentary and local government ballot papers does not appear to have caused any significant problems.

⁵⁴ The Representation of the People (Ballot Paper) Regulations 2015

⁵⁵ The Local Elections (Principal Areas) (Amendment) Rules 2015

⁵⁶ The Local Elections (Parishes and Communities) (England and Wales) (Amendment) Rules 2015

The Welsh Forms Order

3.94 All electoral forms, notices and ballot papers provided for voters in Wales must be made available in both English and Welsh. The Welsh versions of the forms and notices are generally prescribed in a separate statutory Order.

3.95 In recent years, Orders prescribing Welsh language material ahead of an election have frequently been delayed. Those running elections in Wales have therefore been at a disadvantage in terms of their preparations, compared to those running elections in England or Scotland, where the prescribed forms and notices have been available at an earlier stage. In successive election reports, we have highlighted the risks this has posed to the conduct of elections in Wales.

3.96 For the UKPGE, all English language forms and notices (excluding the ballot paper itself) were included in legislation which was made in December 2013.

3.97 Despite continuing calls by Returning Officers, electoral administrators in Wales, and ourselves, some key forms, including poll cards and postal voting statements, were not confirmed until March 2015 – almost 15 months later.

3.98 This means that, in practice, electoral administrators in England and Scotland knew the final format of their forms and notices as early as December 2013, 18 months in advance of polling day, whereas administrators in Wales were unable to finalise them until 23 March 2015 – a mere eight days before poll cards could be despatched.

3.99 Representatives of ROs in Wales wrote to the UK Government's Cabinet Office to complain about this delay stating, 'As such Electoral Services Administrators in Wales, yet again find themselves treated with disrespect and inequality when compared to their English counterparts', and asking that, 'Wales and its language...be treated with respect and equality going forward'.

3.100 Leighton Andrews AM, the Minister for Public Services also wrote to the UK Government to underline Welsh Government's concern at the delay and asking that the process be re-examined in future.

3.101 Once again, the delay has directly impacted on the planning process for administrators and put at risk the successful conduct of elections in Wales.

Recommendation 7: Ensuring statutory Welsh and English language election materials are treated equally

We repeat our recommendation that the UK Government should work with relevant partners, including the Welsh Government, to re-examine its approach to the statutory provision of Welsh language forms, notices and ballot papers, and commits to providing the necessary statutory translation in good time before elections, consistent with the timing and approach taken to the provision of corresponding English language resources.

Returning Officers' Charges Orders

3.102 For UK Parliamentary elections, ROs are paid for their services and are entitled to recover the costs of running the election from the Consolidated Fund⁵⁷ through the Cabinet Office. The legislation which provides for such payments⁵⁸ came into force on 27 February 2015, just over two months before polling day, for England, Wales and Scotland. The Fees and Charges Order for the UK Parliamentary election in Northern Ireland was made on 20 March 2015, the same day on which the Expenses Guidance Notes for Returning Officers were issued by the Cabinet Office - just over six weeks before polling day.

3.103 The late laying of the Fees and Charges Orders and publication of the subsequent guidance caused uncertainty for Returning Officers ahead of the election about the maximum amounts recoverable by ROs and how the funding allocation process would work in practice.

Changes to count process

3.104 The Representation of the People (Combination of Polls) (England and Wales) (Amendment) Regulations 2015 enabled the counting of votes at UK Parliamentary elections in England and Wales to start before verification was completed for any other elections with which it was combined. Prior to this legislation, counting could not begin for any election until the votes for every election taking place in that electoral area had been verified.

3.105 We were pleased that this legislation introduced greater flexibility for ROs at combined polls, however, this marked a considerable change in the established count procedure and one which we highlighted was being considered at our pre-election seminars in November, in order to give ROs advance notice. It was therefore disappointing that the UK Government did not formally consult us on draft legislative proposals until mid-December 2014, and that the Regulations themselves were not made until 9 March 2015 – just eight weeks before the election when count planning by many ROs was already at an advanced stage based on the existing law. Once the legislation was made we publicised it through our Bulletins and updated our guidance and resources accordingly.

3.106 The law requires that the counting of votes for a UK Parliamentary election must commence within four hours of the close of poll (i.e. by two o'clock in the morning). Where a count does not begin by this time, the RO is required to submit a return to us explaining why this was the case. A full list of constituencies which commenced counting later than 2am on Friday 8 May 2015 is set out in Appendix 2. A number of ROs who submitted such a return to us commented that the need to verify all ballot papers in each election held had meant it was impossible for them to begin counting any UK Parliamentary ballot papers in time. It appears as though, despite measures taken to communicate the change in legislation, some ROs remained unaware of the new rules. A further group noted that they were in fact aware of the new provisions, but

⁵⁷ The Consolidated Fund is the Government's general bank account at the Bank of England. Payments from this account must be authorised in advance by the House of Commons.

⁵⁸ The Parliamentary Elections (Returning Officers' Charges) Order 2015 and The Parliamentary Elections (Returning Officer's Charges) (Northern Ireland) Order 2015.

due to their introduction at such a late stage, they consciously decided to continue with the plans they had already put in place and to conclude verification before beginning the counting of votes.

Recommendation 8: Ensuring legislation is clear in good time before elections

Governments with legislative competence over elections within the UK should manage the development and approval of legislation so that it is clear at least six months before it is required to be implemented or complied with by campaigners or electoral administrators.

All governments should normally be able to plan to ensure that legislation for elections is clear at least six months before it is required to be implemented or complied with. While there may be unexpected developments or exceptional circumstances in which legislation is required later than this, it is not acceptable that poor planning has routinely resulted in late legislation in recent years. This is particularly disappointing when the date of polling day has been fixed some time in advance.

If a government has not been able to make legislation clear at least six months before the date of a scheduled poll, it should table a formal statement in the relevant legislature, explaining why it has not, and setting out its assessment of the likely impact of the late confirmation of legislation for campaigners, electoral administrators and electors.

Administrative errors

3.107 A number of issues arose throughout the election period around the printing and issuing of election stationery. The timely and accurate production of printed materials is crucial at elections and ROs rely heavily on the services provided by contractors engaged to deliver products including ballot papers, postal voting stationery, notices and forms. There were also some specific issues relating to changes made to existing party identifiers (names, descriptions and emblems) up to close of nominations. This is discussed in more detail below (pages 63 - 64).

3.108 The types of issue that arose included: ballot papers which did not include all the candidates for an area; postal ballot papers issued in error (for example, the ballot papers for one constituency being sent to electors in an adjoining constituency); incorrect information on polling cards (for example, telling electors to use the wrong polling station); and other printing errors, such as the inclusion of inaccurate voting instructions on postal ballots (for example, to vote for no more than two candidates, rather than three).

3.109 Whenever we became aware of such issues, we provided advice and guidance to ROs on the steps they could take to resolve the problem(s), in order to minimise the impact on electors and those standing for election. Where errors meant that it became necessary to re-print postal ballot packs and ballot papers, however, delays and additional costs were incurred. A number of errors were also discovered on polling day itself, which reduced scope to mitigate their impact.

3.110 It was clear from those areas that experienced such problems that the complexity of the polls was a contributing factor: errors were predominantly made in areas where more than one election was taking place.

3.111 Although the challenges of combined elections and elections where constituency boundaries cross local authority boundaries are capable of being managed, such complexity must be considered as an increased risk factor in the planning and delivery of the election(s). As most ROs rely on a small dedicated team of staff to organise elections, they rarely have additional experienced staff available to augment the core team to support the management of combined polls or where there are complex cross-boundary issues to resolve.

3.112 We recognise that there has been a move towards fixing the term of parliaments and assemblies and so UK Parliamentary general elections should no longer coincide with Northern Ireland Assembly elections, European Parliamentary elections or with the local elections in Scotland and, potentially, Wales, all of which are also held on a five year fixed-term although on a different cycle. Other elections are scheduled to be held every four years, however, which will result in infrequent combinations – for example, the Police and Crime Commissioner elections will be held in combination with National Assembly for Wales elections in 2016, the UKPGE in 2020 and with European Parliamentary elections in 2024; each combination will be novel and will pose its own unique challenges.

Performance standards assessment

3.113 As previously detailed, we set, monitor and report on performance standards for ROs in England, Scotland and Wales. Where issues arose with the administration of the polls, our approach to assessing the performance of those ROs included:

- considering the details of the issue
- considering whether the RO had the necessary processes in place to be able to deliver well-run elections
- considering whether the error was due to the processes followed by the RO, or was an unforeseeable matter that was out of the control of the RO and could not reasonably have been anticipated
- considering what remedial action was taken by the RO and the timeliness of this action
- considering the impact of the issue on voters and those standing for election

3.114 Those ROs⁵⁹ who we have assessed as not meeting the standards, encountered issues in one or more of the following areas:

- **Ballot papers issued to those not entitled to receive them**⁶⁰ – This includes ROs who issued ballot papers to electors who were not entitled to receive them either at polling stations or in postal ballot packs. Issuing ballot papers only to

⁵⁹ This includes ROs acting in their capacity as (A)RO for the relevant Parliamentary Constituency(ies) in the local authority area.

⁶⁰ Nine ROs overseeing elections in the following local authorities: Bournemouth, Cheshire East, East Hertfordshire, Maldon, Peterborough, Rother, South Lakeland, Swale, West Dorset

those entitled to receive them is fundamental to ensuring confidence in the delivery of well-run polls, and errors have the potential to have a serious impact on voters, those standing for election and, ultimately, the result.

