



## Candidates' addresses on the ballot paper

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A new clause was added to the *Political Parties and Elections Bill* at report stage on 2 March 2009 which would allow candidates to withhold their home address from publication. There has been a provision to require a candidate to give his home address on the nomination form, from where it is transferred to the ballot paper, since the *Ballot Act 1872*. This Note looks at the background to this requirement and at earlier calls for the practice to be discontinued.

### Contents

<b>1</b>	<b>Background</b>	<b>2</b>
<b>2</b>	<b>Proposals to remove the requirement</b>	<b>4</b>
<b>3</b>	<b>Offence of knowingly making a false statement about an address</b>	<b>6</b>
<b>4</b>	<b>The <i>Political Parties and Elections Bill 2008-09</i></b>	<b>6</b>

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## 1 Background

The provision to require a candidate to give his home address on the nomination form (from where it is transferred to the ballot paper) has appeared in electoral legislation since the *Parliamentary and Municipal Elections Act 1872* (commonly known as the *Ballot Act 1872*).

An MP had to have a property qualification to sit in the House until 1858, but it was not until the *Ballot Act* that a rule was introduced to require a statement of address on the nomination paper. Rule 6 of the *Parliamentary Elections Rules* in the first schedule to the Act stated:

Each candidate shall be described in the nomination paper in such manner as in the opinion of the returning officer is calculated to sufficiently identify such candidate; the description shall include his names, his abode, and his rank, profession, or calling, and his surname shall come first in the list of his names.

In the second schedule the forms to be used for the writ for an election, the nomination of a candidate and the ballot paper were set out. The directions for printing the ballot paper indicated that the candidates' addresses should also appear on the ballot paper beneath their names:

Nothing is to be printed on the ballot paper except in accordance with this schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the names, addresses, and descriptions, and the number on the back of the paper shall be printed in small characters.

Rule 6 of the *Parliamentary Elections Rules* relating to the nomination of candidates is now set out in Schedule 1 of the *Representation of the People Act 1983*:

### **Nomination of candidates**

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(1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix delivered—

- (a) by the candidate himself, or
- (b) by his proposer or seconder,

to the returning officer at the place fixed for the purpose, but the paper may be so delivered on the candidate's behalf by his election agent if the agent's name and address have been previously given to the returning officer as required by section 67 of this Act or are so given at the time the paper is delivered.

(2) The nomination paper shall state the candidate's—

- (a) full names,
- (b) home address in full, and
- (c) if desired, description,

and the surname shall be placed first in the list of his names.<sup>1</sup>

*Parker's Law and Conduct of Elections* adds the following commentary to the rule:

#### **Home address: details to be given**

12.8 A candidate's nomination paper must state his home address in full (rule 6(2)(b) of the parliamentary election rules ...) ...The name and number of the house or flat which is the candidate's home address should therefore be given, together with the name of the road or street and city, town or village in which it is situated. However, under section 50 of the 1983 Act, no misnomer or inaccurate description of any place named in the nomination paper affects the full operation of that paper with respect to that place in any case where the description of that place is such as to be commonly misunderstood.<sup>2</sup>

and:

#### **What constitutes 'home address'**

12.9 It is important that the address given on a nomination paper as a candidate's home address is actually his home address since a nomination is defective if that address is not given. The returning officer should not concern himself with the question whether the address given is actually the candidate's true home address or not. However, the matter can be properly raised on an election petition against a successful candidate ... and an election is defective if the nomination is defective. ... A person who, for example, lives in London during the week and elsewhere at weekends probably has two home addresses, even though his or her spouse or children (if any) usually remain at one address ... Whether or not a particular place is a person's home address is a question of fact and it would not assist to suggest it can be determined by rigid rules. A person's business address is not his home address and it should usually be easy to distinguish between the two. However, the question may possibly become blurred where (for example) a person has rooms at his business address where he regularly stays overnight during the week. But it might be more difficult to assert that such a place is the candidate's home address (which is the requirement in the elections rules) than it would have been to assert that it was his 'place of residence' (which was formerly required to be given under the equivalent rule in the *Representation of the People Act 1949*).<sup>3</sup>

*Parker's Law and Conduct of Elections* notes that 'place of residence' was formerly required to be given under the equivalent rule in the *Representation of the People Act 1949*. The *Representation of the People Act 1949* was a consolidation measure and the *Parliamentary Elections Rules* were set out in Schedule 2. Rule 7 relates to the nomination of candidates:

#### **Nomination**

Nomination of candidates

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<sup>1</sup> *Representation of the People Act 1983* (Chapter 2), Schedule 1, Rule 6

<sup>2</sup> *Parker's Law and Conduct of Elections*, para 12.8

<sup>3</sup> *ibid* para 12.9

7.—(1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix, delivered by the candidate himself, or his proposer or seconder, to the returning officer at the place fixed for the purpose.

