



# THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

## Formal response to the Electoral Commission consultation paper: "Standing for election in the UK"

### 1. Introduction

- 1.1. The Association of Electoral Administrators (AEA) was founded in 1987 and has since established itself as a professional body to represent the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has 1748 members, the majority of whom are employed by local authorities to provide electoral registration and election services.
- 1.2. The AEA encourages and provides education and training in electoral administration, in addition to a range of commercial and professional services.
- 1.3. The key **aims** of the AEA are to:
  - a. contribute positively to electoral reform within the UK;
  - b. foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK;
  - c. raise the profile of electoral administration both within the UK and internationally;
  - d. enhance and maintain the AEA's reputation as the leading professional body for electoral administrators within the UK.
- 1.4. The AEA supports and advocates two key principles set out by Gould (Independent Review of Scottish Parliamentary and Local Government Elections, Ron Gould, 2007) in his report on the 2007 elections in Scotland, namely that:
  - all those with a role in organising elections should consider the voters' interests above all other considerations: and
  - electoral legislation should not be applied to any election held within 6 months of the new provision coming into force.

## **2. Overarching aims and principles**

2.1. The Electoral Commission states that the purpose of the consultation is to obtain views on potential changes to the legislation on, or the procedures around, standing for election in the UK. In particular, the aims are mainly to:

- Identify and evaluate the strengths and weaknesses of the current procedures used in standing for election;
- Review the current legislative provisions and highlight differences and inconsistencies, and
- Make recommendations for improving, modernising and simplifying the procedures used for those wishing to stand for election in the UK.

It is the AEA's view that one of the major issues sitting behind these aims is the need for consistency and a common approach.

2.2. It should also be noted that the Law Commission is currently reviewing UK Electoral Law. We assume that the Electoral Commission has liaised with the Law Commission on timing of this review of the arrangements for 'standing for election' to enable consideration of any findings and recommendations within the Law Commission's wider review.

2.3. This paper sets out the AEA's formal response to the Electoral Commission consultation paper "Standing for election in the UK". The consultation paper sets out the areas on which the Electoral Commission is seeking views, with a number of questions within each topic area. In this response, we use the generic term 'Returning Officer' to encompass the various roles in relation to different elections.

2.4. As a matter of principle, as the professional body representing electoral administrators, the AEA comments here on the administrative and practical implications of specific issues raised in the consultation document. In accordance with our non-partisan and independent role, we do not comment on any political issues arising from the proposals and we have indicated in this response on a number of areas where we choose not to comment.

2.5. The rules and requirements for standing for election should be clear and straightforward for candidates, agents, parties and for those administering the electoral process. This would support compliance and minimise the risk of inadvertent breaches or potential candidates being unable to stand for election because of a failure to comply with largely administrative requirements.

2.6. The qualifications and disqualifications should be clearly set out in legislation so that prospective candidates and all those with an interest in the democratic process can understand them. This does not preclude there being different

qualifications and disqualifications relating to standing for election to different bodies.

- 2.7. It is essential that a holistic view is taken in proposing any changes. It appears to the AEA that there have been and are currently changes being made which are piecemeal and do not take a holistic view of the impact on other processes within the election timetable. The UK Government is currently proposing to move the close of nominations and withdrawals at local government (principal areas and parish and community elections) to 4pm on day 19 before the poll. The deadline for publishing the statement of persons nominated would therefore be changed to no later than 4pm on day 18. This would bring the local timetable in line with the revised UK Parliamentary and the European Parliamentary Election timetables. The driver for this change is to enable the earlier despatch of postal votes. The consequence is that one issue may be 'fixed' but that in doing so it changes the dynamic within the timetable as a whole leaving less time for other tasks.
- 2.8. In addition, a number of the issues raised by this consultation would require election timetables to be reconsidered if recommendations for change were brought forward. For example, the provision of candidates' booklets requires sufficient time to collate and produce them. Similarly, if we wish to address the issues which came to the fore during the Police and Crime Commissioner Elections whereby candidates find they have inadvertently breached the rules and are disqualified from standing, there might need to be a reasonable period for withdrawals and the deadline for nominations might need to be earlier within a longer timetable. See our comments at paragraphs 4.11 - 4.17.
- 2.9. We assume also that the Law Commission will be taking an overview of election timetables across the UK.

