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The European Parliamentary and Local Elections (Pilots) Bill

Bill 160 of 2002/03

The *European Parliamentary and Local Elections (Pilots) Bill* will have its Second Reading in the House of Commons on 21 October 2003. Current legislation does not allow the piloting of new voting procedures, as at local elections under provisions of the *Representation of the People Act 2000*, to be used in European Parliamentary elections. The Bill will provide for such pilots to take place in selected regions in the next such election, due on 10 June 2004.

Nor does the current legislation allow pilot schemes to take place in more than one type of election on the same day. The Government intend, under powers available in the *Local Government Act 2003*, to move the 2004 local elections in England to the same date as the European Parliamentary elections. The Bill will therefore allow pilot schemes to be used in local authority elections in the selected European Parliament electoral regions. Similar powers are available to the National Assembly for Wales, which is currently consulting on whether to exercise these powers. The Bill extends to Scotland but not Northern Ireland.

The Bill also ensures that the Electoral Commission will make a full report on the various pilot schemes, extends the power of arrest for personation – voting as someone else without their consent – and prevents by-elections in other types of election from taking place within a set period of the European elections.

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Summary of main points

The *European Parliamentary and Local Elections (Pilots) Bill* was introduced on 17 September 2003 and receives its Second Reading in the House of Commons on 21 October. It provides for pilot schemes using innovative methods to be used in one or more regions (the Government has suggested three) during the next European Parliamentary election in 2004, and at local government elections where these are combined with the European Parliamentary elections. The Bill is needed because current legislation – namely section 10 of the *Representation of the People Act 2000* – does not allow for the use of pilot schemes in European Parliamentary elections, or for such schemes to be used in more than one type of election on the same date. The Bill builds on previous pilot schemes conducted at local elections in May 2000, 2002 and 2003 (there were none in 2001 as the general election coincided with the local elections). These have been widely seen as successful in helping to improve turnout, a major aim of both the government and the Electoral Commission, following disappointing participation in recent elections. A table showing turnout at various elections since 1997 is contained in Appendix 1.

The Bill will also allow for pilot schemes to be used in local authority elections in those regions if the election is combined with the European Parliamentary election. The Government and the National Assembly for Wales have the power under the *Local Government Act 2003* to move the date of the local elections from 6 May 2004 to 10 June 2004, the date of the next European Parliamentary elections. The Government has announced that it will use this power in England, and the National Assembly is currently consulting on the issue, although it believes that moving the date will be sensible.

The Bill does not specify which regions will be chosen; the Electoral Commission will recommend these to the Secretary of State, who will make the final decision. The regions to be chosen cannot include London, Northern Ireland or the region which includes Gibraltar (which the Commission has recommended should be attached to the South West region). Neither is the type of pilot scheme or schemes to be used in each region specified. The Secretary of State will be given the power to designate both the relevant regions and the methods to be used. The Government has indicated that it wishes to hold three all-postal pilots, with one of the pilots also including internet and telephone voting. Concern has been expressed from various sources that the time scale does not allow enough time to plan, prepare or train the relevant officers in time for the elections.

Possible voter security issues have been highlighted by a number of organisations. The Bill therefore extends the power of arrest for personation – voting as someone else without their consent – to address this issue, at least in part. The current law only allows such arrests in polling stations, but the Bill will allow arrests at any location, and will also extend the period during which prosecutions may be brought from 6 months to 24 months.

The Bill also includes provisions to prevent by-elections to other bodies from taking place within a set period of the European elections, while allowing local government elections to

take place on the same date as the European Parliamentary and local elections, if those elections are combined.

The Appendix to this paper gives tables summarising turnout in pilot schemes compared to previous elections, turnout in recent elections, turnout in recent elections in other countries, and details of the European Parliament regions.

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I Introduction

Schemes to pilot alternative voting mechanisms have taken place at local elections since 2000 (excluding 2001 as it coincided with the general election). A number of different and in many cases innovative schemes have been used, from all-postal ballots to electronic voting and counting, and opening polls for longer hours.¹ As a result of the perceived success of such schemes, the Government is committed to continuing with the election modernisation programme of which an increased use of pilot schemes is part. However, current legislation only allows for pilot schemes to be used in local elections, and in order to use such schemes in the European Parliamentary elections on 10 June 2004, primary legislation is required. The Government also plans to move the local elections from 6 May 2004 to 10 June 2004 to coincide with the European Parliamentary elections, under powers contained in s103 of the *Local Government Act 2003*, and primary legislation is also required to allow pilot schemes to be used in two concurrent, but different, elections. The National Assembly for Wales has the same powers under the 2003 Act, and is currently consulting on whether to use them.

The *European Parliamentary and Local Elections (Pilots) Bill 2002/03* was accordingly introduced on 17 September 2003 and will receive its Second Reading in the House of Commons on 21 October. The Bill allows for one or more European Parliamentary election regions to be chosen for pilot schemes; the decision as to which ones will rest with the Secretary of State following advice from the Electoral Commission. The nature of the schemes chosen for each of the regions will rest with the Secretary of State. The regions chosen cannot include the region chosen to include Gibraltar (the Electoral Commission has recommended that this should be the South West Region), London or Northern Ireland. As the Bill extends to Scotland and Wales, either region may be chosen.

The Bill also:

- Allows local authorities to use pilot schemes for local elections held on the same day as the European Parliamentary election.
- Extends the Electoral Commission's duties by giving it the statutory requirement to report on both the election in general and the pilot scheme itself.
- Extends the rights of the police to arrest people suspected of personation.
- Includes provisions to allow prosecutions brought under the Bill once enacted to take be brought up to 24 months later than the offence.
- Prevents by-elections for Westminster and the National Assembly for Wales, mayoral referendums, elections and by-elections, and local government by-

¹ The Electoral Commission have published a report on the 2003 pilot schemes, *The shape of elections to come*, July 2003, available at http://www.electoralcommission.org.uk/files/dms/The_shape_of_elections_to_come_final_10316-8346_ENSW.pdf

elections in England and Wales from taking place within a specified period before or after the European parliament elections.

Following publication of the Bill, the Secretary of State wrote to the Electoral Commission formally consulting them on the choice of regions. This letter is included in the Commission's consultation paper on the subject, which seeks views by 12 November 2003.²

Problems with pilot schemes have been highlighted by various organisations, including SOLACE's³ electoral matters panel and the Electoral Reform Society. In particular, the issue of voter security has caused wide concern; recommendations on avoiding election fraud have been presented by the Electoral Commission in *The Shape of elections to come*.⁴ This concern is being partly addressed by the provisions relating to personation in the Bill. Concern has also been expressed about the tight timetable both for planning, training and implementation of schemes on a much larger scale than previously held. Concern with pilot schemes has also been raised in Parliament.

II Pilot schemes

The *Representation of the People Act 2000* enabled local authorities to apply for permission to pilot a range of new electoral arrangements at local elections. As originally introduced, the Bill allowed for pilots in all elections, but the Bill was amended during its passage through Parliament to meet the concerns of opponents to the schemes. A total of 32 authorities ran 38 pilot schemes in May 2000. In their review, the Local Government Association found that postal voting was the only new electoral arrangement to have significant potential for increasing local election turnout.⁵ Early and extended hours for voting added little to turnout, but appeared to perform a useful public service.

There were further experiments in polling procedures at the May 2002 local elections. Thirty local authorities took part in at least one experiment.⁶ This time more pilots involved electronic voting or electronic counting. The Electoral Commission undertook

² *European Parliamentary and local elections 2004: the location of electoral pilot schemes consultation paper*, September 2003, available at

<http://www.electoralcommission.gov.uk/templates/search/document.cfm/8564>

³ Society of local authority Chief Executives and Senior Managers

⁴ Ibid

⁵ Local Government Association *Elections – the 21st Century Model: an evaluation of May 2000 local electoral pilots* (Report 14 – Executive Summary) (2000)

⁶ HC Deb 5 February 2002 cc830-31w; DTLR News Release 2002/0022 *May Elections to trial on-line voting*, 5 February 2002

an evaluation of these pilot schemes. Its report was published on 1 August 2002.⁷ This summarised the effect on turnout as follows:

In a majority of pilot authorities, turnout was up by comparison both with recent local elections and with non-pilot area local elections in 2002. In some places, turnout increased significantly – even matching the general election figures from 2001. But there were differences in performance between different pilot areas, and variations between wards even in areas that secured significant increases overall. The technology-based voting pilots appeared to have no significant impact on turnout. However, they did increase choice and flexibility for voters and those who used new methods were positive about them. The primary aim of the e-pilots was to establish the security and reliability of the voting mechanisms and to start to build public confidence; this was achieved.⁸

The Electoral Commission found that postal voting had once again proved to be a success in terms of improving voter turnout, although not in all the pilots which used it. Its conclusions on electronic voting were summarised as follows:

Voters' feedback suggested they found electronic voting easy, convenient and quick to use, and the pilots appear to have provided a vital first building block in establishing public confidence. However, the evidence in relation to turnout remains unconvincing at this stage, and further pilots are necessary to build on the lessons from 2002. The Commission also recognises that electronic voting pilots that were exclusively polling station-based did not increase convenience for the voter or for the election officials at the polling stations, although they did facilitate the accuracy and efficiency of the count. The cost effectiveness of such pilot schemes (without any option for remote voting) appears to be questionable. The Commission believes they should not be a high priority for future pilots, especially in elections run on a 'first past the post' system, where the counting process is not complex.