- **Early despatch of poll cards**⁶¹ - This includes ROs who despatched poll cards in their area before the publication of the UK Parliamentary notice of election, which was not in accordance with the legislation.
- **Issues at the count**⁶² – This includes ROs who made an error in relation to the processing of ballot papers at the count or with the declaration of results.
- **Issues with the allocation of electors to polling stations**⁶³ – This includes where the number of electors allocated to specific polling stations led to voters encountering a significant wait before being able to cast their vote.
- **Print errors with election material**⁶⁴ – This includes a range of different print issues with election material which may have led to voter confusion and/or had a potentially negative impact on those standing for election.
- **Errors with nominations**⁶⁵ – This includes ROs who made an error in their processing of nominations which had a negative impact upon any persons wanting to stand for election, or in the ability of voters to be able to vote easily.
- **Multiple errors**⁶⁶ – Some authorities experienced more than one issue in their delivery of the elections which either individually or cumulatively may have had a detrimental impact on voters and those standing for election.

3.115 Subsequent to our provision of advice and guidance, we contacted ROs to confirm our understanding of the issue and any mitigating action taken. We also invited ROs to provide us with any relevant additional information as well as their assessment of the impact that the issue had upon voters and those standing for election.

3.116 Through an assessment process incorporating a review by a panel made up of representatives from the EAB, at present we have assessed (30)⁶⁷ ROs as not meeting elements of the performance standards as a result of the above categories.⁶⁸

⁶¹ One RO overseeing elections in the following local authority: Dudley

⁶² Four ROs overseeing elections in the following local authorities: Bradford, Purbeck, West Berkshire, and Broxtowe

⁶³ Three ROs overseeing elections in the following local authorities: Milton Keynes, South Oxfordshire and Wyre Forest

⁶⁴ Five ROs overseeing elections in the following local authorities: Babergh & Mid-Suffolk, Chichester, Lewes, London Borough of Hounslow and Wolverhampton

⁶⁵ One RO overseeing elections in the following local authority: Sevenoaks

⁶⁶ Seven ROs overseeing elections in the following local authorities: Allerdale, Darlington, East Devon, East Lindsey, Kingston upon Hull, Stoke on Trent, and West Lindsey

⁶⁷ This figure has been amended since the report was first published in July 2015, and an updated version was published on 1 September 2015 and April 2016.

Commonly used names

3.117 A candidate must provide their full name on the nomination form. The nomination form contains no space for prefixes or suffixes, such as Dr, Mrs, Cllr or CBE. Where a candidate includes a prefix or suffix as part of their actual name, the nomination form will not be invalidated as a result, but the prefix or suffix will not be transferred to the ballot paper. Though we received a few enquiries during the nominations period regarding the use of prefixes and suffixes, this was not a significant issue.

3.118 Candidates have the option to stand for election under a commonly used name, rather than their full name.⁶⁹ In the run-up to the election, we received a number of enquiries about ‘commonly used’ names and whether candidates could use a ‘commonly used’ name for the purposes of dropping a forename, such as a first name.

3.119 The legislation makes it clear, however, that a commonly used name is one which is different from any other forename or surname the candidate has. This means that a forename in its original format cannot be used as a commonly used name. If a candidate wishes to use a commonly used forename and/or surname, then these must be different from their name as it appears on the nomination form. Therefore, in the case of Andrew John Smith, he could not, for example, use John Smith as his commonly used name, although he would be able to use Andy Smith (if Andy was the name by which he is commonly known).

3.120 Although there had been no change in the law or in our guidance, as a result of the initial queries, we issued advice to clarify the legal position and address the scenario of candidates using the commonly used name provisions to drop a forename in our Bulletin to ROs on 6 March. The Bulletin was issued in time for ROs to advise candidates of the legal requirements for using a commonly used name before the formal start of the nominations period. We provided equivalent information to all registered political parties on 17 March.

3.121 It is our view that candidates should be able to stand for election using any name that they commonly use (provided it is not confusing or offensive), as this will help voters recognise them on the ballot paper. A candidate who is known by their first name only should be able to appear on the ballot paper without their middle name.

⁶⁸ Further details of these ROs and the issues they encountered have been published alongside this report. As with previous assessments, we will not be confirming our final assessments in relation to any local authority where an election petition is currently underway, or any authority that we are still in discussion with regarding the particular circumstances of any issue encountered in their area during the May polls, until that process has been completed. The Electoral Commission, *Assessment of the performance of Returning Officers at the May 2015 polls*.

www.electoralcommission.org.uk/_data/assets/pdf_file/0004/190957/Assessment-of-the-performance-of-Returning-Officers-at-the-May-2015-polls.pdf, accessed 14 July 2015.

⁶⁹ If a candidate includes on their nomination form a commonly used name, unless the RO believes it is likely to mislead or confuse electors, or it is obscene or offensive, the candidate’s commonly used name will be printed on the statement of persons nominated and the ballot paper, instead of the candidate’s full name.

Equally, a candidate who is known by their middle name only, should be able to appear on the ballot paper without their first name.

Recommendation 9: Clarifying the law relating to candidates' commonly used names

The UK Government should amend the law to remove the requirement for the commonly used name to be different to any other forename or surname that the candidate has, while retaining the existing safeguard that ROs may reject the use of a commonly used name on the grounds that (a) its use may be likely to mislead or confuse electors or (b) it is obscene or offensive.

Job-share candidates

3.122 Election law only allows for a single individual to be returned to a constituency for the UK Parliament.⁷⁰ Despite this, we received several queries before and during the nomination period about whether two or more people could jointly stand for election as MP for a constituency and share the role between them. The issue was raised with particular regard to disabled people and parents of young children, for whom it was argued this would be the only way to be able to participate effectively as an elected representative.

3.123 In response to these enquiries, we explained the rules under the law as it is currently drafted, and highlighted that the UK Government would need to introduce changes to primary legislation in Parliament in order to permit job-share candidates to stand and be elected at any future UK Parliamentary elections.

Secrecy of the ballot at postal vote openings

3.124 The secrecy requirements set out in legislation are an essential part of our democracy, increasingly so in light of the use of social media when information can be communicated easily and widely.

3.125 ROs hold postal vote opening sessions, which candidates and their agents are invited to attend. These sessions take place in the run-up to polling day with a final session taking place afterwards, at the count. At these sessions, returned postal ballot packs are opened and the signature and date of birth on the returned postal voting statements are matched against those previously provided by the elector. Postal ballot papers must be kept face down throughout these proceedings.

3.126 Tallying or sampling, is the practice of attempting to gain an early estimation of electoral results by noting the votes cast on a sample of ballot papers. At a postal vote opening, it is not permissible to, 'attempt to ascertain the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect

⁷⁰ See the RPA 1983 and the Parliamentary Constituencies Act 1986.

there to obtained at those proceedings’;⁷¹ as such, we are satisfied that tallying at a postal vote opening is not legal.

3.127 Although tallying is not permitted, awareness of the issue has grown in prominence over recent years with the advent of social media as there have been incidents where those attending a postal vote opening session have indicated their view of early results online.

3.128 Although the law pertaining to this practice has not changed, we received a number of specific queries around the permissibility of tallying at postal vote openings. We therefore decided to amend our guidance to make it more explicit that tallying is not permitted at a postal vote opening session.

3.129 On 13 March, we published our amended guidance for candidates and agents which stated that anyone attending a postal vote opening session must not attempt to ascertain how individual ballot papers had been marked and that keeping a tally of how ballot papers had been marked was therefore not allowed. We notified Returning Officers and electoral administrators of this on 13 March in a Bulletin.

The election count in Northern Ireland

3.130 The Chief Counting Officer received criticism from stakeholders and the media in Northern Ireland over the time it took to count the 2011 Northern Ireland Assembly election and the 2014 European Parliamentary election.

3.131 In our 2014 report,⁷² we found that the lack of overall management, no contingency planning and the poor quality of some count staff contributed to the delays at the count for the European Parliamentary election. We recommended that the Chief Electoral Officer improve his planning and contingency processes for the election counts in Northern Ireland in 2015.

3.132 Planning for the UK Parliamentary election began in autumn 2014. A strategic election planning group was established, a new recruitment process for count staff was conducted which included a short test to measure speed and accuracy in counting, and there were improvements in communication at each count.

3.133 All 18 Parliamentary constituencies in Northern Ireland completed their counts by 5am – seven hours after the close of poll. Commission representatives attended four count venues and found that each count was well-run.

3.134 We acknowledge the clear improvements to the management of the counts in Northern Ireland. The Chief Electoral Officer put in place effective and well considered plans that improved the management of the count. The new test for count staff also appeared to improve the efficiency of staff working at the count.

⁷¹ Section 66(4)(d), RPA 1983

⁷² The Electoral Commission, *The European Parliamentary elections and the local government elections in England and Northern Ireland May 2014* (July 2014). www.electoralcommission.org.uk/_data/assets/pdf_file/0010/169867/EP-and-local-elections-report-May-2014.pdf, accessed 10 July 2015.

Candidates and campaigners

Campaigners at the UK Parliamentary general election

3.135 Almost 4,000 candidates contested the 2015 UK Parliamentary general election (UKPGE), either representing one of the 134 political parties or as one of the over 170 candidates who stood as an independent. The high level of participation led to strong demand for the party registration, and advice and guidance services that we provide.