### **3. Qualifications**

*Are the current qualifications still relevant, understandable and practical?*

*Are there any other qualifications that candidates should meet?*

*Should qualifications for candidature vary depending on the nature of the election being contested?*

- 3.1. The AEA expresses no view on whether the qualifications for candidature should vary depending on the nature of the election being contested.
- 3.2. Whatever rationale is determined for the qualifications for standing for election to the various bodies, the qualifications should be set out in plain language so that participants, administrators and observers can understand them. This would more effectively support compliance with the requirements.

- 3.3. For example, one qualification which often attracts questions is that at local government elections regarding '*occupying as owner or tenant any land or premises in the local authority area during the whole of the 12 months before the day of nomination and on polling day*'. A clearer definition should be provided. For example, does renting a beach hut, garage or shed, or a piece of land for grazing a pony, satisfy the requirement?
- 3.4. We also note that the timescales provided for in the legislation regarding local government elections also varies between 'the whole of the 12 months' and 'during the 12 months prior...'. Similarly, that the stipulation for this to apply on polling day as well as at the time of nomination does not apply in Scotland and Wales. It might be helpful to have consistency across the UK.

#### **4. Disqualifications**

*Should there be a common disqualification policy for all elections in the UK?*

*When should disqualification legislation take effect: when candidates are nominated or when they are elected?*

*Should rules on disqualification be set in legislation or left to the discretion of the organisation a person works for, or holds a public office with?*

*If you have been a candidate, do you think the advice on disqualification is clear / easily accessible to you?*

*Should a candidate who stands nominated but who subsequently discovers they are disqualified, be able to withdraw before the election? If so, how should the process work?*

- 4.1. We agree that a common disqualification policy for all elections in the UK should apply, wherever practicable. A key principle would appear to us to be that a person cannot be elected to a body if they are employed by, or in receipt of, remuneration from that body. The intention should be to ensure that there is no conflict of interest. It is accepted that different qualifications may need to apply to different elections.
- 4.2. Those guilty of specified electoral offences should be disqualified.
- 4.3. As with qualifications, disqualifications should be set out in plain language so that participants, administrators and observers can understand them. For example, the bankruptcy provisions should be clarified for the various elections.
- 4.4. Whatever the source of information about disqualifications, it should be up-to-date and clear. Prospective candidates should be provided with this information in advance of nomination. This would more effectively support

compliance with the requirements. Having information from multiple sources would not assist candidates.

- 4.5. Many of the queries regarding disqualifications received by electoral administrators are in relation to standing for election to local authorities and the status of the job held by the candidate. The local government environment has become far more complex since the disqualifications were brought into being, with multiple contractual relationships with other bodies becoming the norm, and changes to the status of some schools.
- 4.6. For this reason, it is not always straightforward for the candidate to establish whether or not they are disqualified. Nor is it the role of Returning Officers to provide advice to candidates on this matter and the view generally given is that the candidate should seek their own legal advice. This may not appear to candidates to be particularly helpful, but it is the most sensible advice they could be given in the current environment. This may deter some individuals from standing for election.
- 4.7. The suggestion (contained in paragraph 2.9 of the consultation paper) that relevant bodies and government departments could be responsible for publishing a list of disqualifying posts would have some practical implications that would need to be addressed. In addition, we would have concerns that anomalies and inconsistencies might arise between different bodies' approaches to delivering such a provision.
- 4.8. If taken forward, relevant bodies should be required to publish the list at a particular time in advance of the elections in a format or formats that enable Returning Officers to include the information in nominations packs (including, in the future, if these are provided electronically). Clearly, if the inclusion of additional printed material incurs costs for the Returning Officer, this cost would need to be met. Once published, in order to avoid any confusion or inadvertent disqualification, there could not be any changes to the list until after the elections.
- 4.9. The legislation currently requires that the person is not employed in a disqualified post at the time of nomination. Giving up that employment in order to stand may also deter candidates.
- 4.10. It might be simpler for all concerned if there was a consistent principle within the legislation that any employment that would disqualify the person from taking up office is resigned on election. Such employment would need to be clearly disclosed as part of the nomination process.

