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# STATES OF JERSEY



## PUBLIC ELECTIONS WORKING PARTY REPORT

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**Presented to the States on 2nd July 2010  
by the Privileges and Procedures Committee**

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**STATES GREFFE**

# **PRIVILEGES AND PROCEDURES COMMITTEE**

## **PUBLIC ELECTIONS WORKING PARTY REPORT**

### **FOREWORD**

The Privileges and Procedures Committee is pleased to present to the States the report of the Public Elections Working Party.

The Working Party was established by PPC in late 2009 to review the current operation of the Public Elections (Jersey) Law 2002 and to make recommendations for change. It was chaired by the Vice-Chairman of PPC, Deputy Collin Egré and the members were Connétable Peter Hanning representing the Comité des Connétables and Deputy Montfort Tadier.

This report is presented as prepared by the Working Party and its recommendations have yet to be considered by PPC. The Committee will consider the Working Party's recommendations alongside all other comments and suggestions received following the close of a one-month consultation period and, at that stage, will lodge a proposition seeking States approval for the recommendations that are supported by PPC.

Comments on the Working Party's report can be forwarded to the Privileges and Procedures Committee through the Committee Clerk, Anna Heuston, at the States Greffe, Morier House, St. Helier, JE1 1DD, or by e-mail to [a.heuston@gov.je](mailto:a.heuston@gov.je). Comments should be received by close of business on Friday 30th July 2010.

# PRIVILEGES AND PROCEDURES COMMITTEE

## PUBLIC ELECTIONS WORKING PARTY

### REPORT

#### Introduction

The Public Elections Working Party was established by the Privileges and Procedures Committee to review the current operation of the Public Elections (Jersey) Law 2002 and to make recommendations for change. The Working Party was chaired by the Vice-Chairman of PPC, Deputy Collin Egré and the members were Connétable Peter Hanning representing the Comité des Connétables and Deputy Montfort Tadier from PPC.

The recommendations in this Report were agreed collectively by the 3 members of the Working Party with the exception of the recommendations on a later opening hour for polling stations and on amending the postal voting system. As indicated in the body of this Report, Deputy Montfort Tadier recorded his strong dissent to both of these recommendations and was invited to give his reasons, which are set out at Appendix 1.

The Working Party agreed to consider the following terms of reference, although it also agreed that it would also consider any other relevant matters that arose during its review –

To consider the Public Elections (Jersey) Law 2002 and the electoral process, with particular regard to –

- (a) the number of separate elections that can be facilitated on one day;
- (b) the regularisation of the nomination day for elections and the procedures for chairing nomination meetings;
- (c) the role of the Jurats in connection with referenda;
- (d) the number of *Adjoints* appointed by each parish;
- (e) the location of district polling stations;
- (f) procedures for postal and pre-poll voting;
- (g) the inclusion of known names on the ballot paper;
- (h) the provision of photographs of candidates at polling stations; and
- (i) the electronic function in the voting process.

The Working Party's comments and recommendations under each of the terms of reference are set out below.

**(a) The number of separate elections that can be facilitated on one day**

The Working Party noted that on 30th June 2009 the States had adopted a proposition of Deputy J.A.N. Le Fondré of St. Lawrence (P.109/2009) and agreed that all elections (other than by-elections) should be held on the same day in every election year. This would mean that from 2011, in the absence of any reform to the composition of the States, there would be elections for 6 Senators, 12 Connétables and 29 Deputies on one day. The Working Party was aware that PPC has now discussed this matter with the Minister for Treasury and Resources to ensure that the day chosen does not interfere with an orderly process for the Annual Business Plan and Budget debates and has concluded that a date in mid-October should be recommended as the single election day. As a result, the Working Party did not need to consider the actual date of the single election day and restricted its consideration to the process.

The experience during 2008 when elections for Senators, Connétables and a referendum were held on a single day was taken into account when considering the procedures for holding a number of elections on a single day from 2011.

The Working Party consulted with the Jurats, the Judicial Greffe, and the Comité des Connétables in this regard, and feel that there are a number of practicalities to be taken into account in respect of the number of separate elections that can be facilitated on one day.

Standing for more than one office at the same time

In the recent past, candidates have stood for the office of Senator or Connétable and, if unsuccessful, have later been able to be nominated for the position of Deputy. The Working Party recognised that, following the introduction of the single election day, candidates would continue, in the absence of any new statutory restriction, to be able to stand for a number of positions, and could, in theory, be elected to all of the positions for which they had been nominated. The Working Party believes it would be unsatisfactory for a situation to arise where a person had been elected to up to 3 offices at the same time.

Being elected to 2 or even 3 positions on one day would result in a number of difficulties as a member could clearly not serve in more than one capacity. As a result it would be necessary for the member concerned to vacate one or more of the offices, resulting in the practical consequence that when the new States was constituted there could be a number of vacancies yet to be filled by the by-elections that would be necessary to fill the other positions. This would mean that the Assembly would not be fully constituted for the elections of Chief Minister, Ministers and the various chairmen and members of panels and committees. In addition, any member elected in a subsequent by-election would be too late to be considered for a position of official responsibility as the post-holders would already have been appointed.

A candidate might also be entitled to incur expenses in more than one capacity during the election campaign and could, in practice, spend the totality of their permitted expenses in support of their campaign for one particular post, thereby gaining an unfair advantage. A candidate nominated, for example, as a Senator and a Connétable could spend the entire permitted amount of senatorial expenses on a campaign in the relevant parish.

The Working Party was, however, initially conscious that preventing a candidate from standing for more than one office at the same time could be seen as a disproportionate restriction on the ability of persons to stand for election in whichever category or categories they wished. The Working Party therefore sought preliminary advice in respect of human rights compatibility, and, having considered that advice and given the matter serious consideration, would **recommend** that candidates be restricted from standing for more than one office at the same time. As indicated below, it is likely that the nomination meeting for Senators will be followed by nomination meetings for Connétables and Deputies the following day and the Working Party **recommends** that legislation is brought forward to provide that, in the event that a person already nominated as a candidate for Senator was then nominated for another office, any second nomination would invalidate the earlier nomination, with the consequence that at the end of the nomination process a person would only be nominated to stand for one office on the same day.

#### The polling process

Having consulted with the Jurats, the Judicial Greffe, and the Comité des Connétables, the Working Party would **recommend** the following –

- (i) Three ballot boxes should be installed at each polling station (one to contain the votes for Senators, one for Connétables and one for Deputies).
- (ii) Different coloured ballot papers should be used for each of the elections (in order to assist with the count). The Working Party believes it would also be helpful for each ballot paper to indicate at the top which election it was for together with an indication of the maximum number of candidates that an elector could choose. Without this indication it is possible that some electors would arrive in the booth with 3 ballot papers and be confused about which one applied to which election.
- (iii) Voters should be asked which elections they wish to vote in and be given the appropriate ballot papers. The Working Party recognised that some voters may have no interest in voting in a particular election when 2 or 3 are held on the same day and was concerned that forcing electors to take ballot papers they did not want could lead to a situation where ballot papers were spoilt or taken from the polling station without being inserted in the ballot box which would then lead to problems for the *Autorisés* in the reconciliation process during the count.
- (iv) One electoral list should be produced, with 3 columns to be marked off to indicate which election papers each voter has received. Although, in theory, an elector could then attend the polling station on 3 separate occasions to vote if 3 separate elections were being held on one day, the Working Party thought this was extremely unlikely in practice and, even if a small number of electors did, it would not cause undue disruption to the operation of the polling station.