Table 2: Total number of candidates standing in each part of the UK

UK Parliamentary general election candidates 2015	England	Wales	Scotland	Northern Ireland	UK
Number of party candidates	3060	270	336	133	3799
Number of independent candidates	149	8	10	5	172
Total number of candidates	3209	278	346	138	3971
Number of parties standing candidates	115	22	15	12	134

3.136 In addition to candidates and parties campaigning at these elections, a total of 68 non-party campaigners were listed on the register we maintained during the UKPGE. Non-party campaigners are individuals and organisations that campaign in the run-up to an election but do not stand as candidates or register as political parties.⁷³ A total of 47 campaigners registered between the beginning of the regulated period on 19 September 2014 and polling day on 7 May 2015; the remainder had already been registered for a previous election.⁷⁴

The regulatory framework

3.137 There is a framework of rules covering campaigners' spending, donations and loans in the run-up to elections, which is set out in the Political Parties, Elections and Referendums Act 2000 (PPERA) and which we regulate. We also comment on the operation of the candidate and local non-party campaigner rules which are set out in the Representation of the People Act 1983 (RPA), and which applied to both the 2015 UKPGE and local government elections. We have a duty to take reasonable steps to ensure compliance with the candidate rules, but any breaches of the RPA are a matter for the police.

⁷³ Under the Political Parties, Elections and Referendums Act 2000, non-party campaigners are known as 'third parties'.

⁷⁴ The figures for registered third party campaigners were verified and have been amended since the report was first published in July 2015, and an updated version was published on 1 September 2015.

3.138 The regulatory framework applied to campaigners during the following 'regulated periods', during which spending limits and reporting requirements for the 2015 election applied:

- Political parties: 23 May 2014 to 7 May 2015
- Non-party campaigners (under PPERA): 19 September 2014 to 7 May 2015
- Candidates:
 - Pre-candidacy 'long' period: 19 December 2014 to 29 March 2015
 - Candidate 'short' period: 30 March to 7 May 2015
- Local non-party campaigners (under RPA): 30 March to 7 May 2015

3.139 We conducted a programme of campaign monitoring in the run-up to the 2015 UKPGE to assist us in: raising campaigners' awareness of the rules, to identify emerging issues and opportunities to offer advice and guidance; to consider enforcement action where necessary; and to obtain information on spending for post-election use.

3.140 We issued written guidance, advised campaigners with individual queries and provided proactive advice to campaigners based on information received from our campaign monitoring. We responded to over 6,800 requests for advice of varying complexity received between 23 May 2014 and 30 June 2015. We also published the weekly donations and loans reports received during the short campaign, which began when the UK Parliament was dissolved on 30 March 2015, and pre-poll donation reports received from registered non-party campaigners. These are available on our website via our party and election finance database.⁷⁵

3.141 After the UKPGE, candidates were required to submit a spending return to their Returning Officer (RO) within 35 days of the result being declared. The spending returns are required to be made available for inspection at the office of the RO. ROs are also forwarding copies to us so that we can collate and analyse the data across the UK. All parties that contested constituencies in the election, as well as non-party campaigners whose spending exceeded the reporting threshold, are required to send details of their campaign spending to us for publication. Returns covering spending up to the value of £250,000 must be sent to us by 7 August 2015, and returns covering spending above this value (which must be independently audited) must reach us by 7 November 2015. We will publish the returns for political parties and non-party campaigners as soon as practicable after we have received them.

3.142 We will review campaigners' post-election returns, to assess compliance with the rules on campaign spending and donations. This may result in future casework activity, which will be undertaken in line with our enforcement policy.⁷⁶ In spring 2016, we will also publish a report on campaign spending by parties, candidates and non-

⁷⁵ Registers of campaigners, donations, loans and spending are published via our website database. The Electoral Commission, *PEF Online*, <http://search.electoralcommission.org.uk>, accessed 10 July 2015.

⁷⁶ Electoral Commission enforcement policy is available on our website. The Electoral Commission, *Enforcement – allegations and casework*, www.electoralcommission.org.uk/our-work/roles-and-responsibilities/our-role-as-regulator-of-political-party-finances/making-an-allegation, accessed 10 July 2015.

party campaigners at the 2015 elections. In that report, we expect to comment on apparent trends and any important lessons about the regulatory framework, including recent changes to the rules.

Changes to the rules on regulating campaigns

3.143 Prior to the 2015 UKPGE, there were significant changes to the rules regulating non-party campaigning as well as minor changes to other parts of the regulatory controls.

Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Act 2014

3.144 The Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Act 2014 (the 2014 Act) made significant changes to the PPERA rules on non-party campaigning. These changes were made through Part 2 of the Act and directly amended Part 6 of PPERA, which sets out the overall framework to regulate non-party campaigners.⁷⁷ The main changes were:

- **Expanding the range of activities** covered by the rules to include spending on public events, media events and canvassing or market research (prior to this change, these rules only covered spending on ‘election material’, such as leaflets, adverts and websites).
- **Reducing the spending limits** for the amount that non-party campaigners can spend on these activities by approximately 50%
- **Increasing the registration spending threshold** up to which non-party campaigners can spend before they have to register with us.⁷⁸
- Introducing **new constituency spending limits**.
- Introducing **new ‘targeted’ spending limits** for non-party campaigning which only supports one particular party.
- Introducing **new common plan reporting provisions** for small (‘minor’) non-party campaigners working with a ‘lead’ campaigner as part of a joint campaign.
- Introducing **new pre-poll donation reporting** requirements.
- Introducing **new requirements to produce a Statement of Accounts** for those non-party campaigners that had not been required to produce one under existing legislation.

3.145 As a requirement of the 2014 Act, the UK Government was required to appoint a statutory reviewer who must report to Parliament within 18 months of the 2015 UKPGE and consider the operation of the framework for regulating non-party campaigners, including the recent changes. In January 2015, the UK Government appointed Lord Hodgson of Astley Abbots to undertake this review. We are engaging closely with this

⁷⁷ The 2014 Act was also known as the ‘Lobbying Act’. Part 1 of the Act established a Lobbying Register and Part 3 related to trade union activities. The Electoral Commission has no role in relation to these parts of the Act or to the regulation of lobbying.

⁷⁸ The registration thresholds for non-party campaigners are £20,000 in England and £10,000 in Scotland, Wales and Northern Ireland (formerly, they were £10,000 and £5,000 respectively).

important review, including responding later this month to its *Call for Views and Evidence*.⁷⁹

Fixed-term Parliaments Act 2011

3.146 As noted at paragraph 3.85, the Fixed-term Parliaments Act was passed in 2011 and set the date of the next UK Parliamentary general election as 7 May 2015. This Act meant that there was greater certainty as to when Parliament would be dissolved and when an election would take place, (subject to provisions which allow Parliament to be dissolved early or prolonged for up to two months). Ahead of the 2015 elections, this meant that candidates, political parties and non-party campaigners could all plan their campaign activities and spending with greater certainty about their respective regulated periods, spending limits and reporting deadlines.

Candidate spending limits

3.147 The candidate spending limits for the UKPGE and local government elections in England and Wales were increased by Order in July 2014 to take effect for the elections in May 2015. The last time changes were made to these candidate spending limits was in 2005.

3.148 In March 2014, based on evidence for change and consultation with political parties, we recommended that the UK Government should increase the spending limits. Our recommendations took into account the significant rise in the cost of postage since 2005, the extension of the election timetable for UK Parliamentary general elections from 17 to 25 working days⁸⁰ and historical data on candidate spending. We recommended an increase to the spending limit for local government elections and an increase to the 'long' campaign limit for candidates standing in UK Parliamentary general elections.⁸¹ Our assessment of the evidence did not support recommending an increase in the 'short' campaign spending limit.

3.149 The Secretary of State chose a different approach from our recommendation and instead used powers under the RPA to increase all the above spending limits based on changes in the value of money.⁸² The resulting spending limits are set out in our guidance.⁸³ We intend to review the effect of the changes to the spending limits when data from candidate spending returns is available and will comment on any significant findings in our regulatory report in spring 2016.

⁷⁹ GOV.UK, *Third Party Campaigning Review: call for views and evidence*, www.gov.uk/government/consultations/third-party-campaigning-review-call-for-views-and-evidence, accessed 10 July 2015.

⁸⁰ Introduced by the Electoral Registration Act 2013

⁸¹ The 'long' campaign is a period of pre-candidacy regulation of spending and donations of prospective UK Parliamentary candidates. It was introduced into the Representation of the People Act prior to the 2010 UKPGE. It starts to apply when the UK Parliament has sat for over 55 months and applies until dissolution of the UK Parliament when the 'short' campaign regulated period begins.

⁸² The Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 2014

⁸³ The Electoral Commission, *UK Parliamentary general election 2015: Electoral Commission Guidance for candidates and agents - Spending and donations*. www.electoralcommission.org.uk/_data/assets/pdf_file/0004/173074/UKPGE-Part-3-Spending-and-donations.pdf, accessed 10 July 2015.

Registration of political parties

3.150 We maintain and publish the registers of political parties in Great Britain and Northern Ireland. A political party has to be registered with us in order to field candidates at an election.

3.151 As expected, there was an increase in registration activity in the lead up to the election. A total of 83 new political parties were registered between 1 January and the close of the register at the close of nominations on 9 April 2015. This is comparable with 82 new parties registered in the equivalent period before the 2010 UKPGE. We also dealt with 78 applications to amend entries on the register, which added 195 descriptions and 81 emblems to already registered parties.