(2) The nomination paper shall state the full names, place of residence and description of the candidate and the surname shall be placed first in the list of his names.

The bill was referred to a Joint Committee on Consolidation Bills.<sup>4</sup> There was no discussion of Rule 7 when the bill was considered by the committee on 24 May 1949.<sup>5</sup>

The *Representation of the People Bill [HL] 1982-83* was also a consolidation bill and, as such, had virtually no debate on the floor of either the House of Lords or the House of Commons. It was referred to a Joint Committee on Consolidation Bills and considered in some detail there. However, there was very little discussion of Schedule 1 Rule 6 (which deals with the nomination of candidates) when the Joint Committee considered the bill on 8 December 1982. The Chairman, Lord Brightman said:

The second point is that Rule 6 refers to the home address of a candidate instead of his place of residence which was the expression used in the 1949 Act. I think “home address” has been put in as something which is less ambiguous and means something to everybody, whilst “place of residence” may have various meanings, and the same alteration has been made in the specimen nomination paper which appears on page 175 of the Bill. Would anybody wish to query that?<sup>6</sup>

No one spoke about Rule 6 and at the end of the debate Schedule 1 was agreed to as drafted.<sup>7</sup>

## 2 Proposals to remove the requirement

There have been periodic requests to remove the requirement for the candidate’s address to appear on the ballot paper, usually in view of possible terrorist threats. The Home Affairs Select Committee considered the *Representation of the People Act 1949* in its first report of 1982-83 (before the consolidation of electoral law in the RPA 1983) and the issue of addresses on ballot papers was considered by the Committee, in particular, the security issues:

**88.** The present statutory requirement is for the ballot paper to show not only the candidate’s full name but also his home address. At the time of the last general election a good deal of concern was expressed by both the police and the political parties about the security of candidates, and the Conservative Party witness told us some candidates were most unhappy at having to disclose their private addresses. **In view of the recent incidence of terrorism, we consider that the publication of a candidate’s home address could lay him open to an unnecessary degree of danger and we do not believe that its appearance on the ballot paper carries any great**

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<sup>4</sup> *Third Report of the Joint Committee on Consolidation Bills being a report upon the Representation of the People Bill [HL]*, HL 29/HC 201 of 1948-49,

<sup>5</sup> *ibid* c44-

<sup>6</sup> *First Report of the Joint Committee on Consolidation Bills being reports upon the ...Representation of the People Bill [HL]*, HL 38/HC 105 of 1982-83, c10

<sup>7</sup> *ibid* c14

**significance for voters. We therefore urge the Home Office to reconsider this issue.<sup>8</sup>**

The Government responded to the Select Committee's concerns in its response to the report:

...the candidate's address is also given on the nomination paper, which is (in the Government's view, rightly) made available for inspection by other candidates, and on the statement of persons nominated which the returning Officer must publish in the constituency. Little would therefore be achieved by removing the candidate's address from the ballot paper.<sup>9</sup>

In 1985 an amendment to the *Representation of the People Bill 1984-85* was proposed by Conal Gregory MP. Mr. Gregory said

New clause 19 suggests that a parliamentary candidate should not put his private address on the ballot paper. The reason behind it is security. In former days, parliamentary candidates at the hustings participated fully and people knew where candidates came from and their addresses. Nowadays, we have international espionage, international warfare, anti-vivisection lobbies and a variety of areas in which candidates are subject not simply to verbal abuse, but to physical harm. Therefore, if my hon. Friend the Minister can give a good reason why the address should be retained on the ballot paper, I shall be happy to withdraw the new clause. However, at present, I cannot see why 22c Acacia avenue, followed by the postal address, needs to be on the ballot paper.

If one wishes to show the principal conurbation where a candidate resides, it can be given on his manifesto, and if it is absolutely necessary for it to be on the ballot paper I would be happy to modify the new clause, perhaps on Report, to show the town or city. I see no good reason why genuine parliamentary candidates should be open to abuse and threats to their safety and security by giving their full private address.<sup>10</sup>

The new clause was not added to the Bill but the then Home Office Minister, David Mellor, said:

I was genuinely interested to hear what the Committee thought of the new clause. I think that a message has come across to me. We need to recognise that there is a real issue involved. When the Select Committee dealt with this matter, it recommended that we should reconsider the requirement that the candidate's home address should be printed on the ballot paper.