- (v) The opening of the poll, as specified under Article 30 of the Public Elections (Jersey) Law 2002, should be amended to 9 a.m. The Working Party, by a majority, considered that the opening at 8 a.m. had not led to any overall increase in the number of voters during the day and considered that a 9 a.m. start was more reasonable for the *Autorisés* and others who have to arrive at the polling station before the opening time and who often stay late into the evening or even the early hours of the following morning for the count. Concern was nevertheless expressed by Deputy Tadier (who dissented from this recommendation) who considered that the later opening would lead to a reduced turnout and would send out a mixed message to electors by restricting polling hours at a time when the States wanted to encourage greater voter participation. The Deputy also felt that the poll should open at 7 a.m. to allow more people to vote before work.
- (vi) Consideration should be given to the installation of additional polling booths at polling stations so that the additional time spent by voters to complete the ballot papers does not result in delay.

### The Count

The time needed to complete the count varies according to a number of factors –

- (1) the number and experience of the *Adjoints* available;
- (2) the number of candidates;
- (3) the requirement for tally sheets where the election is for 2 or more seats.

The Working Party believes it would be preferable for 3 counts be made on the evening of election day, and would **recommend** that this approach be adopted in as many of the parishes as possible in order to ensure that local interest and the traditional excitement of election night is sustained. The Working Party believes that, if possible, *Autorisés* should make arrangements with parishes for additional *Adjoints* to be appointed to cope with the additional workload that will arise in the counts following a single election day. It may be appropriate to look beyond the traditional ‘pool’ of staff and volunteers used for this purpose within each parish and the Working Party considers that there may, for example, be suitable public sector employees who could be released from their duties during the day and who would be willing to assist with the election process on a voluntary basis throughout the evening as well. It is, however, recognised that counting all votes on election night is unlikely to be possible at all polling stations with a single election day. This approach may therefore only be realistic where the Senators’ count (which always requires a tally sheet to be completed) is held alongside counts for Deputy and Connétable which are for single seats, namely at the following polling stations –

- St. Saviour No. 3
- St. Brelade No. 1
- Trinity
- Grouville
- St. John

- St. Martin
- St. Mary
- St. Ouen
- St. Peter.

At the 8 other polling stations, tally sheets will be required for both the Deputies' and the Senators' counts. It is therefore accepted that a revised timescale may be required at the following polling stations, even with the appointment of additional *Adjoints*:

- St. Helier No. 1
- St. Helier No. 2
- St. Helier No. 3
- St. Saviour No. 1
- St. Saviour No. 2
- St. Brelade No. 2
- St. Clement
- St. Lawrence.

At these polling stations the count will be expected to take considerably longer, although it is not possible to know how many counts will be necessary in a particular parish or district until after the nomination evenings. The Working Party recognises that it will ultimately be a matter for the parish and the *Autorisé* for each Parish to decide how best to deal with the counts. The Working Party would recommend the following:

**1 election:** There may only be a Senators' election in some Parishes so the count and declaration may proceed as normal on election evening.

**2 elections:** If only 2 elections have taken place then both the counts should proceed as normal, with additional help for the count if necessary.

**3 elections:** If 3 counts are considered possible then appropriate arrangements should be made, including the appointment of a new group of counting *Adjoints* arriving at a designated time if necessary.

For those parishes and districts who do not feel able to complete more than 2 counts on election evening, the Working Party would **recommend** that the Deputies' and Connétables' elections are counted and declared that evening as the candidates for these posts are more likely to be at the polling station waiting for the results. This recommendation is also the preferred option of the Jurats.

Any ballot boxes that are not counted will need to be kept securely until the following day, when the count would commence. It is possible that all ballot boxes will need to be unsealed and opened during the count if it becomes clear during the reconciliation process that some votes are missing from the box being counted and it is suspected that these have inadvertently been put in the wrong box. In these cases the Jurats have confirmed that the remaining box or boxes would be opened and the use of coloured ballot papers will make the missing ballot papers relatively easy to identify. The Jurats have confirmed that any ballot boxes that need to be opened in this way would be securely resealed if the count was being deferred until later. The Comité des Connétables has also confirmed that the Connétables are satisfied that appropriate

security arrangements can be put in place if sealed ballot boxes need to be stored overnight.

In making this recommendation, the Working Party took into account the fact that, in 2008 in St. Helier, with a 34.1% poll, the result of the votes in the Senators' election and the referendum was declared at 1 a.m. The Working Party and the Jurats both believe that, if it is considered that the count would need to continue into the early hours of the morning, it would be preferable for the count to take place the following day, rather than to continue through the night. In coming to this conclusion, both parties had regard for the comments of the Chief Executive of the Electoral Commission, Peter Wardle, who said the following in respect of the U.K. Parliamentary general election –

*“The most important thing is that the count is accurate and that voters have confidence in the election result. We all enjoy the excitement of election night, but Returning Officers have a responsibility to make sure that the results are accurate and accepted... It is entirely appropriate for Returning Officers to decide to hold the count on Friday if they are clear that this is necessary to ensure an accurate result.”*

#### Voting on a Saturday

The Working Party has given consideration to the possibility of moving polling day to a Saturday instead of the current requirement to hold elections on a Wednesday. Although some people traditionally vote on their way to or from work or school, the Working Party believes that many people would find it more convenient to vote at the weekend when most voters will be at home and nearer their local polling station all day. This could be one way to improve turnout and the Working Party therefore sought the views of the Jurats and the Connétables on this suggestion.

The Jurats agreed that moving polling day could bring in more voters, but pointed out that new difficulties could be created for parishes and the idea might not be welcomed by the substantial number of volunteers and paid officials who run the elections so willingly on Wednesdays. The Jurats pointed out that moving to a single election day will already require significant changes to existing procedures and suggested that it may be preferable to deal with that issue in 2011 before moving to Saturday elections. The Comité des Connétables also drew attention to the staffing difficulties that could arise by a move to Saturday elections and suggested that consultation with staff would be needed as well as consideration of what additional costs might be incurred. The Comité noted that if some counts were deferred to the following day, as mentioned above, staff and volunteers would need to work on a Sunday as well as the Saturday.

Having considered the views expressed, the Working Party does nevertheless believe that it would be worthwhile, if possible, to trial a Saturday election in due course. The Working Party accepts that the move to a single election day in the autumn of 2011 will be a significant change in itself and it would be unwise to make a further change by introducing Saturday voting as well. The Working Party nevertheless believes that at some stage after 2011 it would be useful to trial a Saturday election to assess whether turnout would be improved by a permanent change from Wednesday to Saturday for all elections.