Table 3: Entries on register as at 9 April 2015

	Great Britain Register (includes minor parties)	Northern Ireland Register
Parties	461	36
Descriptions	1,303	93
Emblems	611	64

3.152 UK Parliamentary ballot papers can include a registered party description without any reference to the registered party name which continues to present a risk of confusion for voters. We noted this risk in our report after the 2010 UKPGE⁸⁴ and recommended changes in our 2013 Regulatory Review of Party and Election Finance.⁸⁵

3.153 Our 2014 report on the European Parliamentary elections⁸⁶ again highlighted the case for reforming the rules on use of party descriptions. Following those elections, we discussed the risks of voter confusion with the UK Government and jointly considered possibilities for changing the ballot paper rules regarding party descriptions. The UK Government opted not to make changes ahead of the polls in May 2015, but did indicate that it was willing to consider changes in the medium term.

⁸⁴ See paragraph 3.3, page 32. The Electoral Commission, *Report on the administration of the 2010 UK general election* (July 2010).

www.electoralcommission.org.uk/_data/assets/pdf_file/0010/100702/Report-on-the-administration-of-the-2010-UK-general-election.pdf, accessed 10 July 2015.

⁸⁵ See recommendation 5, page 18. The Electoral Commission, *A regulatory review of the UK's party and election finance laws* (June 2013).

www.electoralcommission.org.uk/_data/assets/pdf_file/0008/157499/PEF-Regulatory-Review-2013.pdf, accessed 10 July 2015.

⁸⁶ The Electoral Commission, *The European Parliamentary elections and the local government elections in England and Northern Ireland May 2014*, p.28.

3.154 Prior to these elections, we commissioned research to better understand how voters use party identity marks on the ballot paper.⁸⁷ We undertook a review of the existing registers of political parties in Great Britain and Northern Ireland and consequently updated our guidance on party registration.⁸⁸ The review was intended to ensure that a voter was not likely to encounter any party identity marks on ballot papers that were considered confusing, misleading, offensive or unlawful to publish and led us to directly contact some parties about their registered identity marks.⁸⁹

3.155 The review highlighted the challenges presented by the UK's registration system, which allows each political party to register a name, up to 12 descriptions and three emblems, and which requires us to ensure that these identity marks are sufficiently dissimilar from another party.⁹⁰ We are concerned about the increasing size of the party registers and the growing complexity of applying the registration tests. It is becoming more difficult to manage the risks of confusion for voters. Additionally, the participation of new parties is becoming ever more restricted by the choices of words and phrases used by other parties in their 12 descriptions.

3.156 To lower the risk of ballot papers causing confusion for voters at the 2015 elections, we reminded candidates and parties during the nominations process that they must make a choice between using a name or description, and that only one registered phrase would appear on the ballot paper. Subsequently, we monitored the descriptions that appeared on ballot papers for the UKPGE. We commissioned research which showed that, of almost 4,000 candidates, there were approximately 15 instances of a candidate using a description that did not clearly identify the name of the party for which they were standing. As noted above, this is permitted because the legislation allows any registered party identifier to be used on a ballot paper at UK Parliamentary elections, including descriptions which do not include the party's name. We are not aware of any significant incidents of voter confusion arising as a result of this, but they highlight the risk that confusion may occur. We will continue to monitor this issue and it remains a risk at future elections.

3.157 As changes to the registers of political parties can be made up to the close of nominations, new parties and changes to existing party identity marks (name, descriptions or emblems) could be entered on to the registers until 9 April 2015. Some electoral administrators reported that changes made to the registers up to this date caused difficulties and delays with the receipt of nomination papers and the printing of ballot papers, and said that it would be better to set the deadline for final changes to the registers of political parties at least one month earlier than the close of nominations. This would, however, represent a significant change in the ability of campaigners to adapt the identifiers they use to help voters find their candidates on

⁸⁷ This research will be published on our website in summer 2015.

⁸⁸ The Electoral Commission, *Overview of names, descriptions and emblems*, www.electoralcommission.org.uk/data/assets/pdf_file/0009/107694/to-names-rp.pdf, accessed 10 July 2015.

⁸⁹ A number of names, descriptions and emblems were reviewed in light of the updated guidance on party registration and some parties were asked to provide substitute identity marks. In the lead up to the election, we removed eight parties from the registers of political parties as their names were offensive or likely to mislead voters or were unable to be lawfully retained on the register.

⁹⁰ Part 2 of PPERA sets out rules on party registration and registration of party identity marks.

ballot papers. We are considering these views and the practicalities of proposing any changes to the law or current practice. If any changes are made, it will be important to strike a balance between well-run elections and participation in elections by campaigners.

Recommendation 10: Registration of party names and descriptions for use on ballot papers

We continue to recommend that where a candidate represents a political party on an election ballot paper, it should be clear to voters which party the candidate represents. We are concerned that the legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties.

The UK Government should reform or remove the provisions on party descriptions. It will be important to consult political parties, other governments with legislative competence over elections within the UK, and the Commission on the practical considerations of achieving this change.

The operation of the campaign regulation rules

Campaigning trends and developments

3.158 In advance of the UKPGE, we noted that an increasing number of campaigners were employing various forms of technology to enhance their campaigns. We will review spending returns submitted in due course for evidence relevant to these trends, and comment on any further observations or significant lessons in our regulatory report.

Online media

3.159 During this election, we observed a variety of election and campaign related commentary and reports in printed and online media. The PPERA rules include an exemption for editorial content that appears in a newspaper or periodical⁹¹ which is intended to ensure freedom of the press.

3.160 Following the first UK Government coalition since the 1970s, there was a tight political contest ahead of the 2015 UKPGE. The media and opinion polls closely followed the election campaigns and many newspapers published supportive commentary and reports backing specific parties. We received queries and complaints from members of the public about perceived bias in this coverage and in response we explained about the exclusion for editorial content in newspapers. On polling day, the Telegraph newspaper sent an email to its mailing list to encourage votes for the Conservative Party. This kind of one-off activity is likely to be low-cost but does show how newspaper companies can be involved in activity that is different from typical

⁹¹ Part 6 of PPERA

printed or online versions of newspapers, and that, although low cost, falls outside the PPERA exemption on editorial content.

3.161 Following the growth in online media since PPERA was passed in 2000, we consider that the exemption for editorial content should apply to online newspapers and periodicals, whether or not they have a print edition, in the same way it does for printed newspapers or periodicals.⁹² With print media, it is relatively straightforward to determine the difference between a genuine newspaper and a political leaflet in the form of a newspaper; it is however, sometimes harder to clearly differentiate between materials on the internet. This raises questions about internet content such as political material in blogs and whether it should fall under the exclusion for periodicals or be regarded as a piece of election campaign material.

3.162 As part of our proactive approach to regulating, we wrote to several established political blogging sites ahead of the UKPGE, to inform them about the PPERA rules and offer advice on the potential application of the rules. The position is closely dependent on the facts in each individual case. We think that the way in which political blogs are treated in relation to the exemption on newspapers and periodicals should be clarified in legislation. In the meantime, we will continue to consider this exemption carefully at future elections and referendums.

Social media

3.163 Use of social media applications has grown generally within the UK since 2010, and accordingly, we noticed an increased use of social media at the May 2015 polls. There are no specific controls in the PPERA or RPA rules on the use of social media or digital campaign methods, however, any regulated spending by political parties, non-party campaigners or candidates on social media advertising would be subject to existing spending limits and reportable after the election. Campaigners can potentially engage in low cost and influential activity which falls outside of the regulatory controls, but any significant spending will be regulated and is reportable. In many cases, social media campaigning ahead of the 2015 elections was informal activity and would not have incurred any significant costs. In other instances, campaigners advertised on social media such as Facebook and YouTube, or placed adverts in relation to the election on websites. Such advertising can be targeted at specific types of users, based on information about people's interests and voting intentions and the costs will typically be greater.

3.164 Additionally, social media raises new questions about the level of transparency over who is responsible for the production and distribution of campaign material. Current law only requires an 'imprint' on printed campaign materials, but we advise campaigners to use imprints on other kinds of materials as good practice. The Law Commission's review of electoral law is considering imprints and we recently

⁹² In answer to parliamentary question HL5226 asked by Lord Alton of Liverpool on 25 February 2015, the UK Government confirmed that it holds the same view on the PPERA exemption for editorial content. Parliament.UK, www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2015-02-25/HL5226/, accessed 10 July 2015.

commented on the potential benefits and challenges of extending the rules on imprints to cover website or social media campaign materials in our consultation response.⁹³

3.165 As use of social media evolves, it will be important to monitor changing campaigning techniques. It will also be important to understand the expectations of both voters and campaigners about whether or how the focus of electoral campaign regulation should change in any way. Lord Hodgson's review touches on this theme in his *Call for Evidence and Views*⁹⁴ and we are keen to learn more about the responses to his consultation in due course.

Crowdfunding and crypto-currencies

3.166 Our campaign monitoring highlighted an increased use of crowdfunding websites and some uncertainty as to how to apply the rules on checking permissibility to donations collected through such means.⁹⁵ We issued a factsheet to explain how campaigners should apply the PPERA and RPA rules on donations and permissibility to their crowdfunding activities⁹⁶ and proactively contacted some campaigners to remind them of their responsibilities. These steps should have helped to ensure that campaigners' adoption of a new fundraising technique did not affect the integrity of the regulatory controls, both at the 2015 UKPGE as well as for future elections.