In regard to the 1979 general election the Select Committee said in its report: a good deal of concern was expressed both by the police and the political parties about the security of candidates, and the Conservative Party witness told us that some candidates were most unhappy at having to disclose their private addresses. In view of the recent incidence of terrorism, we consider that the publication of a candidate's home address could lay him open to an unnecessary degree of danger, and we do not believe that its appearance on the ballot paper carries any great significance for voters". In fact, that was one of the recommendations that we did not accept. We concluded that, because the candidate's address is also given on the nomination paper and the published statement of persons nominated, little would be achieved by removing it from the ballot paper. That probably remains the right view,

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<sup>8</sup> HC 32 1982-83, para 88.

<sup>9</sup> Cmnd 9140, para 6.9

<sup>10</sup> HC Deb 14 February 1985 c602

although I have great respect for what my hon. Friend the Member for York (Mr. Gregory) said. If scope had been given by the response of the Committee, I would have been prepared to take the matter further.

[...]

I do not rule out that it might be possible at some stage to examine the matter again. I am saying that the Government's position is as set out in the White Paper. We concluded that we should not accept the recommendation of the Select Committee on Home Affairs, but I do not think that, because the hour is late, we should underestimate the legitimate concern that people have in this day and age about their address being made known. I do not think that the address on the ballot paper is a matter of such fundamental substance that it is not open to reconsideration. That is why I say to my hon. Friend the Member for York (Mr. Gregory) that if he withdraws the new clause it might be possible to look at the matter again in future.

### **3 Offence of knowingly making a false statement about an address**

The *Representation of the People Act 2000* amended the *Representation of the People Act 1983* by introducing a new offence of knowingly making false statements as to candidates' names and addresses in nomination papers or other documents given to a returning officer at Parliamentary and local elections. The offence was introduced following concerns over the documentation supplied by the British National Party (BNP) candidates in the European elections in June 1999. There were allegations that at least eight BNP candidates gave false addresses so that the party would be allocated an election broadcast. It was necessary for a party to have candidates in all electoral regions to qualify for a broadcast, under rules devised by the broadcasting authorities. The provisions are contained in s65A of the *RPA 1983*:

#### **False statements in nomination papers**

**65(A)** – (1) a person is guilty of a corrupt practice if, in the case of any relevant election, he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election

–  
(a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular;...

### **4 The Political Parties and Elections Bill 2008-09**

A new clause 23, which allows the home addresses of candidates at Parliamentary elections to be withheld from publication, was added to the Bill after a division at report stage on 2 March 2009. There was no debate about the measure which was introduced by Dr Julian Lewis (Conservative). Dr Lewis had argued at second reading that the requirement for candidates' addresses to appear on ballot papers and other election documents was at odds with the *Freedom of Information (Parliamentary and National Assembly for Wales) Order 2008* which excluded MPs' and Peers' addresses and other categories of information relating to them from the scope of the *Freedom of Information Act*.<sup>11</sup>

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<sup>11</sup> HC Deb 20 October 2008 c112. For further information see Library Standard Note SN/PC/4732. Available at <http://www.parliament.uk/commons/lib/research/briefings/snpc-04732.pdf>

The Government had published a consultation paper on the publication of candidates' addresses on 26 November 2008.<sup>12</sup> This consultation followed the raising of the issue by Dr Julian Lewis at second reading. In a written statement announcing the consultation the Minister, Michael Wills, said

The Government are today publishing a consultation paper which seeks views on whether candidates' addresses should continue to be disclosed automatically during UK parliamentary elections.

The proposal has been made following the removal of MPs and peers from certain provisions of the Freedom of Information Act. It is argued that such public figures and their families face more than ordinary risks to their safety, security and peace of mind and that special considerations therefore apply to them.

Others argue that the electoral process should be open and transparent and that those putting themselves forward for public office in this way should be prepared to face those risks in the interests of accountability and the free expression of democracy.

This paper seeks to examine those arguments in more depth, as well as the practical issues which may arise from any proposed change and the implications for the electorate, for the electoral process, for candidates and for administrators.

The Government have open minds on this issue and the purpose of this consultation is to seek views on the proposal that the full home addresses of candidates should no longer appear on ballot papers, nomination papers and other electoral documents open to public inspection at UK parliamentary elections.<sup>13</sup>

The responses to the consultation paper were published on 26 February 2009 and the Government noted that it had

...received 65 responses to the consultation. The majority of the politicians who responded and the Electoral Commission favoured a change to the current position whilst electoral administrators, returning officers and the majority of the responses received from members of the public have confirmed their preference for retaining the status quo.