Technology-based voting has made a good start, but it would be premature to suggest that the Government is well on its way to delivering against its commitment to having an 'e-enabled' election some time after 2006. Further piloting is clearly necessary to tease out a number of issues and to establish further the security of these voting mechanisms.⁹

The Government also invited Local Authorities to conduct pilot schemes to test alternative voting methods for the 2003 Local Elections. Details were given in an ODPM

⁷ Electoral Commission, *Modernising Elections A Strategic Evaluation of the 2002 Pilot Schemes*, August 2002, available at http://www.electoralcommission.org.uk/files/dms/Modernising_elections_6574-6170_ENSW.pdf

⁸ Executive summary, p1, available at: http://www.electoralcommission.org.uk/files/dms/Modernisingelectionsexecsummary_6691-6242_E_.pdf

⁹ Ibid

Press Notice on 27 September 2002.¹⁰ 41 successful bids were announced on 18 December.¹¹ In a Written Statement on 23 January 2003, the Minister for Local Government and the Regions, Nick Raynsford, announced a further 20, making 61 successful bids, which included 18 e-voting pilots.¹² In the event, pilot schemes took place in 59 authorities, involving a potential 6.4 million voters of which 17 involved electronic voting. Turnout appeared higher in all-postal pilots, but other methods piloted did not show such conclusive results. The Electoral Commission has published an evaluation of the 2003 electoral pilot schemes, *the shape of elections to come*.¹³ It found that all-postal pilot schemes were effective at boosting participation rates and concluded that all-postal elections were ready to be made available at all local government elections in Great Britain (although the form of local elections in Scotland is a devolved matter). Appendix 1 gives tables showing the types of pilots run and turnout compared, where appropriate, with that recorded at the same point in the previous local election cycle.

The Electoral Commission evaluation report made a series of recommendations to enable all-postal elections to be held as a matter of general practice:

- All local elections should be run as all-postal, unless there are compelling reasons against, and the local Returning Officer should make the final decision following consultation with party group leaders and independent members represented on the council.
- The current declaration of identity should be replaced by a new security statement.
- Staffed delivery points should be provided as part of the election to allow voters to have access to assistance, and deliver their completed postal vote by hand.
- There should be a statutory requirement that all postal ballot papers are sorted 'face down' at verification stage.

These measures should, in the Commission's opinion, be reinforced by the implementation of the Commission's earlier recommendations for increasing the security of postal voting generally, as follows:

¹⁰ ODPM press release, "May 2003 elections to continue online voting trials", 27 September 2002, available at:

<http://www.odpm.gov.uk/news/0209/0086.htm>.

¹¹ ODPM Press Release, "Electoral Pilots in May 2003 - Successful non e-voting electoral pilots named", 18 December 2002, available at:

<http://www.odpm.gov.uk/news/0212/0159.htm>

¹² HC Deb 23 January 2003 c18-9WS. Further details are available in the ODPM press release issued on the same day, ODPM Press Release, "E-voting to face its biggest test yet in May", 23 January 2003 available at: <http://www.odpm.gov.uk/news/0301/0008.htm>

¹³ Electoral Commission, *The Shape of Elections to come: a strategic evaluation of the 2003 electoral pilot schemes*, July 2003,

http://www.electoralcommission.org.uk/files/dms/The_shape_of_elections_to_come_final_10316-8346_ENS_W.pdf

- There should be a new offence of intending fraudulently to apply for a postal or proxy vote, with a maximum penalty of imprisonment.
- The law on undue influence should be revised to clarify the nature of the offence.
- Specified secrecy warnings should be included in postal and proxy voting literature.
- Police should be able to arrest a person on suspicion of personation at any location, not just a polling station, as at present.
- The court should be able to extend the period in which a prosecution must be brought by up to 12 months, where the prosecution has demonstrated all due diligence.
- A random audit process should be used after significant elections, to check for fraud.
- The Commission should develop a Code of Practice in relation to the handling of postal ballots by representatives of political parties, with the option of legislation, should self-regulation be ineffective.¹⁴

The Commission also considered in *The shape of elections to come* that an integral component of all-postal elections would be a move to individual, rather than household, voter registration:

The Commission is also concerned to find a more effective way of testing for fraudulent use of postal ballot papers. In theory, the requirement for the signature of the voter on a declaration should act as a deterrent against the fraudulent completion of ballot papers in that any suspected irregularity can be investigated by the proper authorities using the signature as a base. It is certainly the perception among many voters that the signature forms an important safeguard and, as such, it contributes to the overall perception of the security of an election. However, in practice, the signature on a declaration is a largely illusory safeguard. While Great Britain retains its system of household, as opposed to individual, voter registration, the Returning Officer only has records of the signature of the head of household. It is therefore not possible for Returning Officers to rely on their own records to check the validity of a signature (or even a date of birth).¹⁵

For the immediate future, it recommended that the 2003 statutory orders for all-postal pilot schemes in Herefordshire, Gateshead and Stevenage should be used as the starting point for a new pilot order, as they were the schemes which most closely matched the recommendations of the Commission. These would be used at local authority by-elections for the remainder of 2003 and in 2004. Subject to evaluation, any such order should then become the basis for making all-postal voting available at local elections without pilot status.

¹⁴ *The shape of elections to come*, ibid, p6

¹⁵ Ibid, p29

The Electoral Commission was less convinced about the merits of electronic voting at present.¹⁶ It did not seek to put a date on when e-voting would be ready for use nationwide and recommended further testing. The report also analysed the attitudes of people to the pilot schemes in each of the areas where such schemes were used. The Commission said:

Postal voting receives a very similar score for convenience...and a rating for ease of use that is not much lower. In the qualitative research, the top-of-mind reaction to the postal pilots was that they were quick and easy to use, and allowed voters not to worry about missing voting day.

However, the postal pilots receive a slightly lower score for privacy, and a significantly lower rating for safety from fraud and abuse (lower than some e-voting methods). This should not be exaggerated (in terms of its impact on the decision whether to vote or not). Just as no voter claimed that the convenience of postal voting was the prime reason why they voted, so most non-voters said they did not vote because of political disaffection, not because of concerns about security. Still, participants did judge postal voting to be more liable to fraud than the traditional method, even if only on further reflection.

When discussing the issue, participants in the focus groups seemed to be worried about the possibility of others stealing their vote, or being able to reproduce ballot papers. The introduction of extra layers between (the traditional and very simple method of) marking the ballot paper and physically placing the ballot paper in the ballot box also makes participants feel there is more potential for error.

These issues (simplicity and fraud) also inform people's attitudes to the changes in the declaration of identity. Most have few problems with these, and see the advantages of extra simplicity and convenience (for example, not having to find someone to witness the form), outweighing any concerns over fraud – particularly as it is felt that the current system is no deterrent against fraud anyway, as people feel it would be easy to forge a witness signature.

The Commission has also published research summarising the results of a series of opinion polls in 29 of the pilot project authorities. Each pilot was also the subject of a separate evaluation report, available from the Commission website.¹⁷

Finally, the Commission noted that the prospect of combined European and local government elections in 2004 would have a significant impact on the pilots programme, since, when elections are combined, piloting can only occur with specific legislative authorisation.¹⁸ In the absence of this in 2001, no pilots were held as the day of local elections coincided with the date of the general election. This was unforeseen because the date of the general and local elections only coincided because of the postponement of

¹⁶ Electoral Commission, *Public Opinion and the 2003 Pilot Schemes*, May 2003

¹⁷ Available at <http://www.electoralcommission.org.uk/about-us/may2003pilots.cfm>

¹⁸ This is the subject of Library Standard Note, SN/PC/1994, *Combining local elections, Greater London Authority elections and European Parliament Elections in 2004*, 20 June 2003

the local elections due to the foot and mouth epidemic; some planned pilot schemes were cancelled as a result.

On 2 May 2003, the day after the local elections, the Government issued a press release which commented on the proposals:

Early indications suggest this year's electoral pilot schemes have been a resounding success with around 21% of voters in e-voting pilot areas using new methods to cast their vote in the local elections in England. This was the third year of electoral pilot schemes with more extensive take up of new technology. This follows the success of last year's pilots only on a much larger scale with some 6.5 [sic] million voters eligible to vote by these new means this year.

Significant success has been recorded in areas running all-postal ballots. According to today's figures, the average turnout is just under 50% - 2% higher than the all-postal pilots last year and far ahead of average turnout elsewhere. Early reports suggest that, on the whole, the e-pilots went well, with no reported security problems.

59 local authorities were holding electoral pilot schemes making this year the biggest ever test of new voting technology. From e-voting pilots, including digital television, Internet, touch telephone and text messaging, to e-counting machines and all-postal ballots, the schemes aim to modernise and reinvigorate the election process, making it easier for people to vote.

Local Government Minister Nick Raynsford said:

"The early signs are extremely positive and it does seem that the various electoral pilot schemes could have an important role in moving the UK towards a total e-enabled general election sometime after 2006. I look forward to the full evaluation on the success of the pilot schemes which will be prepared in due course, but in the meantime, I'm very encouraged and pleased that so many voters have taken this opportunity to take part in the biggest e-voting test ever held."

With a general turnout of about a third in yesterday's local elections, the news of the all-postal pilots achieving an encouraging 50% turnout has been welcomed by the Minister. Mr Raynsford added:

"The figures for all-postal ballots are particularly impressive and are a testament to the benefits in modernising our electoral process to make it more convenient to vote. The all-postal pilots have returned significantly more than the general turnout across the country and I'm encouraged that our pilot schemes appear to be making a real difference when it comes to engaging voters and making it more accessible for them to exert their democratic right."

A few minor technical problems were reported with e-voting pilot schemes. In St Albans a problem with verifying e-votes meant that at 15 polling stations in St Albans paper ballots were used instead.