**(b) The regularisation of the nomination day for elections and the procedures for chairing nomination meetings**

The Working Party felt that this should be broadened to include the regularisation of the procedures for chairing nomination and hustings meetings, and whether it was appropriate for politicians, namely the Connétables, who may be standing for election in the same session, to be chairing meetings.

The Working Party, having sought appropriate advice, is satisfied that there are no legal or human rights issues that prevent Connétables from chairing nomination meetings. The Public Elections (Jersey) Law 2002 makes it clear that nomination meetings are essentially procedural in nature and held for the purpose of confirming the candidacy of someone who is qualified for election and has collected the requisite number of signatures from registered electors. Article 18(1) of the Law makes it mandatory for a person to be admitted as a candidate if they have been duly proposed and seconded at a nomination meeting and it follows that the person who presides over the meeting has no power to exclude candidates. Furthermore, if the Connétable is proposed as a candidate, Article 20(2) requires another officer of the Parish to preside at the nomination meeting.

Procedures for nomination

Under paragraph (a) of this report, the Working Party recommends that candidates should be restricted from standing for more than one office at the same time. This would eliminate the need for any considerable revision to nomination proceedings as a candidate will not be required to be in 2 places at once on nomination day, as they will not be able to stand for more than one election on the same day. The Working Party recognised that it would in theory be possible to replace the entire nomination system with a paper-based system of nomination similar to that used in Guernsey where nomination documents would be submitted to a given location (in practice probably either the Judicial Greffe or the relevant Parish Hall) by a specified deadline. The Working Party nevertheless concluded that the current system of nomination meetings provided a 'launch' for the election process and believed that there was no good reason to recommend change. The Working Party noted that under the provisions of the Law there is no formal requirement for the candidate to be presented and there also appears to be no actual requirement for a proposer and seconder to speak as long as a duly completed signed nomination paper is 'produced' to the nomination meeting.

Having discussed the matter with the Jurats, the Working Party would **recommend** that Senators continue to be nominated at the Town Hall and the Connétables and Deputies in their respective Parishes on the following evening. The reason for consecutive evenings is simply to enable the production of one electoral list for all of the elections, with the electoral list for the 3 elections closing at noon on the date preceding the Senators' nomination meeting.

There should continue to be a cut-off date before the first nomination meeting for those registering to vote in an election in order for the parish to know who is eligible to propose and second a candidate at the nomination meeting, and so that candidates can receive a list of electors who can be canvassed for a vote.

**(c) The role of the Jurats in connection with referenda**

The Working Party consulted with the Jurats on this point, and noted that they have no wish to be involved with the supervision of referenda.

In 2008 the referendum was attached to the public election as this appeared more convenient; however, the Jurats have pointed out that there is a marked difference between the nature of a public election to the States of Jersey and a referendum which is seeking the views of the public, the result of which is not binding upon the States. Holding the referendum on the same day as the elections placed an additional burden upon the staff and volunteers who run the election day. The Jurats have stated that assumptions of this kind should not be made, and procedures for referenda should be thought of quite apart from elections and the Connétables would also recommend that referenda were not held on the same day as a public election.

The Working Party recognised that the formalities attached to public elections need not be applied in the same way to a referendum. It would therefore **recommend** that the procedures for referendum be simplified and administered by parish hall staff and volunteers. Voting slips should then be taken to one location, where a centralised count would be established.

**(d) The number of *Adjoints* appointed by each parish**

The number of *Adjoints* appointed by each parish varies according to the election and the requirements of the parish. To date, the Connétables have not experienced any difficulty in providing *Adjoints*, but with multiple elections on the same day the number of people able to assist may be limited. With several elections there will be multiple candidates, and an increased number of people with an allegiance to a candidate which would prevent them from volunteering as an *Adjoint*.

The Jurats would agree that the parishes deal with elections in a very efficient manner. However, with regard to the single election day, and the processing of up to 3 counts, the Working Party would **recommend** that each parish appoints more *Adjoints* to assist with the count after the poll closes at 8 p.m. It is possible that parishes may need to look more widely than has happened in the past to identify people able to assist and it is possible, for example, that some public employees could be asked to assist on election day.

**(e) The location of district polling stations**

The Working Party sought the views of the Comité des Connétables on this point as concern had been expressed by some members of PPC about the suitability of some premises that are used at present.

The Comité replied to the Working Party as follows regarding the location and suitability of polling stations –

Criteria used to establish appropriate locations for polling stations in respect of accessibility, parking, public awareness etc.

*The Parish Hall is used as the polling station for the electorate and additional polling stations are also provided if required e.g. for district elections or where the number of electors could not easily be accommodated at the Parish Hall.*

*The Parish Hall is well known to parishioners and all – except St. Helier – have parking facilities. The Parish Hall layouts can be adapted to facilitate the holding of an election (separate entrance and exit, etc.) and facilities are also available for the number of persons required to manage the polling station (refreshments, rest area etc). The district polling stations are also selected to ensure ease of access for the electors attending that polling station and for the facilities required.*

*Persons who are unable to attend the polling station may have their vote collected at their home by the Autorisé or Adjoint (Article 35 of the Public Elections (Jersey) Law 2002); alternatively postal and pre-poll voting options are available in accordance with the law.*

Details of any problems experienced in respect of the location of and facilities available at, polling stations (with particular regard to those parishes where district polling stations are established);

*Any problems with polling stations, including district polling stations, have been overcome as the same premises have been used for many years. The only issue which might remain – if there were several elections on the same day – would be that space in some polling stations is limited and may be insufficient for all counts to be undertaken at the same time.*

The Comité des Connétables advised that consideration would be given to the use of alternative buildings, such as schools, if lack of space proved problematic. However, this would require the school to be shut, or the election to take place on a Saturday. The Working Party believes it would be worthwhile to trial an election on a Saturday to ascertain if this would increase turnout and **recommends** that this could perhaps be done initially for a by election.

If elections remained on a weekday, the Comité suggested that an alternative might be to have an additional mini-polling station for every parish in a central location, such as the Royal Square, in addition to that in the parish itself. This would also require additional safeguards in the voting process to ensure that electors did not seek to vote more than once. For these reasons, and with regard to the Working Party's recommendations in respect of pre-poll voting which will effectively create this 'mini-polling station' up to the day before election day, the Working Party would not recommend the introduction of this facility at this stage.

The Working Party did not consider itself competent to comment on the suitability of individual premises that are used as polling stations but noted the reassurances given by the Comité. The Working Party considers that if members of the States or others have concerns about the suitability of any particular premises used these should be raised with the Connétable of the parish concerned.

**(f) Procedures for postal and pre-poll voting**

The Working Party considered the current postal and pre-poll voting process. Part 7 of the Public Elections (Jersey) Law 2002 sets out the procedure for postal and pre-poll voting which is overseen by the Judicial Greffe.