3.167 Alongside crowdfunding, there were a small number of candidates and parties who solicited donations in the form of Bitcoins, a type of crypto-currency. There are specific provisions on currencies in the donation rules, but crypto-currencies are novel because they can be exchanged anonymously. We advised campaigners on the donation rules where relevant and will keep under review whether the use of crypto-currencies raises any regulatory questions.

3.168 Overall, while none of these political and campaigning trends posed any significant issues relating to the integrity of the rules on political finance at the 2015 elections, use of the internet and technology can change faster than the legislation that regulates it. We will continue to review internet and technology campaigning methods and consider whether the aims and scope of the existing legislation remain adequate and appropriate.

⁹³ The Electoral Commission, *Law Commission Review of Electoral Law – Consultation Paper: Electoral Commission Response* (March 2015).

www.electoralcommission.org.uk/_data/assets/pdf_file/0008/183833/Electoral-Commission-response-to-Law-Commission-consultation-paper.pdf, accessed 10 July 2015.

⁹⁴ GOV.UK, *Third Party Campaigning Review: call for views and evidence*, p. 19 - 20.

⁹⁵ Any donations over £500 to political parties or non-party campaigners, and any contributions over £50 towards a candidate's campaign, must come from a permissible donor. If they exceed the relevant reporting thresholds, donations are reportable in election spending returns or party quarterly reports.

⁹⁶ The Electoral Commission, *Factsheet: Crowdfunding: donations and permissibility*, www.electoralcommission.org.uk/_data/assets/pdf_file/0006/184236/Factsheet-Crowdfunding-UKPGE-2015.pdf, accessed 10 July 2015.

The introduction of the changes to the non-party campaigning rules

Passage of the 2014 Act through the UK Parliament

3.169 As noted above at paragraph 3.144, Part 2 of the Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Act 2014 made significant changes to the PPERA rules on non-party campaigning. During its passage through the UK Parliament, the Government explained that the Bill was intended to give the public more confidence about the way third parties interact with the political system, including about how much money they spend on political campaigning, especially if they seek to influence elections directly.⁹⁷

3.170 The Bill was published on 17 July 2014, just prior to the UK Parliamentary summer recess and timetabled for passage through the UK Parliament between September 2013 and January 2014. The new law was due to take effect in May 2014 at the beginning of the PPERA regulated period for the 2015 UKPGE. This meant there would be only a short period of time for campaigners to understand the finalised new rules and prepare to comply with them.

3.171 The Bill proposed to expand the range of range of activities covered by the rules to include spending on public events, media events, and canvassing or market research. This change reflected a recommendation in our 2013 Regulatory Review of the party and election finance framework.⁹⁸ Since PPERA was passed in 2000, the non-party campaigning rules had only covered spending on election material. This was in contrast to the rules on political party spending, which covered all of the above categories. We noted that there was potential for campaigners to evade the PPERA restrictions intended for parties, by carrying out activities such as public rallies or media events as a non-party campaigner.

3.172 We therefore recommended in 2013 that, 'the rules on PPERA non-party campaigning that is intended to influence voters should be changed so that they more closely reflect the scope of rules for political parties by covering events, media work and polling, as well as election material'. Our review also emphasised the need for any such changes to be carefully defined, and for the PPERA spending limits to be reassessed alongside any change to the scope of the rules. We highlighted the need to consider the interaction with charity regulation, given the potential for overlap with the PPERA rules which was noted at the 2010 UKPGE. Changes to the rules on non-party campaigning need particularly careful consideration, and it is important that spending limits are sufficient to enable freedom of expression.

3.173 The 2014 Bill proposed other significant changes for non-party campaigners, including halving the national spending limits and registration thresholds and introducing several new types of controls, including limits on spending focused on

⁹⁷ House of Commons, Hansard Debates, 3 September 2013, column 169. Parliament.UK, www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130903/debtext/130903-0001.htm#13090336000002, accessed 10 July 2015.

⁹⁸ The Electoral Commission, *A regulatory review of the UK's party and election finance laws*, p. 55-58.

particular constituencies or supporting a specific party. UK Parliamentary committees such as the Commons Political and Constitutional Reform Committee⁹⁹ and House of Lords Constitution Committee¹⁰⁰ noted their concerns about the 'rushed' Parliamentary timetable and time available for consideration of some of the proposed changes.

3.174 The Bill also adopted a different definition of regulated non-party campaigner spending from the one that had been used in PPERA since 2000. We were concerned that the Bill proposed a revised definition of regulated spending 'for election purposes' which was subject to a wide range of interpretations.¹⁰¹ We therefore cautioned that it would be preferable to use the legal definition established in 2000 and which covered spending that could reasonably be regarded as intended to promote electoral success for parties or groups of candidates. Although this test had itself been open to interpretation and difficult for campaigners to apply to their activities at the 2010 UKPGE, we determined that it would be better to retain the established definition, considering the range of other changes to the rules and the rapid timetable for implementation. After this issue was highlighted by us and others, the UK Government tabled amendments in the House of Commons to revert to the original legal test in PPERA.

3.175 The Bill was subject to further scrutiny both in the House of Lords as well as beyond Parliament, including by the independent 'Commission on Civil Society and Democratic Engagement'.¹⁰² The UK Government subsequently made a number of further changes in January 2014 as part of the Parliamentary process, including delaying the start of the regulated period for non-party campaigners from 22 May to 19 September 2014. This was to allow both campaigners and ourselves more time to prepare before the application of the revised rules, and to avoid any overlap with campaigning at the Scottish Independence Referendum held on 18 September. Other important changes included reducing regulatory burdens on some campaigners, and lessening the proposed reduction to spending limits covering Scotland, Wales and Northern Ireland.

⁹⁹ House of Commons Political and Constitutional Reform Committee, *The Government's Lobbying Bill* (September 2013). Parliament.UK, www.publications.parliament.uk/pa/cm201314/cmselect/cmpolcon/601/601.pdf, accessed 10 July 2015.

¹⁰⁰ House of Lords Constitution Committee, *Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill* (October 2013). Parliament.UK, <http://www.publications.parliament.uk/pa/ld201314/ldselect/ldconst/62/62.pdf>, accessed 10 July 2015.

¹⁰¹ In our briefing for the second reading of the Bill in the House of Commons, we acknowledged that the new definition of regulated spending and activities was closely modelled on the equivalent definition for political parties. We noted however, that it would have to be read in a new context when applied to organisations with a wide range of objectives aside from political campaigning. *The Electoral Commission, The Transparency of Lobbying, Non Party Campaigning and Trade Union Administration Bill, House of Commons Second Reading: Tuesday 3 September 2013.* www.electoralcommission.org.uk/_data/assets/pdf_file/0018/162144/Transparency-of-Lobbying-Non-Party-Campaigning-and-Trade-Union-Administration-Bill-Second-Reading-Briefing.pdf, accessed 11 July 2015.

¹⁰² The Commission on Civil Society and Democratic Engagement, <http://civilsocietycommission.info/>, accessed on 11 July 2015.

Implementation of the 2014 Act

3.176 At various stages of the Bill's development and during the implementation of the final Act, we worked with campaigners to ensure they understood its implications, and to inform our development of guidance on how to comply with the new rules. We held stakeholder discussion events and guidance webinars, and attended briefings organised by representative bodies. We also explained new aspects of the rules and provided reminders of reporting deadlines throughout the regulated period through our series of campaigner updates which reached over 1,000 subscribers. Furthermore, we worked with the UK's three charity regulators to produce guidance specifically for charities about the relationships between PPERA and charity law.¹⁰³

3.177 The most common areas of queries from campaigners about the non-party campaigning rules were:

- What counts as regulated spending, including questions about the 'purpose test' that we set out in our guidance to explain the PPERA definition of regulated spending.¹⁰⁴
- What counts as 'the public' or a 'committed supporter', which were concepts that we also set out in our guidance to explain the application of legal test in PPERA.
- What counts as a donation towards regulated spending.
- How the PPERA rules on joint campaigning and joint spending limits apply to campaigners' plans or existing partnerships.

3.178 We also received high numbers of queries about whether hustings events are regulated. These events provide an important opportunity for voters to hear from candidates and political parties. We received complaints from some candidates who were not invited to speak at local events. Hustings are generally low-cost events, and will typically not need to have spending reported. We will continue to produce guidance for campaigners on how to hold a hustings, but we are clear that they will rarely fall within the regulatory system.¹⁰⁵

3.179 As noted above, the UK Government has appointed Lord Hodgson to carry out a Review of Third Party Campaigning. The *Call for Evidence and Views* highlights a number of important areas for consideration and will be an opportunity for us to expand on our early observations from regulating the revised non-party campaigning rules, including the common areas of queries from campaigners. We will be submitting evidence to that review shortly in summer 2015. We will also be interested to hear Lord Hodgson's conclusions which we understand are expected towards the end of 2015.

¹⁰³ The Electoral Commission, *Charities and Campaigning*. www.electoralcommission.org.uk/_data/assets/pdf_file/0010/165961/intro-campaigning-charities-npc.pdf, accessed 11 July 2015.