Nick Raynsford said:

“There were one or two minor technical hitches at some of the e-voting pilot schemes. However, these problems were in the minority, were rapidly resolved and overall the e-voting has worked well. With this Government being committed to holding a totally e-enabled general election sometime after 2006, it is important that we trial the technology and identify problems now. That is the whole point of pilots. I am pleased to say that the security and integrity of the election was not compromised at all. Overall, I am very encouraged and I think the figures we’re seeing today are a positive sign for the future of e-voting”.¹⁹

The Government’s response to the Electoral Commission evaluation report was published on 17 September 2003.²⁰ The response commented that ‘there should be a statutory presumption that all local elections will 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 groups of electors’; the decision would rest with the local electoral registration officer, who would have to consult with party group leaders and independent members of the Council concerned.²¹

The paper accepted the Commission’s recommendation that all-postal voting should be rolled out generally for local elections in England and Wales. The paper set out the Government’s stance on electoral modernisation:

Government does not see the development of all-postal voting in isolation from its overall electoral modernisation programme. It believes that the essential feature of all-postal voting, that substantially increases turnout, is that all electors receive, as of right, in their homes the material to cast their votes, and by using this material they can subsequently exercise their vote from home or elsewhere. It is this same essential feature that is at the heart of such e-voting channels as voting by internet, telephone, SMS, or indeed IDTV. The Government believes, therefore, that any move to universal all-postal voting, as now recommended by the Commission for local elections, must be regarded as an interim, albeit significant, development. During this interim stage of electoral reform, electors would be able to return their votes by post or by taking them to designated delivery points. The Government’s long term aim is that, in addition to these channels for returning their votes, electors will also be able to return their votes through an electronic channel. These electronic channels will become of increasing importance as the medium of internet and phone, rather than the post,

¹⁹ ODPM press release 2003/0081, *Electoral pilots shine out in local elections - Encouraging signs following electoral pilot schemes*

²⁰ *The Government’s Response to the Electoral Commission’s Report: The Shape of Elections to Come – A Strategic Evaluation of the 2003 Electoral Pilot Schemes*, Cm 5975, September 2003, available at http://www.odpm.gov.uk/stellent/groups/odpm_localgov/documents/downloadable/odpm_locgov_0240_02.pdf

²¹ Ibid, p6

as they become the ever more widely used methods of communication with organisations such as government for an increasing proportion of the electorate.

Pilot schemes are not however seen by all commentators as a guaranteed method of increasing turnout. For example, William Cash MP, Shadow Attorney General, said in a debate on 6 March 2003:

There is a mixed pattern resulting from the pilot schemes, so I am not convinced that, with the current low turnouts, we should be paying an undue amount of attention to the systems. I am convinced that the real problem is to do with the failure of democracy, or the increasing tendency for people to become disillusioned with what we are doing, which, after all, should not be seen as a separate function. It is part and parcel of their lives and affects them.²²

III Changing the date of the local elections

The next European Parliamentary elections are due on 10 June 2004 and the next local government elections on 6 May 2004. Under the provisions of section 103 (for England) and 104 (for Wales) of the *Local Government Act 2003*, the Government (in England) and the National Assembly for Wales have the power to move the local government elections to the 10 June, the same day as the European Parliamentary elections.²³ Nick Raynsford confirmed on 6 May 2003 the Government's intention to move the 2004 English local elections and Greater London Authority elections to the same day as the European Parliamentary elections, namely Thursday 10 June 2004. The announcement also confirmed that nationwide weekend voting would not take place in 2004.²⁴ In a written ministerial statement, Nick Raynsford said:

Having considered the nature of the practical issues raised and the range of solutions available, the Government believes that there is no practical impediment to the combination of local, GLA and European Parliamentary Elections in 2004. In the light of the responses to these four issues and the Government's analysis of the issues raised, our current intention remains to exercise the order-making provisions we are seeking in the Local Government Bill, if these are enacted by Parliament, to allow the combination of local elections in 2004 with the next elections to the European Parliament, which are due to take place on 10 June 2004.

The fifth issue on which the consultation document sought views was on whether to move elections to a weekend. Of those expressing a view, 74 were in favour of

²² HC Deb vol 400 c351WH

²³ See Library Research Paper 93/01, the *Local Government Bill*, and Library standard note SN/PC/1994, *Combining local elections, Greater London Authority elections and European Parliament Elections in 2004*

²⁴ The News Release with details of the responses can be accessed via the ODPM website at www.odpm.gov.uk/pns/DisplayPN.cgi?pn_id=2003_0082

this proposal, 66 respondents supported further pilots or testing of weekend voting and 91 were against.

In the light of this response, the Government intends to take forward further pilots of weekend voting in view of potential benefits to electors, and taking into account the costs involved. A series of practical difficulties were raised about proceeding with nationwide weekend voting in 2004. In particular, the Electoral Commission did not support wholesale mandatory weekend voting in 2004. Therefore the Government remains of the view that in 2004 local, GLA and European Parliamentary elections should take place on Thursday 10 June.²⁵

On 23 September the Welsh Assembly government announced a consultation paper to consider whether to move the date of the 2004 local government elections. Announcing the consultation paper, the Cabinet said:

The Cabinet of the Welsh Assembly Government has decided to hold a consultation exercise on the proposal to delay local elections due on 6th May 2004 until the date of the European Parliament elections, due five weeks later on 10th June.

Minister for Finance, Local Government and Public Services, Sue Essex said, "On balance, I believe that the convenience of the voter is of paramount importance and that it is more likely that a good turnout will take place for both sets of elections if they are held on the same day. Voters will find it hard to understand why two elections are held so close together if we had the power to hold them on the same day.

"The *Local Government Act 2003* gives the Assembly the power to bring this about but as a first step I will be consulting on this matter and I will welcome comments on the proposal, particularly in relation to the issue of electoral pilots.

"Last week the UK Government introduced the *European Parliamentary and Local Elections (Pilots) Bill* which opens up the possibility for whole regions of the UK (of which Wales is one) to operate electoral pilot methods at combined elections.

"I will be putting the Assembly Government's view to the Electoral Commission – who will be advising the UK Government - that Wales is very well placed to operate an all-postal election in combined elections next June."²⁶

²⁵ HC Deb 6 May 2003 c29WS

²⁶ National Assembly for Wales press release, "June date proposed for joint local and European elections", 23 September 2003

IV The European Parliamentary and Local Elections (Pilots) Bill

The eleven-clause Bill allows the Secretary of State to order innovative voting methods to be piloted in one or more European Parliamentary electoral regions in the 2004 European Parliamentary general election, and at local elections combined with European elections in those regions. The Bill does not specify in which regions such pilots will be tried, although it rules out London and whichever European Parliamentary electoral region is to include Gibraltar (which the Electoral Commission has recommended should be included within the South West Region). Northern Ireland cannot be a region for the purposes of holding pilots as the Bill does not extend to it.

The Bill does not specify the types of innovative voting to be carried out in each region. This, together with the identity of the regions will be decided by the Secretary of State, in consultation with the Electoral Commission and with Parliament's approval.

Clause 1 gives the Secretary of State power to make an order that the 2004 European Parliamentary election should be conducted in a manner different from the normal ballot-box procedure in one or more regions. The order will set out in which regions such pilots can occur and also, in broad terms, the type of pilot to be used in each region. Under the terms of the clause, the Secretary of State must consult the Electoral Commission before any such order is made. The consultation can take place at any time before or after the passing of the Act; the Secretary of State for Constitutional Affairs and the Minister for Local and Regional Governance accordingly wrote to the Electoral Commission on 17 September requesting their views. To allow the necessary preparations to proceed, the Government asked the Commission to respond by 8 December. Once the order is laid, it will be subject to the affirmative procedure. This will therefore require approval by parliament before the order can come into force.

At the same time as they published the Bill, the Government issued a consultation paper, *Electoral pilots at the CEP and local elections*,²⁷ which indicated that it wished to see three of the 12 regions use region-wide electoral pilots. All three would use all-postal ballots, and one of these would also use internet and telephone voting. There are 12 regions for the purposes of the European Parliamentary elections.²⁸ The Government believes that “all-postal voting brings significant benefits to voters and helps to promote high turnout.”²⁹

The Government has a statutory requirement to consult the Electoral Commission on certain changes to electoral law under the *Political Parties, Elections and Referendums*

²⁷ ODPM, September 2003, http://www.odpm.gov.uk/stellent/groups/odpm_localgov/documents/pdf/odpm_loggov_pdf_024004.pdf

²⁸ See Appendix 2 for a full list of these and the areas they cover.

²⁹ Ibid, p4

Act 2000. These changes are generally concerned with the administration of elections – for example, powers to designate returning officers and to specify arrangements for the conduct of local government elections and elections to the devolved legislatures. In addition, the Commission responds to relevant public consultation exercises initiated by the Government.

The Electoral Commission has in turn published a consultation document, *European parliamentary and local elections 2004: the location of the electoral pilot schemes*.³⁰ This gives more details on the proposals for the location of the pilots, but does not cover the specific nature of the pilots, as the Secretary of State does not have to consult them on this under the terms of the Bill. The Commission announced in the document that they had been asked by the Secretary of State to take into consideration

- the population of the region;
- the geographical size and electorate density of the region;
- the number of local authorities in the region;
- the number of local authorities holding local elections in June 2004;
- the experience of the local authorities in holding pilots;
- the experience of the Regional Returning Officer;
- geographical balance and spread;
- the ability of other agencies to deliver;
- fraud considerations;
- value for money

when deciding on the regions to be chosen.

In addition, the Commission announced that it also intended to take into account a range of other factors:

- the capacity and willingness of the Regional Returning Officer and local returning officers;
- the ease with which discrete media public awareness campaigns can be organised;
- the risk of confusion arising from frequent changes to voting arrangements;
- for the electronic voting pilot area, the record of local authorities in delivering e-government services;
- for the electronic voting pilot area, access to relevant technology.

The Commission comment that the powers being provided for in the Bill are ‘significantly different from the powers under which pilot schemes have been held to date’, in that there is no application process and the Secretary of State does not have to

³⁰ Electoral Commission, September 2003, http://www.electoralcommission.gov.uk/files/dms/EPPilotsConsultation-finalversionforweb_10717-8564_E_N_S_W_.pdf

consult with or gain the consent of the affected Regional Returning Officer and Local Returning Officers, nor political representatives in the regions about the nature of the pilots (although he has to consult the Commission about the location of the pilots). Any region thus selected will be ‘compelled’ to participate, which could in turn bring about dissatisfaction with the process unless there is ‘effective consultation at this stage of the process.’³¹

Clause 2 requires the Secretary of State to make a supplementary order to implement and give effect to an order under clause 1, which would contain the details of the election pilots to be used. The order may make provision for voting to take place on more than one day – neither day has to be the date appointed for the poll – or at places other than polling stations. Copies of the order must be sent to the affected local authorities – who must then publish the order in such manner as they think fit – the Electoral Commission and the relevant regional returning officers. This order will not be subject to any parliamentary procedure, and is not subject to consultation with the Electoral Commission or other interested parties.