The current provisions are that electors are entitled to vote by post or pre-poll if they are likely to be out of Jersey on polling day or if they have commitments or a disability that prevent them from attending at the polling station. Article 38 of the Public Elections (Jersey) Law 2002 reads as follows –

*A person entitled to vote at a poll for a public election is entitled to do so before the poll if –*

- (a) the person is likely to be out of Jersey during the hours of polling;*
- (b) the person has commitments, or a disability, that will prevent him or her from attending personally at a polling station on polling day.*

The Deputy Judicial Greffier has informed PPC previously that his department does not make any detailed enquiries about the nature of the commitment and staff simply rely on the declaration made by the person applying to vote in this way stating that they have the required commitment or disability.

Postal voting

If a public election is necessary after a nomination meeting, the Judicial Greffe must advertise in the Jersey Gazette setting out how an elector may obtain a postal vote or pre-poll at the Judicial Greffe. The Working Party noted that the nature of the advertisement required by the Law makes the text complicated to follow and the adverts must, by law, be published in the Jersey Gazette where some voters may not notice them. The Working Party therefore **recommends** that the statutory requirements should be amended so that the notices can be made more easily understandable to potential electors.

A person who wishes to vote by post must fill in an application form. Blank forms are available from the Judicial Greffe or from the Internet and can also be given out to voters by any person (including candidates or their representatives).

Following the insertion of new Article 39A in the Law in 2008 (which the States voted against repealing last year) any person **except** candidates or their representative(s) can assist an elector to fill in the application form which must then be returned to the Judicial Greffe. Any person **except** candidates or their representative(s) can deliver the form or cause it to be delivered.

Once the Judicial Greffier has received an application, he notes the name of the elector in a copy of the relevant electoral register which is forwarded in due course to the *Autorisé* for polling day. The Judicial Greffier then sends out to the voter –

- (a) a ballot paper;
- (b) a form of declaration of identity to be completed by the voter;

- (c) a ballot paper envelope marked as such (a small envelope);
- (d) a pre-addressed larger envelope (addressed to the Judicial Greffier).

The postal voting process itself could be considered to be relatively complicated for an elector. Once the necessary documents arrive from the Judicial Greffe the voter must cast his or her votes by completing the ballot paper in the usual way and must then fold the ballot paper and place it in the **small** ballot paper envelope. The voter must then complete and sign the declaration of identity form and have the signature witnessed by another person. The voter must then fold the declaration of identity and place it, together with the **small** envelope now containing the ballot paper, in the larger envelope which must then be sent back to the Judicial Greffe. (Experience over the last few years has shown that many electors inadvertently fold the declaration of identity several times and place it in the **small** envelope with the ballot paper. This previously invalidated the vote but a change to Article 46 made last year now allows the *Autorisé* to open the small envelope if he or she suspects from its size that the missing declaration is in it.)

It goes without saying that candidates or their representative(s) must not be present when an elector completes the ballot paper and the related processes in order to preserve the secrecy of the voting process.

The Working Party concluded that elderly or disabled electors or those with literacy problems may find the second stage of the voting process quite complex, and the valid concerns that have been raised by some States members about the difficulty for some voters to be able to fill in an **application** form for a postal vote would seem to apply equally, if not be even more applicable, to the actual voting process.

#### Pre-poll voting

The system of pre-poll voting, where electors go to the offices of the Judicial Greffe to vote in advance of polling day, follows the postal voting process very closely, with the only real difference being that voters attend in person to complete the process rather than documents being exchanged by post. The criteria for being able to pre-poll vote are identical to those for postal voting and the paperwork to be completed is identical, albeit that it is all completed at the same time and once the application form is completed the voter is handed the ballot paper and small envelope immediately. Unlike the postal voting process which is done at an elector's home address with no assistance, officers at the Judicial Greffe are on hand to assist pre-poll voters who may find the documentation difficult to understand, although they will always take care to ensure that the confidentiality of the actual voting process is preserved.

#### 'Sick' votes

Article 35 of the Law contains a provision in relation to ill or disabled voters that is often referred to as 'sick votes'. The Article states that –

- 35**     ***Ill or disabled voters***  
 (1)     *In the case of a person entitled to vote who is ill, disabled or illiterate, the Autorisé or an Adjoint may take such measures as he or she*

*considers appropriate for taking his or her vote, provided secrecy in voting is maintained.*

- (2) *Those measures may include a visit to the person for the purpose of delivering a ballot paper to the person, attending whilst the person records his or her vote on it, and bringing the ballot paper back to the polling station and placing it in the ballot box.*

As can be seen, the procedure is extremely simple when compared to the normal postal voting process. In practice the relevant Parish Hall is usually contacted on polling day by the voter or by a friend, relative or carer, and the *Autorisé* or one of his or her *Adjoints*, often a member of the honorary police or another parish official, simply goes to the voter's residence and waits while the voter completes the ballot paper. The ballot paper is kept in a confidential way, brought back to the polling station and placed in the ballot box with the elector's name being marked off the register.

#### Working Party recommendations on postal and pre-poll voting

When considering whether to recommend any changes to postal and pre-poll voting procedures, the Working Party decided that the need to ensure the integrity of the poll was of paramount importance. As a result, although any moves to make voting simpler and more widely available are to be encouraged, these had to be assessed against the principle of integrity. The Working Party noted concerns expressed in a number of reports in the United Kingdom that making postal voting more widely available had increased the risk of electoral fraud.<sup>1</sup> The UK Electoral Reform Society's current view on postal voting as indicated on its website is –

*“The Society believes that turnout is not falling because voting has got more difficult, and thus postal voting is not the best way to increase political engagement. Given the widespread evidence of fraud, and the inherent risks of security and secrecy that can realistically never be overcome, the Society does not believe postal voting is ready for wider use.”* (see Appendix 1 for the Society's full comments on postal voting).

It was clear to the Working Party that pre-poll voting and the 'sick' votes procedure both score very highly when judged against the principle of integrity. Conversely, although there has never been evidence of any widespread electoral fraud in Jersey with the postal voting procedure, the system of postal voting is clearly open to abuse as it is not always possible to verify the identity of the voter or to ensure the secrecy of the poll when the ballot paper is being completed.

The Working Party **recommends** that the system of pre-poll voting should be opened up to all electors and that the current requirement that electors must have some form of commitment which prevents them from voting on polling day should be removed. The pre-poll system is as secure as voting at a polling station as officers of the Judicial Greffe check the identity of electors and the voting process itself is undertaken in a totally secure and secret manner. The Working Party considers that there are some electors, particularly those who work in St. Helier, who would find it convenient to vote in advance of polling day in the centre of town, perhaps in their lunch-break, and

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<sup>1</sup> See for example: “Purity of Elections in the UK – causes for concern” published in 2008 by the Joseph Rowntree Reform Trust Ltd.

this could encourage some electors who would not otherwise participate to cast their vote.

The Working Party also **recommends** that the pre-poll voting system be simplified so that the process of placing envelopes in envelopes as though completing a postal vote should no longer be required. Instead, voters would simply be asked to show their identity, complete the ballot paper and place it in the ballot paper envelope. It would then be kept in a secure place at the Judicial Greffe.