¹⁰⁴ The Electoral Commission, *Overview of regulated non-party campaigning*. www.electoralcommission.org.uk/_data/assets/pdf_file/0003/165963/to-activities-npc.pdf, accessed 11 July 2015.

¹⁰⁵ The Electoral Commission, *UK Parliamentary general election 2015: Hustings*. www.electoralcommission.org.uk/_data/assets/pdf_file/0010/169480/sp-hustings-npc-ukpge.pdf, accessed 11 July 2015.

3.180 In this report, we do not assess the overall operation of the non-party campaigning rules at this election or the impact of the recent changes. We comment below on the new constituency spending limits that did raise practical issues. Other than on that, we will comment further following our consideration of the spending returns from the election.

Campaigning undertaken at constituency level

New constituency spending limits for non-party campaigners

3.181 The 2014 Act introduced a £9,750 constituency spending limit on non-party campaigning that promoted the electoral success of political parties or groups of candidates. The 2015 UKPGE was the first where these **constituency-level** controls applied. There were no equivalent provisions for political parties.

3.182 During the passage of the Bill, we raised concerns about the wording of these new rules. The legislation applied the controls where the spending wholly or mainly had ‘effect’ in a particular constituency, however, in our view, the controls would have been clearer, and more enforceable, if they covered activity **aimed at** electors in particular constituencies. Our alternative approach was not included in the legislation. Therefore, to make the controls more workable in practice,¹⁰⁶ our guidance advised campaigners to consider whether their spending was intended to affect the election outcome in a particular constituency or constituencies.

3.183 The constituency controls require campaigners to account for two kinds of spending against the £9,750 limit:

- any campaign spending specifically aimed at voters in a given constituency has to be attributed to the limit for that constituency
- an equal proportion of any spending that is UK-wide or directed at specific parts or regions of the UK also has to be allocated to the relevant constituencies covered by that activity.

3.184 In practice, this meant that if a campaigner spent the full £9,750 in one constituency, then they would have been unable thereafter to undertake any campaigning on a UK-wide basis because that would result in a breach of the spending limit for that constituency. This created risks of inadvertent non-compliance and we therefore discussed the new constituency rules with campaigners to inform development of our published guidance. Some campaigners explained that their campaigning is often reactive and evolves through the election period. Consequently, we developed a calculation tool to assist campaigners in attributing their spending to constituencies.¹⁰⁷ We also monitored campaigners’ understanding of the spending limits and the kinds of advice that they sought during the election period.

¹⁰⁶ The Electoral Commission, *UK Parliamentary general election 2015: Focused constituency campaigning*. www.electoralcommission.org.uk/_data/assets/pdf_file/0006/165966/to-constituency-npc.pdf, accessed 11 July 2015.

¹⁰⁷ See ‘Focused constituency campaigning’ for the spending calculator and explanatory note. The Electoral Commission, *Guidance*,

3.185 We will assess the operation of the new non-party campaigner constituency level controls when the spending returns are received.¹⁰⁸ These constituency level controls only apply at UK Parliamentary general elections and will not be in operation for the elections to the Scottish, Welsh and Northern Irish legislatures in 2016. In our spending report, we intend to note relevant lessons about the new non-party campaigner constituency controls and make any recommendations where appropriate for the next UKPGE scheduled for 7 May 2020.

Scope of the PPERA and RPA controls in relation to campaigning at constituency level

3.186 As explained at paragraph 3.137 above, the election regulatory framework comprises of:

- the PPERA rules, which are intended to cover regional and national campaigning either by a party, or for or against a party, parties or a group or category of candidates, and
- the RPA rules, which cover campaigning by, or for or against a particular candidate/s in a particular constituency or constituencies.

3.187 During the UK Parliamentary general election campaign, we received a number of enquiries from political parties and other campaigners asking whether their own planned campaign spending or specific activities by others were regulated. Many of these queries were complex to consider because of the interaction between the PPERA rules and RPA rules. These enquiries highlighted the potential overlaps and complexity in determining a clear line between the two sets of rules.

3.188 During our campaign monitoring, we also noted examples of party campaign literature that was targeted at specific constituencies. Campaign material of this type is not a new phenomenon, and reflects how party campaigners can use familiarity with the rules to plan their campaigns effectively. The intended effect of this material appears to have been to influence voters in the specific constituency that is described; however, as the material does not name the party's candidate, it is not clearly attributable to the candidate's spending limit. As such, campaign material of this kind is generally reportable under national party spending limits rather than candidate limits, but the final position on this will always depend on the specific facts and context.

3.189 These are important areas which would benefit from clarification. We will be considering them further in relation to spending returns from the 2015 election and to campaigning at the May 2016 polls. Lord Hodgson's review of the non-party campaigning rules may also highlight important matters to consider in relation to this theme.

www.electoralcommission.org.uk/i-am-a/party-or-campaigner/non-party-campaigners/guidance, accessed 11 July 2015.

¹⁰⁸ As constituency level activity is only reportable if the total spent in a constituency exceeds £7,800, the spending returns will provide a limited illustration.

Controls on spending to promote prospective candidates ahead of by-elections

3.190 During the November 2014 Rochester and Strood by-election, the Conservative party used an ‘open primary’ to select its candidate. Open primaries are where members of the public, not just party members, are invited to decide who should stand for a political party at an election. This open primary selection process took place during the candidate regulated period in the weeks prior to the by-election, and thus highlighted uncertainty about how the regulatory framework covers open party selection processes that are held close to elections.

3.191 Depending on how an open primary process is run, there are two kinds of spending to consider:

- Spending by the political party to promote the open selection process to the public and pay for the costs of running it¹⁰⁹
- Spending by contestants in the public contest, including by the winner who subsequently is nominated as the party candidate at the election.

3.192 Usually, if a party conducts an open primary selection process outside of a party regulated period, there would be no requirements for transparency of the party’s promotional or administrative spending. However, as the regulated period for political parties ahead of the 2015 election started on 23 May 2014, any spending by a party for an open primary or similar publicity exercise during that period was subject to PPERA party spending limits.

3.193 If an open primary contest is held far in advance of an election, there is no candidate regulated period in place. But if an open primary is held **after** an election or by-election has been called, it may take place **during** the candidate regulated period. However, in these circumstances, the candidate spending limits only apply from the day after the person’s selection until polling day and not to any spending on publicity while they are competing in an open primary to become selected.¹¹⁰ In contrast, if other candidates standing in the election have already been selected by their party or nominated as an independent, any spending they incur during that time will be regulated.

3.194 The timing of the Rochester and Strood by-election highlighted that the law needs clarifying in relation to open primaries held just prior to a by-election and during the candidate regulated period. When an open party contest is held close to an election, it means that the candidate and party can benefit from additional publicity and

¹⁰⁹ The format of open primaries can vary, with some involving postal votes sent to all eligible electors and others involving voting at open primary events held as public meetings. House of Commons Library, *Candidate selection-Primaries*, Standard Note SN/PC/05168 (23 September 2009). Parliament.UK, <http://www.parliament.uk/briefing-papers/SN05168.pdf>, accessed 13 July 2015.

¹¹⁰ Under RPA 1983, the earliest a person will become a candidate is on the day the vacancy occurs, if s/he, or others on their behalf, have made it clear that the person will be standing as a candidate at the by-election on or before that date. If a selection process occurs after the vacancy occurs, a person will become a candidate on the day that they are selected by the party to be its candidate.

voter engagement that is not clearly regulated by the candidate spending rules but which may well have an impact on voters casting their vote at the forthcoming election. At present, the law does not require all such spending to be declared and made transparent. It also means that spending by a winning primary contestant will only count against spending limits after the point when they have won the primary contest. Depending on the date of the outcome of the primary, this may give them a spending advantage against other election candidates who will have to count their spending for the whole of the regulated period against their spending limit.

3.195 In the case of the Rochester and Strood by-election, the Conservative candidate's agent reported not just the costs of promoting her as the Conservative Party's candidate, but also some additional costs associated with promoting her as a contestant during the open primary in her spending return. This is a positive outcome as it is not clear that the law requires this. We will examine what costs the Conservative Party and other parties report for any spending associated with by-elections and open primary contests held during the 2015 election regulated period in its spending return.

3.196 Open party selection processes are generally used to increase voter engagement. This open primary and by-election highlighted uncertainty about how the regulatory framework covers open party selection processes that are held close to elections. We think that the law should be clarified in relation to open primaries held close to elections to ensure that campaign spending is made transparent and to reduce the risk of undermining voter trust.

Recommendation 11: Transparency and regulation of open primary party selection contests held close to an election or during a candidate regulated period

We recommend that governments with legislative competence over elections within the UK should consider transparency and regulation of open primary party selection contests held during a candidate regulated period.

If an open primary contest takes place **during** a candidate regulated period, the campaign spending that promoted the successful open primary contestant should be transparent and subject to appropriate limits, and relevant donations towards this spending should be subject to appropriate controls. Consideration should also be given to transparency of the costs of unsuccessful primary contestants and the central party in relation to such open primaries. We would be happy to work with political parties and relevant governments to discuss how this could be achieved within the existing regulatory framework.

Exclusions for costs which are immaterial to the campaign activity

3.197 The 2014 Act introduced a number of new exemptions to the non-party campaigning rules set out in PPERA, including: spending on translating material from English to Welsh and vice versa; reasonable expenses that can be attributed to an individual's disability; and any public procession or meeting that has received an advance notice under the Public Processions (Northern Ireland) Act 1998. We

supported the introduction of these exemptions which are for costs that are immaterial to the campaign activity and are intended to promote inclusion.