Clause 3 disapplies section 10 of the *Representation of the People Act 2000*. This section allows election pilots to take place in local authority elections but not at the same time as other elections, so disappling it will allow pilots to be used in both European and local elections in the same region. This is to ensure that costs are kept to a minimum and to give the pilots a ‘control’ election against which the results can be compared.³²

Under section 10 of the *Representation of the People Act 2000* the Electoral Commission must produce a report on pilot schemes used in local authority elections. **Clause 4** extends this provision to give the Commission responsibility for producing a report on the pilot schemes used in the European Parliamentary elections as well. The Commission must consult the relevant local authorities, who must in turn give the Commission as much assistance as they require in preparing the report. This might include surveying the views of voters about the administration of the elections or reporting allegations of personation and other electoral offences to the Commission. The report should include an assessment the way in which the election was conducted and the way in which the different voting methods

- facilitated voting at the elections;
- encouraged voting at the elections;
- affected the incidence of personation or other electoral offences or malpractice;
- assisted the counting of votes at the elections;
- provided opportunities for savings in the costs of administering the elections or led to any increase in such costs.

³¹ Ibid, p21-22

³² See explanatory notes, para 12

The report must also assess whether, in the opinion of the Commission, the turnout was greater than it would otherwise have been, and whether voters found the pilot scheme easy to use. The report must be published within three months of the declaration of the result. Under section 5 of the *Political Parties Elections and Referendums Act 2000* the Commission must also produce a report on the administration of the elections.

Clause 5 ensures Section 11 of the *Representation of the People Act 2000* will apply to the Bill. This allows the Secretary of State to lay a draft order before Parliament if he decides that any of the pilot provisions should be applied on a permanent basis to local government elections in England and Wales. This order would be subject to the affirmative procedure.

Clause 6 extends the powers arrest for personation, which is when someone votes as someone else without their consent. Current powers of arrest extend only to personation at polling stations. This will allow the police to make that arrest at any location, under s24(2) of then *Police and Criminal Evidence Act 1983*. The provisions only extend to elections held in accordance with the provisions of any order made under s2 of the Bill.

The law of personation and the proposed changes to it is considered in the next section.

Clause 7 applies only to elections held under the provisions of section 2 of the Bill. It allows for a time limit of 24 months within which a prosecution can be commenced in a magistrates court (or the sheriff in Scotland) under the Bill. This power can only be used following an application from the police or a prosecutor, or the procurator fiscal in Scotland.

Clause 8 gives effect to Schedule 1, which relates to by-elections. The schedule ensures that parliamentary by-elections cannot take place either on the day of the European and local elections or within three weeks before (four weeks for local government elections in England and Wales) or three weeks after the election. The same rules apply to Welsh Assembly by-elections, and Mayoral elections, whether elections for the post of elected mayor of an authority or a referendum on proposals for local authority executive arrangements. Provision is made in the clause, however, to allow local by-elections to be held on the same date as European and local elections, if those dates are combined. The explanatory notes also state that 'if Scotland is chosen as a region under section 1, the order under section 1 may disapply the local returning officers discretion as to whether to combine Scottish local by-elections with the European elections.

Clause 9 relates to interpretation. A region as used in the Bill is an electoral region for the purposes of the *European Parliamentary Elections Act 2002*. These regions are described in Appendix 2. Scotland, Wales and Northern Ireland each constitute one region.

The other clauses are technical.

The Act does not extend to Northern Ireland (and Northern Ireland cannot therefore be used as one of the regions for a pilot), but does include Scotland as well as England and Wales. The explanatory notes estimate that the additional cost to central government will be up to £30m, with the exact figure dependant on the types of regions and pilot schemes chosen by the Secretary of State.

Christopher Leslie, Minister in charge of the Bill, has made a statement of compatibility of the provision of the Bill with Convention rights, under the *Human Rights Act 1998*. The explanatory notes also address the issue of the secrecy of the ballot, guaranteed under article 3 of the European Convention of Human Rights.

The principal Convention right that may be engaged by the Bill is Article 3 of Protocol 1 (right to free elections). In the light of *Matthews v UK* (28 EHRR 361), the Government recognises that the European Parliament is part of the legislature for the purposes of Article 3. Any electoral system that undermines the secrecy of the ballot, or the free expression of the electorate's opinion, would therefore raise an issue under that Article.

24. The effect of the innovative voting systems on the secrecy, security and accessibility of the ballot is something on which the piloting scheme is designed to generate evidence, in order that decisions on the wider use of these or other systems can be proportionate and soundly based.

25. The scheme will also produce evidence on any effect the innovative schemes may have on voter participation, and similar wider benefits to the community. These matters will also be relevant to the consideration of any issue under Article 3.

26. In the meantime, the piloting scheme addresses the issue of secrecy with a number of safeguards, both statutory and non-statutory.

The fact that an exposition of the human rights issues of the Bill is given in the explanatory notes indicates that there are some concerns about this aspect of the Bill. Parliament will have the chance to address these issues when the Bill is scrutinised by the Joint Committee on Human Rights, which will occur during the passage of the Bill through Parliament.

V Personation and electoral fraud

The *Representation of the People Act 2000* introduced new provisions on postal voting for Great Britain. Background to the changes is contained in Library Research Paper 99/94, *The Representation of the People Bill*.

The main change was to allow postal voting on demand. It is no longer necessary to state a reason for applying for such a vote, or to obtain attestation of illness, from a medical practitioner or employer, for example. Applications may be requested and allowed for an indefinite period, a definite period, or a particular election. Records of applications allowed are to be made available for public inspection and copies of the absent voters lists are to be supplied, free of charge, on request, to each candidate and election agent. These

lists are to be made available for public inspection as soon as practicable on a specified day of the electoral timetable. All electors or their proxies, entitled to vote by post must have an 'A' against their name in the polling station register, to indicate that they are not allowed to vote in person. Although it will be evident from the absent voters' lists which electors have been issued with ballot papers, it will not be possible to tell from the list which ballot papers were actually received in time before the close of poll, as the list is not cross-checked with ballot papers received.

The postal voter is issued with a postal ballot form and a declaration of identity which must be returned before the close of poll, either by post or by hand. There is no longer a restriction that addresses for postal ballot papers must be within the UK. The declaration of identity must be authenticated by a witness.³³ Forms are prescribed for the declaration and are set out at the end of the regulations.³⁴ There are no prescribed forms for the application for postal votes. The Home Office provides a model version which acting returning officers and political parties may adapt for their own use.

Voting as another person without their consent is a corrupt practice under s60 of the *Representation of the People Act 1983*, and punishable as such. However, arrest in such cases can only – under current law – take place in polling stations. The current Bill will extend this provision to allow arrest anywhere for the offence, but only in those regions and local government areas using electoral pilots. An ODPM report gives more details on the law against personation:³⁵

Pretending to be another person for the purposes of voting is described as personation. It is one of a number of corrupt practices defined by the *Representation of the People Act 1983* and is itself defined by s60 of the Act. The *Representation of the People Act 1983* provides that a person who is reported guilty of personation by an Election Court under s144 (Parliamentary election) or s145 (Local Government election) is subject to electoral penalties as set out in ss159-160 and is also subject to criminal penalties upon subsequent conviction in a criminal court under s168. In the absence of an Election Petition a person may be prosecuted under s168 RPA 1983 and is then liable to the electoral penalties set out in ss159-160. The relationship between these provisions is well set out in *A-G v Jones* which followed on from the conviction of Fiona Jones MP, and her subsequent acquittal on appeal, of the corrupt offence of submitting a false return of election expenses. It is quite clear from three decided cases that the legal test to be applied to an allegation of personation, whether that allegation is heard in an Election Court or a criminal court, is the criminal standard of proof. This means that it must be shown beyond reasonable doubt that a person tried to personate another.

³³ Regulation 85

³⁴ Form G for a parliamentary election taken alone, Forms H and J for combined elections

³⁵ *Implementing electronic voting in the UK: The legal issues*, March 2002, available at http://www.odpm.gov.uk/stellent/groups/odpm_localgov/documents/page/odpm_locgov_605189-01.hcsp#P49_3081

Reported cases suggest that personation is a very rare event in Great Britain. Most cases containing allegations of personation are over a century old and contain no conceptual issues; they are matters of fact. More recently, an allegation of personation was made in *Re Local Government Election for Eel Brook Electoral Division Hammersmith and Fulham Council; Thompson v Dann & Another* and rejected on the facts. One Catherine Kay Phillips was convicted of personation in 1984 and was sentenced to two months imprisonment; the Court of Appeal commenting that the sentence was light and that persons convicted of personation should normally expect a substantial prison term. However in the well publicised but unreported Hackney case, arising from the election held in 1998, two councillors who conspired to invent voters were imprisoned for similar lengths of time. The case which has been described as Britain's largest election fraud involved perhaps more than one hundred personations.

The author is aware that allegations of personation have been made in other elections in Great Britain, for example in the Sparkhill Ward during the Birmingham City Council Elections of May 2000. A Petition was issued, but it was served upon the First Respondent one day out of time and was dismissed by the High Court on 12 July 2001.

Personal discussions with Returning Officers lead me to the view that there is a small amount of personation in most elections. Those to whom I have spoken would welcome a more vigorous and sustained attack on this corrupt practice.