The Working Party, by a majority, **recommends** that the system of postal voting should be restricted to those electors who will be out of the Island on polling day. Deputy Tadier dissented from this recommendation because he was concerned that it takes away an existing option for electors who want to vote and would lead to a reduction in turnout. He was also concerned that it will place a new and unnecessary burden on the *Autorisés* and the parishes. The Working Party, having received advice, is satisfied that no legal or human rights issues arise from this recommendation which is also the preferred approach of the Comité des Connétables, who consider that postal voting could be open to abuse as there is no security for the person casting their vote. Those electors who are currently able to obtain a postal vote through the provisions of Article 38(b) of the Law, namely persons who *“have commitments, or a disability, that will prevent him or her from attending personally at a polling station on polling day”*, would no longer be able to vote by post. These electors would nevertheless be able to vote in the election either by pre-poll or through the enhanced ‘sick vote’ procedure described below.

The Working Party believes that the procedure in Article 35 for collecting votes from persons who are ill or disabled (usually known as the ‘sick vote’ procedure) works extremely well and therefore **recommends** that it should be expanded. The system has the advantage of being simple and secure and overcomes problems that have been identified that some electors who are disabled or have literacy problems find the current postal vote system too complicated. As mentioned above the system involves an authorised official going to the home address of an elector and taking with them a blank ballot paper which the elector simply fills in immediately. At present this is only done on polling day and the Working Party believes that it may be necessary for it to be extended to a period encompassing several days before the poll to ensure that all electors who need to vote in this way can be visited. The Working Party envisages that electors themselves, or any other person on their behalf, could contact a specified person (probably at the relevant Parish Hall) and request that an official calls at their residence to enable them to vote. The Working Party recommends that the revised system should enable candidates or their representatives who identified an elector during canvassing who could not get to the polling station to make the necessary contact to request a ‘sick vote’ on the elector’s behalf even though the system would avoid the need for the candidate to become involved in any way with the voting process itself. It should be pointed out that the Jurats, when consulted, did not feel it was appropriate for candidates to be allowed to get involved with phoning the parish hall on behalf of voters and the Jurats did not see any reason to change the current system of ‘sick’ votes.

The Working Party is conscious that its recommendations may have some resource implications for the Judicial Greffe and the parishes but is hopeful that the reduction in the scope of postal voting will offset any increase in workload for the Judicial Greffe that may arise from the relaxation of the pre-poll voting criteria. The Working Party is

aware of the willingness of members of the Honorary Police and other parish officers to assist with the election process and hopes that these officers will be willing to assist with the enhanced 'sick vote' procedure.

**(g) The inclusion of known names on the ballot paper**

The Working Party was asked by PPC to consider whether candidates should be allowed to include their 'known name' on the ballot paper when this varied from their actual full name. The Working Party noted that, for example, Deputy John Benjamin Fox is always commonly known as 'Deputy Ben Fox' and Deputy Frederick John Hill BEM as 'Deputy Bob Hill'. At present candidates have no possibility of reflecting these commonly known names on the ballot paper.

The Working Party was aware that this issue had been considered in Guernsey and therefore sought advice from the Guernsey authorities on how they dealt with the matter. The Working Party was advised that the Guernsey legislation was, effectively, silent on the matter. The Reform (Guernsey) Law 1948, as amended simply provides that nominations shall be in writing, that they shall be accompanied by a declaration of eligibility and be delivered to the Bailiff, in his capacity as Presiding Officer of the States, within a given period. With regard to ballot papers, the Loi relative au Scrutin Secret of 1899 states that the ballot papers shall bear the names of each candidate nominated.

Following the 2004 General Election, the Guernsey authorities received representations from one Deputy to the effect that many electors had expressed surprise about his name as shown on the ballot paper as he was always known by a shortened version of that name. The Deputy reported that some electors had even stated that they had been in doubt whether it was actually him who was a candidate.

The Guernsey authorities took advice from the Law Officers who concluded that that the Law would not prevent the Bailiff from accepting a nomination form which included a commonly known name, providing that the person's full name was also included and similarly that the Registrar-General of Electors could issue ballot papers under similar conditions.

The Guernsey nomination forms now contain the following guidance note –

*“The candidate’s full name will be shown on the ballot paper. However, when a candidate has a commonly known name it can also be included: e.g. “SMITH, John Edward (commonly known as Ted)”. If you wish a commonly known name to be used it must be clearly shown on this form. The Bailiff and Registrar-General of Electors reserve the right not to publish a commonly known name which is, or may be perceived to be, offensive or misleading.”*

In the 2008 Guernsey elections, 15 out of the 88 candidates requested the use of a commonly known name and the Guernsey authorities reported that they did not encounter any difficulties with regard to offensive or misleading names. A list of these 15 candidates and the commonly-used names given is attached at Appendix 2 for information.



The Working Party would therefore **recommend** that known names be included on the ballot paper in the following simple format: SMITH John Frederick (Fred).

**(h) The provision of photographs of candidates at polling stations**

The Working Party agreed that it would be beneficial for some electors if photographs of candidates could be displayed at polling stations. This would assist electors to identify candidates from the list of names given on the ballot paper.

The Working Party sought advice from an experienced parish secretary to ascertain whether there would be scope to display the photographs in the actual voting booth. The Working Party was advised that the common polling booth is three-sided with the centre facing wall accommodating a shelf and writing utensils. There are currently 3 signs in the booth –

**Sign 1**

Important information for all electors. The full text of Articles 28 – 36 of the Public Elections (Jersey) Law 2002 is displayed in English, French, Portuguese and Polish. It measures 2’x 1’5”. The Working Party questioned whether it was really necessary or appropriate for these Articles, which contain detailed provisions on the arrangements for the poll, to be displayed in each booth and recommends that Article 26(4) of the Law (which contains this requirement) should be amended to provide that the Articles are displayed elsewhere in the polling station but not in each booth.

**Sign 2**

Notice. Warning Electors that the only mark allowed is a cross (X) in the blank square at the end of the names of the candidates of their choice. The notice also says that any other mark will annul their vote. This notice is displayed in English, French, and Portuguese. It measures 1’6” x 1’½”.

**Sign 3**

Number of votes able to be cast. This sign advises electors of the maximum number of votes they are able to cast and is displayed in English, French, Portuguese and Polish. It measures 1’2” x 1’.

In considering whether photographs of candidates could be included in the polling booths the Working Party was advised to consider the following matters –

- In the case of single day elections for Connétables, Senators and Deputies, Sign 3 would be tripled to take into account each specific election if they were all contested;
- Given the sheer weight of numbers of candidates, a poster containing photographs of those standing in each specific election would, by necessity, have to be large-scale for the photographs to be clearly discernable. In the 2008 election for Senators, 21 candidates stood for office. In the Deputies’ election in St. Helier the same year, District No. 3 had 11 candidates vying for 4 seats and 7 candidates declared in each of No. 1 and No. 2 Districts;
- Electors do not usually attempt to absorb all the existing documentation whilst in the booth.

It might therefore be possible to display the existing notices in the entrance foyer of the polling station where electors queue to register to vote. This would then free up space in the booth for the photographic tableaux. There is not, however, sufficient wall space to accommodate the existing notices and up to 3 photographic tableaux.