3.198 There are no explicit equivalent exemptions for disability-related costs or Welsh/English translation costs in the rules covering party and candidate election spending. During the election period, however, we had some enquiries as to whether reasonable disability-related expenses are regulated for political parties and candidates.

3.199 As the UK Parliament has clearly stated its intention that such costs should be exempted for non-party campaigners, we can see no obvious reason why equivalent legal exemptions should not be introduced for political parties and candidates at the earliest opportunity.

Recommendation 12: Costs relating to an individual's disability

Governments with legislative competence over elections within the UK should amend the definitions of political party and candidate spending so that reasonable expenses that can be attributed to an individual's disability are exempt, (as was recently set out in the revised PPERA rules for non-party campaigners).

Recommendation 13: Costs relating to translation from Welsh to English and vice versa

As the PPERA non-party campaigner rules now exempt the costs associated with translating Welsh to English and vice versa, we recommend that equivalent legal provisions should be introduced into the election rules covering spending by political parties and candidates by the relevant government/s at that time.¹¹¹

Donations and responsibilities of donors

3.200 During the election campaign, a national television documentary about the fundraising practices of the Conservative, Labour and Liberal Democrat parties was broadcast as part of the 'Dispatches' series. This documentary led to allegations about donations received by the Liberal Democrat party. There were also allegations in a newspaper about the fundraising practices of a prospective candidate in north-west London.

3.201 The Liberal Democrat party accepted four donations mentioned in the television documentary, which had a total value of £13,050 and appeared to be from permissible donors. It subsequently came to light however that those donations had been made by individuals acting on behalf of two media companies, as part of investigations into party finance. The party was therefore no longer satisfied as to the true sources of the donations and the donations were subject to forfeiture. We accepted the voluntary

¹¹¹ The St David's Day Agreement of February 2015 proposed that the conduct and administration of local government elections and elections to the National Assembly for Wales (including campaign expenditure by political parties and non-party campaigners) be devolved. Any proposals will be set out in a draft Wales Bill, which is due to be published in autumn 2015.

forfeiture of the full value of the donations.¹¹² We are aware that the party has since reviewed its internal procedures.

3.202 The Political Parties and Elections Act 2009 included a requirement for donors giving more than £7,500 to declare whether any other person has provided a benefit to them in connection with the donation. The requirement has still not been commenced and so is not in force. We commented on the workability of this proposed requirement in our 2013 Regulatory Review.¹¹³

¹¹² The Electoral Commission, *Sanctions report: 19 May 2015*.
www.electoralcommission.org.uk/_data/assets/excel_doc/0007/151657/Cases-publication.xlsx,
accessed 11 July 2015.

¹¹³ The Electoral Commission, *A regulatory review of the UK's party and election finance laws*, p. 41.

4 Looking ahead

4.1 The elections on 7 May 2015 were well-run. Voters were satisfied with the way they were run and were able to participate either by voting in person at a polling station, appointing a proxy to cast a vote on their behalf or by completing and returning a postal vote.

4.2 After all spending returns have been received from campaigners at these elections in November 2015, we will report on any relevant lessons about the regulatory framework in our campaign spending report planned for spring 2016.

4.3 Given the number and scale of elections and referendums expected to take place in the next five years however, there remain a number of challenges and improvements that can be made for future elections to ensure that voters' expectations are met and their interests continue to be put first.

Polls in 2016

4.4 A significant number and range of polls are scheduled to take place across the United Kingdom in May 2016: elections to the Scottish Parliament; the National Assembly for Wales; the Northern Ireland Assembly; the Mayor of London and London Assembly; Police and Crime Commissioners across England (except in London) and Wales; and local government elections in many areas of England.

4.5 In England and Wales, several polls will take place on the same day in May 2016, and this combination of polls is likely to increase the complexity of running the polls. In Wales, for example, there will be two sets of polls (elections for the National Assembly for Wales and for Police and Crime Commissioners) which will involve three separate ballot papers using three different voting systems. The elections will be managed by Returning Officers (ROs) across five electoral regions for the National Assembly elections, but across four police areas for the Police and Crime Commissioner elections.

Legislation

4.6 We continue to recommend that legislation should be clear (whether by Royal Assent to a Bill or introduction to the appropriate Parliament or Assembly of draft secondary legislation) at least six months before it is required to be implemented or complied with by campaigners or electoral administrators. This lead-in time is important as it ensures that we have sufficient time to finalise and issue guidance, and that campaigners and electoral administrators are able to plan effectively for polling day.

4.7 Some pieces of legislation for the May 2015 polls were not made until a few weeks before polling day and without good explanation. The delivery of the May 2016 polls will require combination legislation for the Police and Crime Commissioner and the National Assembly for Wales elections and any delays to the passage of this will pose a risk to the successful running of these elections. We cannot stress strongly enough the need for all legislation relating to any and all of these polls to be clear at least six months before it is required to be implemented or complied with.

Combination

4.8 We have highlighted the extent to which the combination of multiple different polls, and the particular complexities that this created (including cross-boundary issues and the printing and distribution of multiple sets of ballot papers), caused logistical and printing issues in some areas at the May 2015 polls, which in some cases impacted on voters.

4.9 The May 2016 polls will see a similar level of complexity. In order to minimise the risks around combination, and to ensure that the polls are well-run and that voters receive a high-quality service, careful and timely planning and organisation will be required.

Supplier capacity and resources

4.10 The complexity of the May 2015 polls led to additional pressure on supplier capacity and resources in certain areas; this contributed to printing errors and delays in the production and despatch of postal votes, which impacted on the level of service received by some voters. These issues highlight the degree to which ROs are reliant on the performance of printing and electoral management software suppliers in ensuring that voters receive a high quality service.

4.11 We will continue to monitor risks relating to the capacity and resources of suppliers with our Electoral Advisory Board of senior ROs. We will also work closely with suppliers and ROs in advance of the May 2016 polls to improve this area of election delivery and to minimise these risks.

The election count in Northern Ireland

4.12 In this report we have recognised the clear improvements to the management of the counts in Northern Ireland.

4.13 It is essential that the Chief Electoral Officer builds on this success ahead of the 2016 Northern Ireland Assembly election. As part of our commitment set out in our 2014 report on the administration the European Parliamentary and local government elections in Northern Ireland, and working with the Chief Electoral Officer, we are now undertaking a project to look at the management of Single Transferable Vote counts in Northern Ireland, which will seek to identify what can be done to improve the management and efficiency of such counts. We aim to complete this project in the autumn, so as to allow the Chief Electoral Officer and his staff sufficient time to implement any recommendations or changes.

Supplementary Vote ballot papers

4.14 Past research has indicated that voters are statistically more likely to commit errors when casting their vote using a Supplementary Vote (SV) ballot paper compared with a 'first past the post' ballot paper. Indeed, the rejection rate for the Mayoral election ballot papers in May were between 2.2% and 4.0% compared to 0.33% for the UK Parliamentary ballot papers.

4.15 In 2016, there will be several elections across England and Wales run under the SV system including for Police and Crime Commissioners (PCCs) as well as for elected Mayors in some English local authorities parts of England and the Mayor of London.

4.16 In early 2015, we undertook qualitative research with members of the public to explore how easy or difficult to understand participants found the instructions on the SV ballot paper and the reasons for this.¹¹⁴ We have since made recommendations¹¹⁵ to the UK Government and to London Elects¹¹⁶ on how the ballot papers for the PCC and London Mayor elections can be improved to make it easier for voters to understand how to mark their ballot paper in the way they intend to. We also identified a number of information needs that would help participants feel informed about SV, and reassured that they could complete their ballot paper correctly.

4.17 We understand that the ballot paper for the London Mayor elections will reflect our recommendations.

Individual Electoral Registration

4.18 By law, the transition to Individual Electoral Registration (IER) in England, Scotland and Wales, which began in summer 2014, is currently scheduled to end with publication of the revised electoral registers in December 2016. At this point, any entries for electors who are not registered individually – that is, those who have not either been confirmed or successfully made individual applications to register to vote – will be removed from the registers.

4.19 The legislation, however, allows the UK Government to make an Order (during a specified three-month period between June and August 2015) which would end the transition 12 months earlier, in December 2015. A statutory instrument containing such an Order would not need to be debated by the UK Parliament, but could be annulled by a resolution of either House of Parliament.

4.20 Revised electoral registers must be published by 1 December 2015; these registers will form the basis of the registers to be used for the May 2016 polls. Who is or is not included will depend in part on whether the transition ends in December 2015 or continues to December 2016. If the transition is brought forward, all remaining entries relating to electors who are not registered individually will be removed on publication of the revised registers. If entries for eligible electors are removed at this point, it would create a risk to both the completeness of the registers and to participation.

4.21 Taking into account the available data and evidence and the significant polls which are scheduled for May 2016, we have recommended that Ministers should not make an Order to bring forward the end of the transition to IER. We recommend that

¹¹⁴GfK NOP, *Public user testing of instructions for Supplementary Vote ballot papers*. www.electoralcommission.org.uk/_data/assets/pdf_file/0006/190347/GfK-NOP_SV-Ballot-Papers-Report-FINAL.pdf, accessed 11 July 2015.