The Hackney case, mentioned above, resulted in two London Borough of Hackney councillors being jailed for forging proxy votes during the 1998 local elections. The judge in the case commented that there was '...a danger damage has been done to the confidence of every member of the community in the local election process'.³⁶

The Electoral Commission has a statutory duty to keep under review a range of electoral and political matters.³⁷ Partly as a result of the Hackney case, the Commission's report on the 2001 general election identified as a priority the need to review the law governing absent voting and related practice issues. This review began in November 2001 and included a consultation paper issued in October 2002 which invited comments on a range of issues.³⁸ Following this the Commission's recommendations were published in *Absent voting in Britain*, which stated:

3.34 Personation is the name of the offence committed when someone votes in person or by post as some other person (without their consent) in order to use his or her vote. If proven, it can result in imprisonment for up to two years or a fine or both. A deficiency of the current legislation is that personation is an arrestable offence only within a polling station. The Commission previously suggested that to help investigation of electoral offences linked to absent voting, legislation

³⁶ See "Hackney Councillors jailed for vote-rigging", *Arena*, Summer 2001, p22

³⁷ Under the *Political Parties, Elections and Representations Act 2000*

³⁸ *Absent voting review: a review of postal and proxy voting in Great Britain*, Electoral Commission, October 2002, available at <http://www.electoralcommission.org.uk/templates/search/document.cfm/6207>

might be needed to give the police the power of arrest, based on 'reasonable suspicion' of personation at any location, not just at polling stations. The vast majority of respondents supported this line. The concept has wider implications than absent voting, but we believe that in this context this change will have a deterrent value. The existing statutory provisions on personation should be extended to give the police the power of arrest, based on 'reasonable suspicion' of personation at any location, not just at polling stations.³⁹

The issue of fraud at elections had been covered extensively by the Home Affairs Committee in 1997-98 in its report, *Electoral law and administration*:

99. Anecdotal evidence also exists that there is a certain measure of fraud in the form of impersonation of registered voters at polling stations. In Great Britain, prospective voters are not required to provide proof of identity to establish that they are in reality the person listed on the register they are claiming to be. The presiding officer may, if doubtful about the person's identity or if requested to do so by a candidate's agents, only put two specific questions, set out in the Election Rules, asking the person to confirm that s/he is the person registered and to confirm that s/he has not already voted, though we understand that no record is kept as to how frequently such questions are in fact asked.

100. The position is different in Northern Ireland, where traditionally there has been greater evidence of impersonation at elections. Voters there have to provide one of a number of specified documents in order to establish their identity before being given a ballot paper. This does not solve all the problems which can arise and there are calls both for additional measures to be taken and for the list of permissible documents to be revised.

101. Clearly there are a number of measures which could be taken, including those in operation in Northern Ireland, if impersonation were thought to be a serious problem. Most witnesses however did not think this was the case. Neither Dr Butler nor Professor Blackburn had evidence that impersonation was a major issue in elections in Great Britain (though Professor Blackburn appeared less opposed to requiring voters to provide identification than Dr Butler). SOLACE noted that proven instances of impersonation were rare, and that "recent incidents in England have almost entirely related to people who moved into an area after the effective date for electoral registration ... and tried to vote in the name of the previous occupant of their property". They took the view that—although some potential absurdities might be avoided if presiding officers had greater powers—"... one cannot make the process of cross-examination too elaborate, granted that the majority of people come with their poll cards and there is no practical difficulty in identifying who they are and no expectation of fraud in the overwhelming majority of cases. We must ensure that we do not make the procedures so secure that it is impossible to run the election on the day".

102. We broadly agree that there is at present no great problem with impersonation in British elections outside Northern Ireland, and we do not see a

³⁹ Electoral Commission, March 2003, p29, available at http://www.electoralcommission.org.uk/files/dms/AbsentvotinginGBfinal_9869-7240_E_N_S_W.pdf

need to introduce any additional requirements to prove identity before being given a ballot paper. We note a suggestion made by the Electoral Reform Society and Liberty that returning officers, since they are familiar with local circumstances and the actual conduct of elections, might have a power to initiate an election petition; at present only aggrieved candidates or electors may do so, and it may be unrealistic to expect such people to risk the costs involved solely out of a sense of public duty.

103. One of the existing measures in place to discourage and to address impersonation is the vote tracing mechanism. Because the mechanism to some extent breaches the principle of ballot secrecy, and because the problem it seeks to address is—as we have seen—generally thought to be very minor, it has been argued by some that it should be discontinued.

104. The system is designed to enable a fraudulently cast ballot paper to be identified and discounted and, if appropriate, to be replaced by a valid vote. To achieve this, the electoral registration number of the voter is noted on the counterfoil of the ballot paper. Since the ballot paper number is recorded both on the paper itself and the counterfoil, it becomes possible to trace the ballot paper submitted by a particular voter by locating the counterfoil on which the voter's registration number has been written, from which the number of the ballot paper issued to that person can be found and thus the ballot paper itself identified. The counterfoils and ballot papers are secured and stored after the close of the ballot and may by law only be opened, so as to enable the vote tracing to be operated, pursuant to an order from an electoral court pursuant to a complaint. A court may order this if it is satisfied that a vote has been fraudulently cast (whether because of a case of impersonation or, potentially, because of bribery), and if it thinks appropriate because the result of the election could be affected. The vote, once identified, can then be subtracted from the declared total. In certain circumstances it is also possible for the discounted vote to be replaced by a valid vote. If a registered voter has found, on attempting to cast a vote, that a vote has already been cast in their name, the presiding officer may give to him or her a fresh ballot paper of a different colour, which is stored separately (a 'tendered' vote). It is not counted in the main count, but if an election court so orders, it may be subsequently counted in place of a disallowed vote.

105. A recent report on this issue by the Electoral Reform Society and Liberty indicated no case of the full vote tracing procedure being used since 1911 at a national election, though it has occasionally come into play at local elections because the majorities at such elections are very much smaller. This lack of use is not surprising; vote tracing is likely to arise only in a rare combination of circumstances, namely where the result of an election is extremely close, a case of impersonation (or bribery) can be proved, and one of the parties to the election is prepared to risk the expense of an election court to challenge the result.⁴⁰

⁴⁰ HC 768 1997-98, available at:
<http://www.publications.parliament.uk/pa/cm199798/cmselect/cmhaff/768/76802.htm>

Statistics are not published on the level of personation. Concerns have however been expressed recently over the potential for such fraud in the pilot schemes. According to Nick Raynsford:

We have no evidence to suggest that personation will be a significant problem at local elections in May 2003, and have no plans to introduce any new specific measures to prevent personation. In our prospectus, issued in September 2002, inviting councils to propose pilot voting schemes in the May 2003 local elections, we have made clear that such schemes would need to ensure that any new method of voting is at least as secure, if not more secure, than conventional electoral practices. The Electoral Commission will, as required by statute, be consulted before any pilot schemes are approved. The programme of pilots itself will be looking at new ways to incorporate specific measures to test security and fraud.⁴¹

However, there is concern that personation has taken place at previous elections. A question asked by Lord Greaves in the House of Lords highlighted some areas of concern:

Lord Greaves asked Her Majesty's Government:

Further to the Written Answer by Lord Falconer of Thoroton on 22 May (WA 99) that the Government have "no evidence to suggest that personation is a significant problem in England, Wales or Scotland," whether they have considered evidence from the local elections in Birmingham on 2 May and in particular the claims on the website www.stolenvotes.org.uk relating to Washwood Heath and Small Heath Ward.

Baroness Scotland of Asthal: I am aware that the police in Birmingham and elsewhere are conducting investigations in connection with the local elections on 2 May. Until those investigations are over and the outcome known it would not be appropriate for me to comment.⁴²

In August 2002 the Birmingham Post reported:

A politician appointed to investigate claims of fraud at this year's Birmingham City Council elections says he has already uncovered 'worrying' evidence pointing towards possible irregularities. John Alden, a Conservative councillor for Harborne, is heading a fast-track scrutiny committee looking at allegations surrounding the polls in May. At the heart of the inquiry are claims that postal votes were misused and that organised gangs 'stole' hundreds of votes through personation - falsely claiming to be people on the electoral register. It has also emerged that a separate police investigation centring on activities in Aston and Washwood Heath has been passed from Birmingham's Queens Road station to the Fraud Squad.

Coun [sic] Alden said the number of postal votes issued in Birmingham increased from 9,000 two years ago to 20,000 this year. This coincided with a relaxation in

⁴¹ HC Deb 22 October 2002 vol 391 c295W

⁴² HL Deb 11 June 2002 vol 636 c29WA

Government rules, making postal votes freely available. Applicants no longer have to show they cannot travel in person to a polling station...Coun Alden, who will complete his inquiry by December, said: 'I have written to all city councillors, MPs for Birmingham, MEPs and unsuccessful council candidates at this year's elections asking for their comments.

He said the responses received so far indicated several areas for further investigation. 'There is worrying evidence of a substantial amount of personation in Birmingham over the past few years, where people are impersonating other people at the polling station and voting.'⁴³

A report in *Guardian Unlimited Politics* in September 2002⁴⁴ referred to a number of allegations of electoral fraud.

A great expansion of postal voting that the government hoped would increase turnout is being exploited in what appear to be widespread attempts to manipulate elections, a Guardian investigation has found.

Postal votes were available on demand - rather than restricted to those who could not attend a polling booth - in this year's council elections and the 2001 general election. Some councils even experimented with all-postal votes, raising turnouts to 60%, a result that has led to talk of all-postal European elections and even general elections.

However, one of Britain's biggest councils, in Birmingham, may try to reverse the policy. The Labour-controlled council has begun an inquiry after numerous allegations of voter intimidation and fraud. John Alden, a Conservative councillor leading the inquiry, said: "This appears to be heading towards a failed experiment because of the way it's operating. The potential for corruption is frightening."

...

On the face of it, unrestricted postal voting was a spectacular success in Birmingham. The number of postal votes increased from 7,000 two years ago to 20,000. The sharpest increase was in Aston, an inner-city ward, where 981 were issued. The vast majority were at the last minute; 750 applications were received by the council in the final 24-hour period.

...

One of the crucial weaknesses is that postal votes need not be sent to the home address of the voter. They can be picked up by a candidate's supporters and brought to people's houses. This has led to allegations that voters were intimidated.

...