The Working Party would therefore **recommend** that a standardised poster be produced centrally showing a recent photograph of each candidate. This poster should be displayed for reference in an appropriate location, outside the polling booths, at every polling station. Care will need to be taken that the photographs are presented in a fair and impartial way to ensure that some candidates are not given an undue advantage by having their photograph in a more prominent position than others.

#### **(i) The electronic function in the voting process**

The Working Party considered the future of the polling process, with regard to electronic voting in polling stations, and the use of the Internet. Consideration was given to the technology currently available, its security measures, and what benefit it might have to the voting process. Throughout the Working Party's discussions, the integrity of the poll was considered to be paramount.

##### Paper-based e-voting

With paper based e-voting, votes continue to be cast by hand using paper ballots, but counted electronically. Proven technology is available in the United States of America, but would require training in the use of the machines to scan the ballot papers, set up and test the machines before each election. There would be an associated cost to introduce these machines at each polling station in Jersey, and their introduction would be unlikely to result in an increased voter turnout. Time would be saved in respect of the count, however, there would be a requirement to also allow a manual vote to verify the result if requested. The Working Party does not believe that any real benefit would be gained through the use of this technology and the expense could not be justified.

##### Direct recording electronic voting at polling stations

Direct recording electronic (DRE) voting machines are installed at polling stations and allow the voter to make their vote using button or touch-screen technology. The vote is recorded directly and some machines also have the capability to transfer data to a central location. Other options include printing the ballot paper so that voters can verify their vote before it is cast. These machines would require considerable investment in skilled staff and time, and in order to meet recommended standards, would require audit trails and independent verification which would add significant costs to the election process. There would be a very significant expense to introduce this technology and although it might be of use in a very large jurisdiction the Working Party does not believe the expense could be justified in Jersey where paper based systems are well tried and tested and relatively inexpensive.

##### Online e-voting

The security of online e-voting uses proven and trusted technology to secure the page on the website so that the voter can be confident of casting their vote over the Internet. Many Islanders already use secure web pages for online purchases and Internet banking, for example.

In looking at online e-voting, the Working Party considered the changes to the voting process in Geneva, which has the longest government experience of Internet voting in the world. In 1995, Geneva generalised postal voting and participation in elections increased by 20%. In 2000, Geneva began to develop an Internet voting application. The Geneva system creates a personal identification number on a card which is then posted to the citizen. The number changes for each vote. Under this system, security features prevent the vote from being printed when the computer memory is cleared after the user leaves the voting website.

#### Technology required for online e-voting

The States of Jersey websites are externally hosted and housed in dual sites, with 24 hour monitoring and reporting facilities. The Information Services Department has advised the Working Party that this hosted environment could enable the hosting of e-voting and e-polling in a secure and trusted environment that could be verified by a trusted third party.

During 2010, Information Services is reviewing software solutions that could provide the States of Jersey with single citizen authentication through the web. This will lead to the provision of online services that require high level authentication and high level security. The new gov.je website will also aim to increase public participation with initiatives such as “Have your say” on the home page. The solutions being reviewed could also enable highly secure and reliable online e-voting and/or e-polling. The Working Party considers that it would be premature to recommend the introduction of any online voting at present, although the matter should be kept under review and reconsidered once a totally secure method of checking the identity of an online voter has been found.

#### The future of e-voting in Jersey

A number of jurisdictions employ e-voting using paper based or Direct Electronic Recording machines. This has the opportunity to reduce spoilt and miscast votes, but the considerable cost to provide the appropriate technology and security required to ensure confidence in the vote was considered by the Working Party to be disproportionate to any benefit the technology may bring.

The use of technologies through the Internet can be used more extensively as a tool for public policy creation and scrutiny. The **recommended** approach would be to consider the potential of Internet technologies for increasing public participation and scrutiny and make use of current States investment in the new gov.je website as a step towards online e-voting.

The Working Party recognises that there have been a number of expensive failed e-voting projects in other jurisdictions in recent years. The issues are complex, including law changes and constitution considerations, and there is some evidence that e-voting alone does not significantly increase voting numbers. The Committee therefore feels that moving too quickly in this area could be a costly mistake. It would, however, **recommend** that following the launch of the new gov.je website, and monitoring of the use of initiatives such as “Have your say”, consideration be given to the introduction of e-voting in Jersey. There is a need for the States to increase public confidence and trust in the technology used, by moving to provide more online services and to increase opportunities for the public to participate in initiatives like “Have your say” through the gov.je website. E-voting could be used for local elections

to other public bodies, or for a referendum, for instance, in order to increase confidence and trial the system.

This would involve the production of a unique identification number for each individual on the electoral role. A secure print such as this would be estimated to cost £1 per card, plus the cost of distribution. It would be possible for the voter either to use the secure number online, or to return the card as a postal vote. The Working Party agreed that an effective audit trail would be required, and would recommend that the first use of such a voting process be in respect of vote or poll which falls outside the areas covered by the Public Elections (Jersey) Law 2002.

**(j) Other issues raised during the review**

Information to candidates before polling day

The Working Party noted that a considerable amount of practical information is already given to candidates by the Judicial Greffe on behalf of the *Autorisés* in advance of polling day, but considered that it might also be beneficial for a short meeting to be held between the *Autorisé* or his or her representative and the candidates in advance of polling day so that practical arrangements can be finalised. The Working Party heard examples of some of the small difficulties that can arise on polling day, such as where posters can and cannot be displayed in the vicinity of the polling station or where candidates and their supporters can stand and the Working Party considered that these could be discussed in advance to avoid misunderstandings on polling day itself.

Proof of identification

Throughout its discussions, the Working Party had considerable regard for the integrity of the poll, especially in respect of postal and sick votes, and the possible future introduction of electronic technology into the voting process. While it was agreed that the Working Party had confidence in the integrity of the poll, it was felt that this could be enhanced by making formal statutory provision that each *Adjoint* had to satisfy himself or herself of the identity of all voters before handing over the ballot papers either by asking the voter for identification or through personal knowledge of the identity of the voter. Although the Working Party recognised that in many small parishes, electors were often known to the *Adjoints*, the Working Party was concerned by anecdotal evidence of ballot papers being given to electors who were not known to the *Adjoint* concerned, on the basis of a name alone being given with no formal identity check. The Working Party believes that electors should be made aware in advance that they should bring some form of identity document to the polling station so that this could be shown if required.

Period within which an election can be challenged

The Working Party noted that, at present, under Article 57 of the Law, an election can be challenged by an application to the Royal Court made by any person within 6 months of the day fixed for delivering returns to the Royal Court. Article 68 provides that no civil action or criminal prosecution relating to an election can be instituted after the expiration of 6 months from the date of the Order of the Royal Court for the holding of the election.

The Working Party noted that the elections in 2008 had been ordered by the Royal Court in August 2008 and, in practice, this left little time for investigation of any complaints and the institution of proceedings because of the 6 month limitation, The Working Party therefore **recommends** that the 6 month period should be amended to 12 months from the date of the election.