¹¹⁵The Electoral Commission, *Public user testing of instructions for SV ballot papers: Summary and Recommendations*. www.electoralcommission.org.uk/_data/assets/pdf_file/0006/190518/Public-user-testing-of-SV-instructions-recommendations.pdf, accessed 11 July 2015.

¹¹⁶London Elects is the programme team responsible for organising the 2016 Mayor of London and London Assembly elections.

the end date for the transition should remain, as currently provided for in law, December 2016.¹¹⁷

4.22 Nonetheless, whatever decision is taken about when to end the transition to IER, it is essential that Electoral Registration Officers (EROs) continue to take necessary action to ensure that as many people as possible are able to participate in the May 2016 polls.

Electoral integrity

4.23 We will continue to provide electoral integrity guidance and support to EROs, ROs and police forces across the UK. We will also continue to target our monitoring activities in those areas where there is a higher risk of allegations of electoral fraud in 2016 and beyond. We will work closely with EROs, ROs and police forces to make sure that they have thoroughly analysed the risk of electoral fraud locally at the May 2016 polls, and that their plans represent an effective response to tackle those risks.

4.24 We have also recommended that there should be a requirement for voters at polling stations in England, Scotland and Wales to provide proof of their identity before being issued with a ballot paper and allowed to vote, as has been required in Northern Ireland since 2002. We are continuing to develop detailed proposals and costings for implementing an identification scheme in time for the May 2019 elections, and expect to publish our proposals by the end of 2015.

Looking further ahead

Referendum on the UK's membership of the European Union

4.25 The UK Government has confirmed that the EU referendum will not be held on the same day as the May 2016 polls, although the referendum must take place no later than 31 December 2017. Significant planning is underway to ensure that the referendum is delivered and regulated effectively and that voters receive a consistently good service wherever they happen to live. We will continue to work with Regional Counting Officers, Counting Officers and their staff to deliver an effective referendum for voters and campaigners.

Further devolution of electoral law to the Scottish Parliament

4.26 The Scotland Bill which is currently being considered by the UK Parliament would give increased powers to the Scottish Parliament for the administration and regulation of elections to the Scottish Parliament and local government in Scotland.

4.27 Given the continuing development of the Electoral Management Board (EMB) in Scotland and the need to secure its long-term funding and statutory arrangements, further devolution of responsibility for elections policy to the Scottish Parliament presents an opportunity to secure the future re-structuring of electoral matters in Scotland with the EMB playing an important role, delivering services which are in the interests of voters.

¹¹⁷ The Electoral Commission, *Assessment of progress with the transition to Individual Electoral Registration*.

4.28 We have recommended that the EMB's statutory remit is extended to all parliamentary elections in Scotland, and that the Convener is given a power of direction at these elections. The long term funding and legal status of the EMB must also be secured and clarified so that it can fully undertake the tasks it was envisioned it would carry out when the idea of a Board was recommended and accepted by governments in 2008.

Votes for Life Bill

4.29 In the 2015 Queen's Speech, the UK Government set out its intention to abolish the current 15 year time limit on the voting rights of British citizens living overseas for UK Parliamentary and European Parliamentary elections. The UK Government also said that it would, 'make it easier for overseas electors to cast their votes in time to be counted'.¹¹⁸

4.30 We will work with UK Government officials, EROs and key stakeholders to ensure that the proposals are workable and effective and serve the interests of overseas electors.

¹¹⁸ GOV.UK, *The Queen's Speech 2015* (May 2015).

Appendix 1

Research methodology

Public opinion survey

Between the 8th and 27th May 2015, Ipsos MORI interviewed a sample of 3,564 adults aged 18+ in the United Kingdom as well as 575 voters across the six local authorities also holding Mayoral Elections. The number of completed interviews in each country and the Mayoral authorities breaks down as follows:

- England: 1,500
- Scotland: 750
- Wales: 814
- Northern Ireland: 500
- Six Local Authorities holding Mayoral Elections (Bedford, Copeland, Leicester Mansfield, Middlesbrough and Torbay): 575

Interviews were conducted by telephone, using Random Digit Dialling (RDD). Fifteen per cent of the main survey was also contacted by mobile phone RDD.

Ipsos MORI interviewed a representative quota sample in each of England, Scotland, Wales and Northern Ireland in addition to a representative quota for the six local authorities within the Mayoral Election sample. Quotas were set for each country by age, gender, social class, working status and region. The data were then weighted to the known national population profile in each country.

In our UK-level data, each of the four countries' weighted data were aggregated and then weighted to their representative level for the population of the UK.

Comparisons made between these polls and previous post-elections surveys are indicative and should be treated with some caution.

Electoral data

Professors Colin Rallings and Michael Thrasher at the Elections Centre, Plymouth University, collected and collated data from Returning Officers (ROs) in England, Scotland and Wales and the Electoral Office for Northern Ireland.

As of mid-July 2015, four UKPGE constituencies had not yet returned full postal voting data. Some ROs were also unable to provide some of the electoral data which we requested from them.

Returning Officer feedback

We issued an optional qualitative feedback form to ROs, Electoral Registration Officers (EROs) and electoral administrators. To have maximum reach this was an online survey available on our website and promoted in our Bulletin which is sent to ROs, EROs and their staff.

We received 78 returned surveys. Most forms (nearly 70%) were completed by electoral administrators. At least 70% of respondents reported that they held combined polls in their area.

The views expressed cannot be taken to be representative of ROs/electoral services staff as a whole; however the information is useful in highlighting recurring themes and exploring issues in more depth.

Survey of Parliamentary Candidates

We issued a postal survey to every candidate who provided an address on the statements of persons nominated across all 650 Parliamentary constituencies. Many candidates chose not to include their address on this statement and as such we issued 2363 surveys. By 08 July we had received 732 responses (a 31% response rate) on which data in this report is based.

The people who returned surveys of this sort are self-selecting, and the characteristics of our sample differ to an extent from those of all candidates. Our sample does cover a broad range of characteristics, however, the findings should not be taken to be representative of the views of all candidates in the same way that public opinion data seeks to be representative of the wider population.

The data so far shows us views of a diverse sample consisting of 18% of all the candidates who stood in the UK Parliamentary general election on 7 May.

We will publish a report later in 2015 which sets out the final data from this survey.

Survey of Parliamentary agents

We included questions on a survey of electoral agents conducted by Professor Justin Fisher (Brunel University), Professor Ed Fieldhouse (University of Manchester) and Dr David Cutts (University of Manchester). The survey was distributed by post immediately after polling day to 2,597 agents of the Conservative Party, Labour Party, Liberal Democrats, Plaid Cymru, Scottish National Party and UKIP for 629 constituencies in Great Britain – a total of 2,597.¹¹⁹

¹¹⁹ No questionnaires were sent to agents in Buckingham (the Speaker's seat), or to Rochdale and Heywood & Middleton. In the case of the latter two constituencies, the local authority (Rochdale) did not publish details of the agents.

The data reported here are based on 919 valid responses received by 1st July 2015. These consist of responses from 188 Conservative agents, 265 Labour agents, 263 Liberal Democrat agents, 18 Plaid Cymru agents, 22 SNP agents and 163 UKIP agents and should not be considered to be representative of the views of all agents. We will publish a report later in 2015 that sets out the final data from the survey.

Appendix 2

List of UK Parliamentary constituencies where the counting of votes at the 7 May 2015 elections began after 02:00 on 8 May 2015

List of Constituencies that had submitted statements in accordance with the requirements of Rule 53ZA (1)(b), Schedule 1, Representation of the People Act 1983 (as inserted by Section 48 of the Constitutional Reform and Governance Act 2010).

- Banbury
- Bassetlaw
- Batley and Spen
- Berwick upon Tweed*
- Bexhill and Battle
- Blyth Valley*
- Bognor Regis & Littlehampton
- Braintree
- Brighton Pavilion
- Broadland
- Bromsgrove
- Broxtowe
- Christchurch
- Cleethorpes
- Colne Valley
- Dewsbury
- Dumfries and Galloway
- Dumfriesshire, Clydesdale & Tweeddale
- Fermanagh & South Tyrone
- Forest of Dean
- Guildford
- Hemel Hempstead
- Hemsworth
- Henley
- Hertford and Stortford
- Hexham*
- Hove
- Keighley
- Lancaster and Fleetwood
- Mansfield
- Mid Sussex
- Morecambe and Lunesdale
- Newbury
- Newry & Armagh
- Normanton, Pontefract and Castleford
- North Dorset
- North Thanet
- North Tyneside
- North West Leicestershire
- North West Norfolk
- Norwich North
- Norwich South
- Nottingham East
- Nottingham North
- Nottingham South
- Oxford West and Abingdon
- Portsmouth North
- Portsmouth South
- Redditch
- Richmond Yorks
- Shipley
- South Down
- South East Cambridgeshire
- South Northamptonshire
- South Thanet
- South West Devon
- South West Norfolk
- South West Surrey
- St Austell & Newquay
- St Ives*
- Stevenage
- Stoke-on-Trent Central
- Stoke-on-Trent North
- Stoke-on-Trent South
- Surrey Heath
- Taunton Deane
- Truro & Falmouth
- Tynemouth
- Vale of Glamorgan
- Wakefield
- Wansbeck*
- Wantage
- Waveney
- Wells
- Welwyn Hatfield
- Witham
- Woking
- Wokingham

* denotes a constituency where the Returning Officer had planned in advance to begin counting on Friday morning rather than overnight.