Postal votes must be accompanied by declarations of identity that are signed by the voter and counter-signed by a witness. In Nelson a very large number of these were witnessed by a handful of people, raising questions about voter secrecy.

⁴³ "Elections inquiry finds 'worrying' evidence", *Birmingham Post*, 29 August 2002, p1

⁴⁴ "Rigging doubts over postal ballots, *Guardian Unlimited Politics*, 28 September 2002, <http://www.guardian.co.uk/guardianpolitics/story/0,3605,800525,00.html>

The Electoral Reform Society is particularly concerned about fraud. In their evaluation of the 2003 local elections they said:

Beyond turnouts, there continue to be a number of problems raised, particularly in the area of ballot fraud.

A Danish journalist documented what may be a significant case of fraud by a voter, apparently assisted by a political party, in one of the local authorities running an all-postal pilot. As this has led to a Police investigation, it would be wrong to give too many details. However, there is certainly a worry that the sending out of ballot papers to every voter on the electoral register means that many will arrive at homes from which the real voter has moved, or is away, and there is the temptation for others to fill them in. This is not helped by the often low level of checking which is done by elections staff. In addition, there is a concern about houses of multiple occupation and care homes.

The Electoral Reform Society has consistently argued for strong anti-fraud measures in all elections. In the case of postal voting, the Electoral Commission has suggested that the UK should retain a declaration of identity which is signed only by the voter, but that this signature can be checked against a signature held on file from the registration period. Furthermore, we would support a move to the checking of a sample of signatures.

Other problems arose as a result of the all-postal pilots. In the past, postal votes were opened at council offices in the two days prior to polling day and party observers were able to watch this process providing they had signed a declaration of secrecy. However, with the vast numbers involved in all-postal ballots, councils took the decision to open the ballots as they came in and invited party observers to watch. At this much earlier stage, it was therefore possible for parties to see how they were doing in each ward and effect changes to their campaigning strategy as a result. There needs to be a debate about whether this is a desirable outcome from the move to all-postal ballots or whether the declaration of secrecy should seek to (or even can) bar discussion within a party over their prospects. Furthermore, one senior councillor sent a letter to his party members in a pilot council purporting to state, with reference to his attendance at the opening of early postal votes, how his party was doing and urging extra effort. Although in this case the councillor later withdrew his remarks, it raises the question about how far the changes to all-postal ballots have challenged the existing order. Certainly, the Electoral Commission will need to consider whether there needs to be a clarification or tightening of the law concerning these circumstances.⁴⁵

Measures to deal with electoral fraud are already in place in Northern Ireland. Electoral fraud has been a long-standing problem in Northern Ireland. Following the 1997 general

⁴⁵ *Piloting Alternative Voting Methods in the 2003 Local Elections in England: Report and comments by the Electoral Reform Society*, July 2003, available at <http://www.electoral-reform.org.uk/publications/briefings/pilotingalternativevotingmethods.htm>

election, recommendations for change were made by the Northern Ireland Affairs Committee and the Northern Ireland Office review *Administering Elections in Northern Ireland*. The main problems were categorised as:

- Registration of people not resident at the address given
- Fraudulent absent voting applications
- Undue influence at the polling place
- Personation of electors

The reports had difficulty in assessing the extent and the effect of electoral fraud in Northern Ireland. Prosecutions for electoral offences were very rare, but the Chief Electoral Officer for Northern Ireland had noted severe problems in a number of areas. A White Paper, *Combating Electoral Fraud in Northern Ireland*,⁴⁶ was published in March 2001 which made proposals for legislative action in a number of areas:

- The elector's date of birth and signature would become required information on the electoral registration form.
- The absent voter's form would require confirmation of the elector's date of birth and signature.
- A voluntary electoral ID card would be added to the list of specified documents which have to be produced by an elector at the polling station under 1985 legislation. As a result, non-photographic forms of ID would be phased out.
- Presiding Officers at polling stations would be able to ask electors their date of birth as a deterrent against personation.

These recommendations were given legislative form in the *Electoral Fraud (Northern Ireland) Act 2002*.⁴⁷ In addition, the Act modified certain procedures applicable to disabled voters. The white paper set out other administrative changes, such as a research project on the extent of electoral fraud and incremental moves towards the introduction of a comprehensive and secure electoral identity system.

In the light of these concerns, the Electoral Commission have made a number of recommendations about the conduct of all-postal ballots:

4.20 It has always been the Commission's position that elections must be secure and must be perceived as secure. Security weaknesses are, of course, not unique to postal voting and there are clearly similar weaknesses in attendance voting methods. For example, voters entering a polling station in a conventional election simply have to state their name and address and could easily state that of someone else they knew, or had heard of, in the hope that they had not yet voted or were not in fact going to vote. Nevertheless, there is clearly a difference in

⁴⁶ Cm 5080, March 2001

⁴⁷ See Research paper 01/63, available at <http://www.parliament.uk/commons/lib/research/rp2001/rp01-063.pdf>

public perceptions of the security of postal voting as compared to more traditional voting methods.

4.21 A key issue appears to be lack of public knowledge or understanding of the specific anti-fraud measures in place at conventional elections and how these might be transferred or modified for an all-postal election. It was the experience of a number of authorities, and indeed of Commission staff, that when responding to enquiries from members of the electorate concerned with the security and secrecy of postal voting, the majority of these voters were reassured with simple explanations about the security in place and how this was managed.

4.22 But the problem is not simply one of improving public awareness. As the Commission has set out in our separate review of the law and practice on absent voting, there is a need to tighten the law in a number of respects to provide more effective safeguards against abuse and stronger powers to tackle it when identified. Specifically, we recommended:

- there should be a new offence of intending fraudulently to apply for a postal or proxy vote. The maximum penalty should be a custodial sentence in line with the penalties for personation;
- the drafting of the law on undue influence should be revised to clarify the nature of the offence;
- it should also become a legal requirement that secrecy warnings are included on postal and proxy voting literature;
- the existing statutory provisions on personation should be extended to give the police the power of arrest, based on 'reasonable suspicion' of personation, at any location, not just at polling stations;
- a new legal provision should be introduced so that in exceptional circumstances, and where the prosecution has demonstrated all due diligence, the court may extend the period in which a prosecution must be brought by up to 12 months.

4.23 The format of the ballot paper stationery, together with the verification and sorting methods followed, could also benefit from increased consistency, learning from existing good practice. Certain formats of returned ballot papers enabling specific processes to be followed during the verification and count processes can considerably help to increase voter and stakeholder confidence.⁴⁸

The Commission provided an assessment of security in e-voting schemes in *The shape of elections to come*.⁴⁹

The Bill addresses the issue of personation and the length of time within which prosecutions may be brought, but does not address the other issues. These are expected to be addressed by subsequent legislation that may be announced in the forthcoming Queen's speech.

⁴⁸ Ibid

⁴⁹ Ibid, p106

VI Reaction to pilot schemes and the Bill

A. Electronic methods of voting

Some scepticism has been expressed about the merits of electronic and other new forms of voting. For example, the Independent Commission on Alternative Voting Methods, set up by the Electoral Reform Society, published a paper on the subject in February 2002.

The Independent Commission's major findings were:

- that a Technology Taskforce be established prior to any online voting pilots to evaluate and challenge the system;
- that Elector Cards be used in conjunction with PIN numbers in telephone and online voting to limit the potential for ballot fraud;
- that additional information such as dates of birth should be required on the electoral registration form to limit the problem of ballot fraud in postal voting;
- that the current experiments into all-postal ballots, telephone voting and electronic voting and counting taking place in local council elections should be extended to some European regions and Parliamentary by-elections before being considered for national use.⁵⁰

A summary of the report is available at <http://www.electoral-reform.org.uk/topstories/elec voting.htm>.

The Society issued a press release in June 2003 in which it claimed that "e-voting does not work". The Society said in response to its own evaluation of the 2003 local elections:

The Electoral Reform Society has dismissed the concept of voting by internet, telephone, digital television or text messaging as a means of raising turnout significantly. However, the Society has reported that all-postal ballots have succeeded in raising participation to acceptable levels.

The findings come as part of the Society's report on the 2003 local election pilots, the first major study of the 2003 elections to be released. The report's conclusion is that introducing PR pilots is more likely to lead to significant rises in turnout.

"The Government has been piloting the use of alternative voting methods as a means of raising turnouts in local elections," said Ken Ritchie, Chief Executive of the Electoral Reform Society. "But the fact is that e-voting, whether by telephone, internet, digital TV or text messaging, does not raise turnouts in any significant way. These methods have therefore failed the Government's test."

⁵⁰ Electoral Reform Society Press Release, 5 February 2002, available at: <http://www.electoral-reform.org.uk/publications/pressreleases/reportlaunch.htm>

"The average turnout in councils which piloted e-voting methods actually fell by 1.5% and in only one council (Vale Royal) did turnout rise by more than 10%. There are good arguments that say that the introduction of these methods has made voting more convenient, but this is not the test that was set by the Government."

"On the other hand, the use of all-postal ballots raised turnouts consistently to more than 50% and turnout rose by 25% in one council area (Blyth Valley). In those areas which had used all-postal voting before and did so again this time, turnout fell only slightly and this indicates that the rise last time was no flash in the pan."

"The other key factors to take into account with any new voting method are privacy and security. The Electoral Commission has already indicated that they intend to take action to preserve the security of ballots and we welcome this. However, we are concerned that any form of remote voting is potentially more open to abuse than polling station voting."