Transport to polls

The Working Party agreed that it was somewhat curious that the Public Elections Law prevented candidates from transporting voters to the Judicial Greffe to deliver an application for a postal vote or to cast a pre-poll vote, but did not prevent candidates or their supporters from actually taking voters to the polling station on polling day. The Working Party considered whether the Law should be amended to prevent any form of transport of electors but agreed that this would be impractical and an unnecessary change. The Working Party did nevertheless agree that the current inconsistency in the Law was inappropriate, and therefore **recommends** that the Law should be amended to allow candidates or their representatives to transport electors to the Judicial Greffe to pre-poll or to deliver an application for a postal vote.

## APPENDIX 1

### Introduction

I am pleased to say that there has been robust debate on the working group, and that many areas of contention have been resolved *naturally* and that we were able to find a consensus on the **majority** of issues. There remain, however, 2 key areas of contention. In summary, these relate to: (i) changes to the postal voting system; and (ii) a proposal to reduce the overall opening hours of polling stations. My concerns can be seen in the main report, in the 2 areas where I have dissented, but I am pleased to have the opportunity in this section to explain my position in greater detail and to make alternative recommendations on these and one other point.

### Opening Hours for Polling Stations

The first recommendation I must disagree with is the proposal to change the opening time of the polling stations from 8 a.m. to 9 a.m.

The report contends that: *'the opening at 8 a.m. had not led to any overall increase in the number of voters during the day...'*

My first objection is that: at a time when we are supposedly trying to encourage more people to vote, reducing the hours that one can vote sends completely the **opposite** message to the public.

Secondly, it should be noted that there is no way that *reducing* the hours the polls are open can in any way lead to an *increase* in voter turnout. Indeed, it is logical that the longer the polls are open, the more likely it is that more people will vote.

The statement that the 8 a.m. start has not led to an *'overall increase'* is misleading, because it ignores other unknown and/or immeasurable factors which could also have an effect on turnout. For example, it is quite possible that the move from 11 a.m. opening to 8 a.m. coincided with a historic downward trend in voting, so that in fact the two cancelled each other out.

Thirdly, I know from experience, from talking to people, that there are those for whom the 8–9 a.m. slot is the most convenient time for voting. Indeed, for some of these, it would otherwise be very difficult to find time to vote. One bank worker told me that she voted just after 8 a.m., on the way to work. Due to her busy workload (she frequently worked through her lunch-break) and lifestyle (gym or socialising after work), it was very unlikely she would have time to vote otherwise. I believe there are many in this position. And whilst it is easy for some to moralise and say: *'If they really wanted to vote, they would find a way'*, I would say it is the job of every one of us to make it as easy as possible for people to vote, in a way which is convenient for each potential voter.

The other reason given in the report is that: *'a 9 a.m. start was more reasonable for the Autorisés and others who have to arrive at the polling station before the opening time and who often stay late into the evening or even the early hours of the following morning for the count.'*

Clearly, a balance must be found between keeping the polls open long enough and being mindful of those who give of their time voluntarily every election. It is also noted later in the report that the move to a single election day will have 2 practical effects here – one negative and one positive. The negative is that the counts will take much longer, given that up to 3 elections will be taking place in each district, and so Autorisés will face a longer day. Overall, however, there will be a reduction in the time needed, as the traditional November Deputies’/Constables’ election has disappeared.

Whether or not the polls open at 7, 8 or 9 a.m., I think it is unreasonable to expect the same team to be present all day, and suggest that we look at more flexible ways of staffing the polling stations, either having 2 shifts, or split shifts, so that the returning officers can have time off to rest in the day, if they are to come back to work again late in the evening. This is partly dealt with on page 8 of the main report which says –

*‘the Working Party would **recommend** that each parish appoints more Adjoints to assist with the count after the poll closes at 8 p.m.’*

I would go one step further and suggest that the parishes appoint more Adjoints full-stop, to help throughout the course of the day.

Of course, staffing issues are ultimately a matter for the parish, but however this issue is resolved, it should not be at the cost of a reduction in the opening hours of the polling stations.

### **Recommendation 1**

**I recommend that the polling stations be opened at 7 a.m.** for the next elections, as many people start work at 8 a.m. This would allow them to vote on the way to work. At the next elections, turnout should be monitored – and **there should even be consideration given to a survey for voters arriving between 7–9 a.m.** to see what their thoughts are on the revised opening hours.

### **Postal Voting/Sick Votes**

Like the Jurats, I disagree with the report’s recommendation that the sick vote *‘should be expanded’*. In his letter on behalf of the Jurats, dated 12th February 2010, Jurat Le Breton said, *‘Since we are of the view that the ‘Sick vote’ is principally for the voter who had ever[y] intention of voting on election day but is prevented from so doing because of unexpected illness, we see no need to change the existing understanding of the sick vote.’*

The recommendation comes hand in hand with a desire to reduce the number of people who use a postal vote: ostensibly on the grounds of wanting to safeguard the ‘integrity of the poll’, giving examples of *widespread evidence of fraud* in the U.K.

However, this suggestion ignores the fact that –

- (i) Jersey already has inbuilt safeguards with regard to postal voting (following the insertion of new Article 39A in the Law last year, which prevents candidates from interfering in the postal voting process);

- (ii) Unlike the U.K., there is *no* evidence of postal voting fraud to date; and
- (iii) For many people, postal voting is a preferable and convenient choice; and that many electors who currently vote by post may not bother voting at all, were this option removed.

Moreover, there is no mention in the report of other jurisdictions where postal voting is either the sole or preferred method of voting (see Oregon and Switzerland).

There are other real disadvantages from decreasing postal voting in favour of the *sick vote*.

- (i) As pointed out by the Jurats, the sick vote was really intended for those who *get caught out* on the day, due to unexpected illness. Currently, the parishes seem able to cope with demand, but it is very likely that the increase in demand could very easily become unmanageable, at what is already a very busy period for parish halls.
- (ii) There is a concern that by restricting postal votes to those who will be out of the island on (or around) election day, and presumably requiring individuals to prove that they need a postal vote, this will be seen as overly intrusive and do little to encourage people to vote.
- (iii) Similarly, postal votes, whether one is able-bodied or not, allow a greater element of independence and autonomy in what is seen by many as a very private affair. Currently, many individuals with mobility issues make use of the postal vote: it allows them to put a cross in a box, in the privacy of their own homes, without anyone there to watch. This can then be posted in a nearby letterbox, without any fuss. It is quite conceivable that if individuals were, instead, required to phone the parish hall and arrange for a sick vote, this would be seen as either too much of an intrusion or an inconvenience (on both parties) and they might simply not bother.