The Government has an open mind on this matter and is aware from the responses to the consultation that there are strongly-held views on both sides as to whether or not candidates should have their full addresses published on electoral documents.<sup>14</sup>

The Electoral Commission supported the new clause in principle but noted in its briefing on the report stage of the Bill that

The New Clause would potentially enable only candidates, agents, proposers, seconders and representatives of the Electoral Commission to see candidates' full addresses. We are concerned that this would make it difficult for a member

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<sup>12</sup> <http://www.justice.gov.uk/publications/candidate-addresses-consultation.htm>

<sup>13</sup> HC Deb 26 November 2008 c105WS

<sup>14</sup> <http://www.justice.gov.uk/publications/candidate-addresses-consultation.htm>

of the public to confirm or disprove a suspicion that a candidate does not live within the constituency that they claim.

The New Clause would also give UK Parliamentary candidates the choice of either including their full address on the statement of persons nominated and the ballot paper (as per the current arrangements) or instead opting to have the Parliamentary constituency in which they live published. We are concerned that giving candidates the option of having different categories of information (that is, constituency or full home address) on the ballot paper could increase the potential for voter confusion.<sup>15</sup>

The Commission recommended that candidates should continue to be required to give their full address on nomination papers which could be consulted on request by any member of the public.

The *Political Parties and Elections Bill* has now received its first reading in the House of Lords.<sup>16</sup> The Explanatory Notes relating to the Bill as brought from the House of Commons explain the effect of the new clause (now Clause 17 of the Bill) on candidates' addresses:

82. *Subsection (2)* of Clause 17 amends rule 6 of the PERs to provide that the candidate's nomination paper will no longer include the candidate's home address in full. Instead, the nomination paper must be accompanied by a form known as the "home address form" which must show the candidate's full names and home address in full. Provisions concerning the delivery of nomination papers to the returning officer will apply equally to the delivery of the home address form. On the home address form, the candidate may make a statement that he requires the home address not to be made public. If he does so, then the form must also state the constituency within which the candidate's home address is situated, or if that address is outside the United Kingdom, the country within which it is situated.

83. *Subsection (3)* amends rule 11 of the PERs (right to attend nomination) to provide that those specified persons who are entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them (i.e. other candidates, agents and election observers from the Electoral Commission) also have the right to inspect and object to the contents of the home address form. Otherwise, new rule 11(5) prohibits the returning officer from disclosing the home address form, except for some other purpose authorised by law.

84. *Subsection (4)* amends rule 12 of the PERs (validity of nomination papers) to provide that the provisions in this rule concerning the nomination paper and the candidate's consent to it, also apply to the home address form. As a result, if a candidate fails to return a home address form or to complete it in accordance with rule 6, then the returning officer may hold his nomination to be invalid.

85. *Subsection (5)* inserts new provisions into rule 14 of the PERs (publication of statement of persons nominated). The effect is that where a candidate has stated on the home address form that he does not wish his home address to be made public, the information he has provided about the constituency (or country) within which his home address is situated will appear on the statement of persons nominated, instead of his home address.

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<sup>15</sup> Electoral Commission briefing, available at [http://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0006/72384/Report-Stage-Day-2-Briefing-2-March-2009-Final.pdf](http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/72384/Report-Stage-Day-2-Briefing-2-March-2009-Final.pdf)

<sup>16</sup> HL Deb 3 March 2009 c620W

86. *Subsection (6)* also inserts new provisions into rule 14 of the PERs to address the situation where two or more candidates have the same or similar names, each of them wishes to withhold their home address and their home addresses are in the same constituency (or country). Where, in the returning officer's opinion, these circumstances are likely to cause confusion (e.g. where both are also independent candidates), the returning officer may cause any of their particulars to be shown on the statement of persons nominated with such amendments or additions as the officer thinks appropriate, in order to reduce the likelihood of confusion.

87. *Subsection (7)* inserts a new rule 53A in the PERs (destruction of home addresses), which provides that the returning officer shall destroy each candidate's home address form on the next working day following the 21st day after the election (being the deadline for submission of an election petition based on the contents of a home address form) or the conclusion either of proceedings arising from any petition submitted during that period or any appeal resulting from such proceedings.<sup>17</sup>

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<sup>17</sup> <http://www.publications.parliament.uk/pa/ld200809/ldbills/026/en/09026x-a.htm>