"Our message is that e-voting is not the answer to raising participation in elections. The key to improving turnout is to make people feel that voting is worthwhile. This is why we are calling for the Government to introduce a new form of pilots - allowing proportional representation systems to be trialled to see whether they increase turnouts."⁵¹

B. Timing issues

One of the key issues surrounding the Bill is the time available for the pilot schemes to be implemented and the relevant training to be undertaken. The *Municipal Journal* reported that David Monks, the Chair of SOLACE's electoral matters panel, has warned of a crisis facing returning officers at the European elections. He reportedly said that 'such a large-scale pilot had never been attempted before and would require major planning. He said he was 'sceptical a region-wide pilot was now possible', adding 'I would be concerned if there was an all-region pilot because of the problems over preparation'.⁵²

Mr Monks was also concerned about the amount of time available to train local authority staff, as the Electoral Commission has not yet announced details of the national training programme. Sam Younger, Chairman of the Commission, said that a contract for a training provider would be awarded towards the end of October, allowing eight months for training to take place. He said '...we are confident that a professional training provider will not have difficulty in developing and delivering the training necessary in the

⁵¹ Electoral Reform Society press release, "*E-voting does not work says the electoral reform society*", 20 June 2003

⁵² "Chaos looms over polls warns elections expert", *Municipal Journal*, 11 September 2003, p3

time available before June 2004'.⁵³ The Secretary of State has said that he intends to make an announcement about the pilot regions in December 2003.

A similar comment was made by the Local Government Association, which is generally in favour of the Bill. A press release issued on 18 September 2003 said:

The *European Parliamentary and Local Elections (Pilots) Bill* announced by central government yesterday (16 September) has been welcomed by the LGA as an opportunity to modernise voting methods and test innovative approaches in large communities. "There is no doubt that the problem of low turn-outs in local, national and European elections needs to be addressed," said Sir Sandy Bruce-Lockhart, Vice Chair of the Local Government Association. "Traditional methods of voting need supplementing in order to match modern lifestyles. Change must be allowed to encourage more people to vote. Local councils are already experimenting with all-postal voting which has proved to be successful, and e-voting, and these now need to be tested over larger areas.

"We do need however to get the issue in proportion. The challenge for democracy, and for all political parties, is not just making it easier to vote, most importantly it is about giving people something to vote for. It is about politicians being credible and relevant to people's lives and organisations. "It's local government's job to do this and central government can assist by returning more powers to a local level so that councils can have a greater impact in their communities.

"We have concerns about e voting on a regional basis, particularly in the short space of time between now and the next elections. A failed e-voting pilot in 2004 could jeopardise this being seen as a realistic development for the future. We need to be sure that the public will have faith in any new voting methods that are introduced in order to continue to build on the success of the all-postal voting this year," he continued. Since councils in pilot regions which have local elections at the same time will be required to run their elections on the same pilot basis as the European elections, it is important that they are supportive of the trial. The consultation period launched yesterday seeking views on piloting methods at the next European and Local Elections is a welcome invitation for the LGA to discuss these concerns with central government.⁵⁴

⁵³ "Chaos looms over polls warns elections expert", *Municipal Journal*, 11 September 2003, p3

⁵⁴ Local Government Association press release 149/03, *Voting needs to be in tune with modern lifestyles*, says LGA, 18 September 2003

Appendix 1: Turnout in electoral pilot scheme areas

(Figures provided by Adam Mellows-Facer, Social and General Statistics Section)

The table below compares 2000 local election turnout in areas with pilot schemes with that in 1996, the equivalent point on the electoral cycle.

Electoral pilot schemes and turnout

Comparison of % turnout in 2000 with 1996 local elections

		Turnout %				Turnout %	
		1996	2000			1996	2000
Extension of postal vote				Extended voting hours			
Amber Valley	Duffield	N/A	39.0	Leeds	Whole council	29.2	27.5
	Heanor West	N/A	28.1	Mole Valley	Whole council	45.5	42.7
Eastleigh	Whole council	42.3	37.8				
Gloucester	Barton	27.1	23.0	Electronic voting (V) and counting (C)			
	Matson	33.4	27.0				
	Quedgeley	N/A	26.9	Broxbourne (C)	Cheshunt Central	N/A	24.5
Milton Keynes	Whole council	37.3	27.3		Cheshunt North	N/A	23.9
All postal ballots					Hoddesdon North	35.0	23.3
					Wormley/Turnford	N/A	16.8
				Bury (V and C)	Besses	27.2	20.7
Bolton	Bromley Cross	40.7	45.1	Salford (V and C)	Irlam	26.0	22.2
	Farnworth	24.3	25.4	Stratford on Avon (V)	Whole council	43.6	39.1
	Smithills	43.8	42.5	Three Rivers (C)	Whole council	41.4	33.9
Doncaster	Conisbrough	26.2	44	Multiple			
Gateshead	Bensam	22.5	45.8				
	Wickham North	41.4	61.6	Norwich	Early voting/all postal/mobile voting in some wards	34.9	29.3
Stevenage	Bedwell	N/A	36.9				
	Old Town	N/A	49.2	Sunderland	Some mobile ballots, all early voting	23.0	21.2
Swindon	Abbeymeads	N/A	32	<i>With mobile ballots</i>			
	Moredon	N/A	30.5	Grindon		18.6	18.8
	Park	25	26.2	Hendon		25.8	30.5
	Penhill	N/A	29.8	Silksworth		25.5	21.4
Wigan	Bedford-Astley	23.2	26.8	South Hylton		19.2	17.0
	Whelley	23.2	25.8	St Chad's		23.3	25.8
	Winstanley	20.0	25.4	St Michael's		34.8	31.7
Early voting					Thorney Close	20.4	17.2
Blackburn	Whole council	30.8	30.9		Thorneholme	22.5	22.4
Blackpool	Whole council	N/A	28.8	Watford	Weekend voting/freepost delivery of election addresses/mobile voting/early voting	35.4	27.0
Chester	Whole council	43.1	37.0				
Coventry	Whole council	29.3	26.5	Windsor & Maid'head	Early/mobile voting		
Kingston upon Hull	Whole council	N/A	20.2		Sunningdale/Ascot	N/A	30.8
Knowsley	Halewood East	24.0	23.7		Hurley	N/A	39.9
	Halewood South	22.0	16.6				
	Halewood West	21.0	15.5				
Manchester	Whole council	25.8	20.5				
Plymouth	Whole council	N/A	31.9				
Redditch	Whole council	29.9	25.3				
St Helens	Blackbrook	18.6	14.5				
	Broad Oak	19.0	21.9				
	Grange Park	22.2	16.0				
	Parr/Hardshaw	21.9	11.0				
	Thatto Heath	27.0	18.8				
	West Sutton	22.8	27.8				
Stoke on Trent	Whole council	21.3	24.8				

The table below shows similar information for 2002, this time comparing it with 1998.

Electoral pilot schemes and turnout

Comparison of % turnout in 2002 with 1998 local elections

		Turnout %		Turnout %	
		1998	2002	1998	2002
Electronic/ internet voting				All postal ballots	
Bolton	Kiosk	25.4	32.7	Basingstoke & Deane	28.9 34.3
Chester	Touch-screen	32.3	35.5	Chorley	31.3 61.5
Crewe & Nantwich	Website	18.0	31.4	Crawley	19.0 34.3
Liverpool	Telephone, internet, text and digital TV	22.1	27.5	Gateshead	29.3 57.3
Newham (council)	Smart cards	28.4	26.9	Greenwich	32.5 31.9
Newham (mayoral)	Smart cards	N/A	27.6	Hackney	34.8 31.5
St Albans	Kiosk, internet	35.5	38.2	Havering	34.3 45.0
Sheffield	Kiosk, internet, text	25.0	30.0	Middlesboro (mayoral)	N/A 41.0
Stratford-upon-Avon	Kiosk	35.0	40.6	N Tyneside (council)	27.8 42.4
Swindon	Internet, touchtone phone (early voting)	25.4	31.2	N Tyneside (mayoral)	N/A 42.5
				NW Leicestershire	N/A 34.0
				Preston	29.0 34.0
				South Tyneside	24.2 55.3
				Stevenage	25.5 52.9
				Trafford	33.7 49.0
Extended voting				Electronic counting	
Wandsworth	07:00-22:00	39.4	29.7	Bolton	25.4 32.7
City of Westminster	07:00-22:00	32.0	27.4	Broxbourne	25.8 26.9
				Chorley	31.3 61.5
				Epping Forest	29.3 32.7
				Hackney	34.8 31.9
				Liverpool	22.1 27.5
				Newham (council)	36.5 26.9
				Newham (mayoral)	N/A 27.6
				N Tyneside (council)	27.8 42.4
				N Tyneside (mayoral)	N/A 42.5
				Rugby	24.2 39.2
				S Tyneside	24.1 55.3
				St Albans	35.5 38.2
				Sheffield	25.0 30.0
				Stratford-upon Avon	35.0 40.6
				City of Westminster	32.0 27.4
Early voting					
Camden	27-28 April	33.4	28.4		
Liverpool	From 27 April	22.1	27.5		
Newham (council)	24-29 April	28.4	26.9		
Newham (mayoral)	24-29 April	N/A	27.6		
Swindon	25-30 April	25.4	31.2		
Other pilot schemes					
Hyndburn	Leaflet address from all parties to voters	29.6	35.8		
Liverpool	On line registration at polling stn	22.1	27.5		
Newham	Mobile voting service, ling. suppt.	28.4	27.6		

This third table compares turnout in 2003 pilot scheme areas with that in 1999.