## **Recommendation 2**

Ultimately, the postal voting system, as it currently stands, works well. There is no evidence that it is being abused. It gives the voter a simple, and non-intrusive alternative way to exercise his/her democratic right, and it has the support of the Jurats. **It is, therefore, recommended that there be no change to the system for postal/sick votes.**

## **Chairing of hustings**

### **Recommendation 3**

Traditionally, it has been the Constable's prerogative to chair hustings meetings for Deputies and Senators. However, when this has taken place in the past, the Constable was unlikely to be facing an election in the same period him/herself. With the move to a single election day, Constables, Senators and Deputies will all face election on the same day and over the same period; and for the sake of propriety, **it is recommended that an alternative individual, other than the Constable, be chosen to chair the**



**hustings – unless the Constable in question is not a candidate (either because s/he is not re-seeking re-election, or has been returned unopposed).** The rationale here is that it is inappropriate: (i) for an individual who is a candidate in a concurrent election to be given a platform, which other candidates do not have; and (ii) to have a fellow politician chairing a meeting, when a non-political alternative can be found.

It should be pointed out that there is no question of any of the Constables' integrity being in question in this recommendation, simply a recognition that there must be a clear distinction between those who are candidates (for whichever position) and those who are not.

## APPENDIX 2

### United Kingdom Electoral Reform Society – Postal Voting

#### Postal Voting

When turnout at the 2001 general election plummeted to under 60 per cent, plans to do something about the dwindling numbers casting a vote increased significantly. There are, broadly, two ways to do this. One is to make voting more attractive, to give it more meaning; the other is to make it easier.

With the former being a somewhat trickier, and decidedly more long-term option, the government opted for the latter.

The most prominent feature of the scheme to make voting easier was the move to make voting by post much more widespread. At the 2005 general election, 12.1 per cent of the UK electorate voted by post, three times higher than in 2001.

However, along with the increase in the number of postal votes being issued came an increase in vote fraud, which has raised serious questions about the efficacy of postal voting as a means of engaging the electorate.

#### Arguments used in support of postal voting

- Given the number of other variables that affect turnout, it is hard to isolate exactly how much of a given increase in turnout is due to postal voting, but what evidence there is shows that postal voting does increase turnout.
  - When postal voting was piloted in some local elections, there were massive increases in turnout, but the pilots were accompanied by a much higher than usual level of advertising.
  - Another factor to be considered is the identification requirement. In St. Edmundsbury, the only place to retain the standard declaration of identity, turnout rose only 0.5 per cent; turnout rose most where ID requirements were scrapped altogether. See the Electoral Reform Society's [\*Turning out or turning off?\*](#) And the Electoral Commission's [\*Delivering Democracy\*](#) for more information.
- It is popular. In a poll conducted after the all-postal pilots in the 2003 local elections, 67 per cent said postal voting had made things better, whereas only 5 per cent said things were worse.
- It gives more time for people to vote, which therefore doesn't discriminate against people who might be unavoidably busy on polling day.
- It is helpful for those who cannot, for whatever reason, easily access a polling station.

#### Arguments used against postal voting

- It is much harder to be certain that the person casting the vote is actually the person the vote is registered to.
- There is a reliance on the postal service to make sure the votes don't get lost.
- It is impossible to guarantee that the vote was cast secretly and not under duress.
- Since postal voting was introduced, there have been many cases of fraud.

- This fraud has included: intimidation, a pillar box set on fire by party supporters who feared it might contain votes for the opposition, members of ethnic communities threatened with deportation if they didn't vote a particular way, children paid to collect ballot packs that hadn't been pushed fully through letterboxes, large numbers of voters had their ballot papers stolen or taken away for 'safe keeping' and the creation of fictitious electors.
- Richard Mawley QC, The judge presiding over a case of vote-rigging in Birmingham in June 2004 [said that](#): "The system is wide open to fraud and any would-be political fraudster knows that". Citing evidence of "massive, systematic and organised fraud", Judge Mawley said the system was "hopelessly insecure" and sent a message to those that claimed that the current postal voting system was working, adding: "Anybody who has sat through the case I have just tried and listened to evidence of electoral fraud that would disgrace a banana republic would find this statement surprising."
- Postal voting doesn't re-connect the politically disengaged; it offers no solutions to non-voting based on factors other than sloth.
- Offering people the chance to vote by post doesn't make the electorate any more informed or likely to engage in the political process surrounding the act of voting.

### **Postal voting and all-postal voting**

There is an important distinction to be made between postal voting and all-postal voting. There can be good and obvious reasons for allowing people to vote by post, but making everyone vote by post is perhaps a step too far.

Postal votes were first issued in 1918 for soldiers returning from the war. They then became gradually more available for health, disability and work reasons, and then, in 1985, for people who were on holiday. Until 2000, postal votes were only an option for those that could give a valid reason. The [Representation of the People Act 2000](#) changed that, allowing postal voting on demand.

Initial postal-voting pilots were good, leading the Electoral Commission to declare that:

"There should be a statutory presumption that all local elections be run as all-postal ballots unless there are compelling reasons why an all-postal ballot would be inappropriate or disadvantageous for a group or group of electors."

However, the experience of the more extensive pilots in June 2004 proved a sobering experience for the Electoral Commission, who have since reviewed and reversed their view. Their 2005 report, [Securing the Vote](#) concluded that:

"All-postal voting should not be pursued for use at future statutory elections or referenda in the UK, and the option of sending ballot papers automatically to every registered elector should not be pursued."

**Real-world evidence of postal voting**

Postal voting, in its varying degrees, is fairly wide-spread across the globe. It is common for local elections in Australia and New Zealand and in many parts of the United States; for example, all elections in the State of Oregon are conducted by post.

In Norway, they have a much more personal service, where voters can ask for an election official to come to house to collect their vote.

**ERS view on postal voting**

The Society believes that turnout is not falling because voting has got more difficult, and thus postal voting is not the best way to increase political engagement. Given the widespread evidence of fraud, and the inherent risks of security and secrecy that can realistically never be overcome, the Society does not believe postal voting is ready for wider use.

Information from <http://www.electoral-reform.org.uk/article.php?id=44>

**APPENDIX 3****2008 ELECTIONS IN GUERNSEY – USE OF COMMONLY-USED NAMES**

15 candidates out of 88 requested the use of a ‘commonly-used name’ on the ballot paper in the 2008 Guernsey elections as follows –

BICHARD, Andrew Leonard <i>commonly known as Andy</i>	
BROOKS, Stephen Gary <i>commonly known as Steve</i>	
BROUARD, Alvord Henry <i>commonly known as Al</i>	
BYROM, Joanna Hazell Moiya <i>commonly known as Mimi</i>	
COLLINS, Michael Wynne <i>commonly known as Mike</i>	
CORBIN, Raymond Anthony <i>commonly known as Tony</i>	
COTTERILL, Susan Mary <i>commonly known as Sue</i>	
LE NOURY, Leonard Frank <i>commonly known as Nara</i>	
LE PELLE, Thomas Mansell <i>commonly known as Tom</i>	
SPINKS, Jo-Anne <i>commonly known as Jo</i>	
SPRUCE, Anthony <i>commonly known as Tony</i>	
STEPHENS, Tania Jane <i>commonly known as Jane</i>	
TASKER, Jennifer Mary <i>commonly known as Jenny</i>	
WATERMAN, Matthew Michael <i>commonly known as Matt</i>	
WEBBER, Anthony David Canivet <i>commonly known as Tony</i>	