Electoral pilot schemes and turnout

Comparison of % turnout in 2003 with 1999 local elections

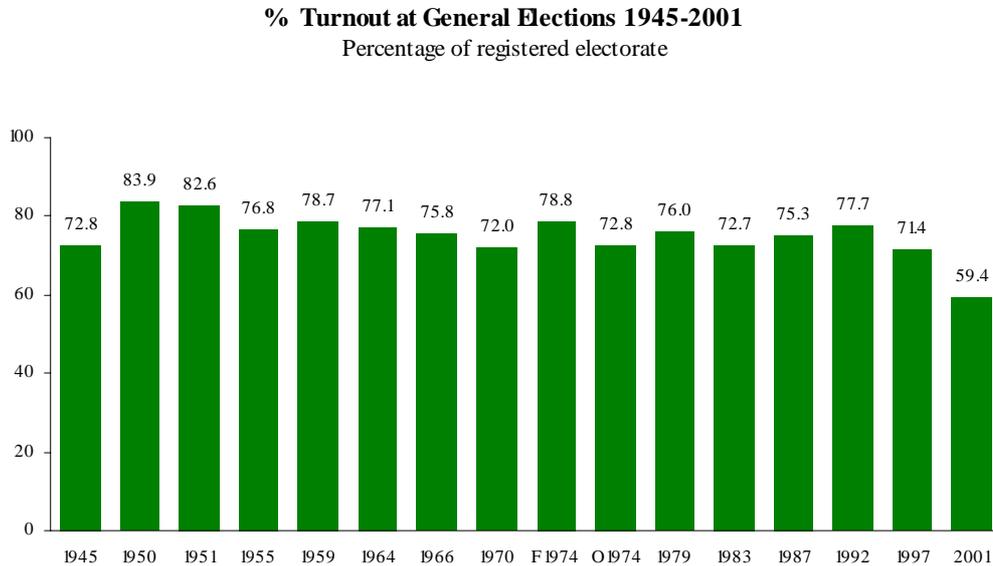
	Turnout %			Turnout %	
	1999	2003		1999	2003
Electronic/ internet voting			All postal ballots (a)		
<i>E Multi Channel</i>					
Chorley		29.8	49.0	Blackpool	N/A
Ipswich (a)	32.0	31.3	Blyth Valley	26.7	52.0
Kerrier (a)	32.2	28.3	Bolton	24.9	43.2
Norwich (a)	35.0	35.8	Brighton & Hove	38.0	46.0
Sheffield (a)	31.1	29.5	Chesterfield	34.7	51.7
Shrewsbury & Atcham (a)	36.7	54.5	Copeland	39.1	55.7
South Somerset (a)	37.6	46.9	Corby	32.9	43.4
South Tyneside (a)	26.0	46.1	Darlington	35.3	51.5
St. Albans (a)	37.8	43.4	Derwentside	32.0	52.4
Stratford upon Avon (a)	40.1	37.3	Doncaster	26.9	47.0
Stroud (a)	36.3	36.7	East Staffordshire	34.0	45.0
Swindon (a)	26.1	29.8	Gateshead	26.0	54.7
Vale Royal (a)	30.8	28.8	Guildford	37.9	53.8
<i>Internet voting</i>			Herefordshire	N/A	60.8
Rushmoor	27.5	31.0	Hyndburn	35.0	51.5
<i>Kiosk</i>			Kings Lynn & West Norfolk	36.7	47.7
Basingstoke & Deane	29.2	30.9	Lincoln	28.8	47.4
Epping Forest	29.0	28.4	Newcastle	24.9	49.8
Chester (a)	38.3	34.0	North Lincolnshire	34.0	51.3
<i>Mobile Voting</i>			North Shropshire	34.8	47.3
North Kesteven	33.0	33.5	Redcar & Cleveland	37.1	51.5
Extended Voting			Rotherham	22.6	51.2
			Rushcliffe	41.9	54.0
Medway	N/A	29.6	Salford	21.3	40.7
South Oxfordshire	38.1	35.2	Sedgefield	31.4	44.0
Windsor & Maidenhead	N/A	35.0	St Edmundsbury	38.4	38.5
			St Helens	22.0	48.0
Electronic counting			Stevenage	29.9	53.2
			Stockton-on-Tees	30.2	52.4
Basingstoke & Deane	29.2	30.9	Sunderland	19.5	46.5
Broxbourne	24.8	25.0	Trafford	32.8	52.4
Epping Forest	29.0	28.4	Telford & Wrekin	N/A	48.7
			Wansbeck	32.8	50.3

(a) commenced voting before 1 May

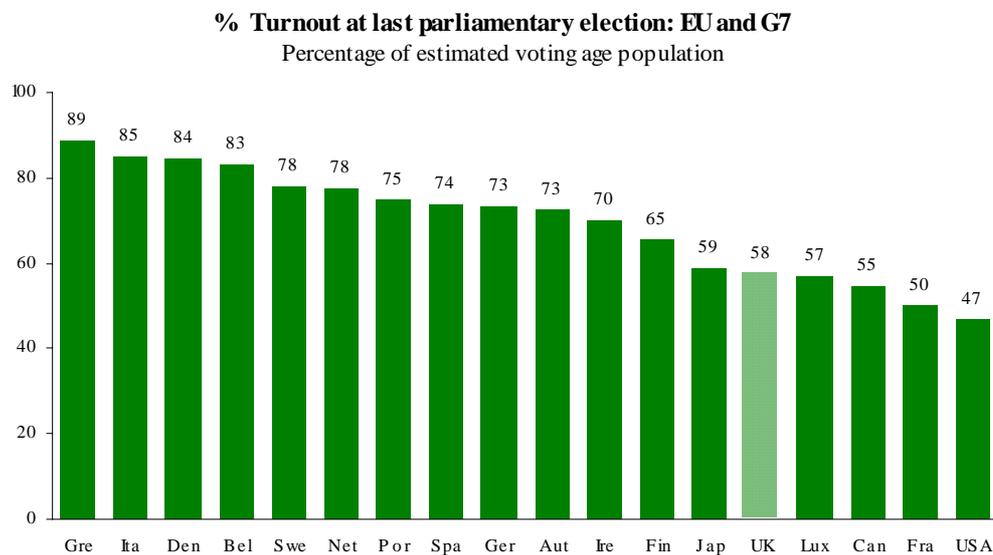
Source: ODPM via Electoral Commission

Appendix 2: Turnout at other recent elections

The chart below shows trends in turnout at General Elections since 1945:



The chart below compares turnout at the last General Election with that at parliamentary elections in other countries. To account for differences in registration rates, percentages of the estimated voting age population are used.⁵⁵



Comparing turnout at the last parliamentary elections, the UK was 13th of the EU15.

⁵⁵ International Institute for Democracy and Electoral Assistance, www.idea.int

Turnout at the 1999 European Parliament election in the UK was 24.0 percent of the registered electorate, the lowest in the EU. In 1979 it was 32.7 percent, 1984, 32.9 percent, 1989, 36.8 percent and 1994, 36.5 percent.⁵⁶

The table overleaf summarises turnouts at local elections in the UK since 1973:

Turnout in local elections in the UK

Percentages of registered electorates

	London boroughs	Metrop. boroughs	English counties	English districts All out	English districts Thirds	English unitaries	Wales (a) (d)	Scotland (e)	Northern Ireland
1973		33	43	40	39				
1974	36							51	
1975		33							
1976		38		45	44				
1977			42					45	
1978	43	37			42			48	
1979 ^(c)		48		72	74				
1980		36			39			46	
1981			44						66
1982	44	39			42			43	
1983		42		45	46				
1984		40			40			44	
1985			42						60
1986	45	40			42			46	
1987		45		49	51				
1988		40			42			46	
1989			39				44	44	58
1990	48	46			49			46	
1991		41		48	46		53	53	
1992		33			38			41	
1993			37				39	39	56
1994	46	39			43			45	
1995		34		42	39		49	45	
1996		31			37	35			
1997 ^(c)			73	(b)		70			
1998	35	25			31	28			55
1999		26		36		32	50	59	
2000		26			32	29			
2001 ^(c)			62			57			
2002	33	31		36		30			

Notes: (a) Reliable estimates for Welsh authorities are not available before 1989

(b) There was one district council with all-out elections. These were for the shadow council of the reorganised Malvern Hills. The average turnout in contested wards was around 79.7%.

(c) A General Election was held on the same day as the local elections

(d) County elections in 1989 and 1993, district elections in 1991 and unitary authority elections from 1995

(e) Elections for regions and districts in 1973, regions in 1977, 1982, 1986, 1990 & 1994 and for districts in 1978, 1980, 1984, 1988 and 1992. From 1995 figures are for unitary authorities

Sources: *Local Elections in Britain, Rallings and Thrasher, Ch.4 Turnout in local elections*

Local Elections Handbooks, Rallings and Thrasher

Northern Ireland: Local Government Election Results: 1993, Gordon Lucy

Local Government Chronicle 6 August 1999, p.14

Scottish Local Government Information Unit

Report of the Chief Electoral Officer for Northern Ireland 1997-98

⁵⁶ Rallings and Thrasher, *British Electoral Facts 1832-1999*, PRS, 1999

Appendix 3: European Parliament regions in England

European Parliament regions in England

Region and constituent counties	MEPs	Region and constituent counties	MEPs
North East	4	Eastern	8
Darlington		Bedfordshire	
Durham		Cambridgeshire	
Hartlepool		Essex	
Middlesbrough		Hertfordshire	
Northumberland		Luton	
Redcar and Cleveland		Norfolk	
Stockton-on-Tees		Peterborough	
Tyne and Wear		Southend-on-Sea	
North West	10	Suffolk	
Blackburn with Darwen		Thurrock	
Blackpool		London	10
Cheshire		Greater London	
Cumbria		South East	11
Greater Manchester		Berkshire	
Halton		Brighton and Hove	
Lancashire		Buckinghamshire	
Merseyside		East Sussex	
Warrington		Hampshire	
Yorkshire and the Humber	8	Isle of Wight	
City of Kingston upon Hull		Kent	
East Riding of Yorkshire		Medway Towns	
North East Lincolnshire		Milton Keynes	
North Lincolnshire		Oxfordshire	
North Yorkshire		Portsmouth	
South Yorkshire		Southampton	
West Yorkshire		Surrey	
York		West Sussex	
East Midlands	6	South West	7
Derby		Bath and North East Somerset	
Derbyshire		Bournemouth	
Leicester		City of Bristol	
Leicestershire		Cornwall	
Lincolnshire		Devon	
Northamptonshire		Dorset	
Nottingham		Gloucestershire	
Nottinghamshire		North Somerset	
Rutland		Plymouth	
West Midlands	8	Poole	
Herefordshire		Somerset	
Shropshire		South Gloucestershire	
Staffordshire		Swindon	
Stoke-on-Trent		Torbay	
Telford and Wrekin		Wiltshire	
Warwickshire		Isles of Scilly	
West Midlands			
Worcestershire			