## *Police and Crime Commissioner Elections*

- 4.11. In our 2012 report, the AEA noted that the disqualifications that would prevent a person both from standing for election and holding the office of Police and Crime Commissioner were stringent and included youth offences. This was as a result of amendment during the Parliamentary debates on the *Police Reform and Social Responsibility Bill* and was a deliberate and considered choice of the UK Parliament.
- 4.12. We do not comment on the principle underpinning such an approach. Our comments on this issue are in respect of the administrative consequences of the disqualification.
- 4.13. In the run up to the elections, there were media stories<sup>1</sup> about candidates having to withdraw their candidature. This followed clarification regarding offences committed many years before being applicable in terms of the disqualification, including in one case a juvenile offence that would carry a prison sentence if committed by an adult.
- 4.14. In the case of one candidate in Northamptonshire, it was not a juvenile offence that was at issue, but an offence committed at the age of 19. The difficulty for that candidate and for the PARO came as a result of the candidate discovering that they were disqualified after the time for withdrawals of nominations (noon on the 16<sup>th</sup> day before the election). At that point, there was nothing either the candidate or the PARO could do to remove the candidate's name from the ballot paper for the election.
- 4.15. In the event, the candidate was not elected even though he did get through to the counting of the second preference votes. Clearly, it cannot be in anyone's interests for such a scenario to occur. Should it have been necessary for a by-election to take place, it would have incurred a significant additional cost to both the public purse and all those wishing to campaign in the by-election. However, if a change to the deadline for withdrawals is considered this ought to apply to all candidates withdrawing for whatever reason.
- 4.16. It is vital for administrative purposes to have clarity at the deadline for withdrawals as to the candidates that will appear on the ballot paper. Even more so now that the legislation has been amended to allow for the earlier despatch of postal votes following the period for withdrawals. This is a principle that applies to all elections. At some point, there has to be a cut-off in order for ballot papers to be produced. This brings forward the wider issue highlighted in paragraph 2.8 above regarding the election timetable.

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<sup>1</sup> <http://www.guardian.co.uk/uk/2012/nov/13/police-crime-commissioner-elections-explained>

4.17. However, prevention would be preferable. For that reason, it is our view that the Electoral Commission should consider what can be done to ensure that future candidates at PCC elections are aware of the disqualifications from being nominated and holding the office of Police and Crime Commissioner. In particular, the inclusion of additional information on the consent to nomination should be considered.

4.18. *Disqualification under the Representation of the People Act 1981 (RPA 1981)*

No comment.

## **5. Subscribers**

*Does the subscriber system used at elections in the UK serve a useful purpose? If so, what and how?*

*Would abolishing the requirement for subscribers be likely to result in an unmanageable increase in the number of 'frivolous' candidates standing for election? If that is a concern, are there better ways of effectively discouraging this?*

- 5.1. In our 2010 report, the AEA recommended that the UK Government should bring forward legislation to remove the requirement for subscribers on nominations. We highlighted the arrangements for elections to the Scottish Parliament and the National Assembly for Wales. Removing the requirement for subscribers would make the nomination process much simpler and more efficient both for candidates and agents and for Returning Officers, and remove the need for checks on subscriber details.
- 5.2. To stand as a candidate at elections to the Scottish Parliament requires the nomination form to be signed by the candidate and a witness to the candidate's signature. To stand as a candidate at elections to the National Assembly for Wales requires only one subscriber to sign the nomination form, and this can be the candidate.
- 5.3. It is our view that candidates should be required to obtain a proposer and a seconder only. We do not see a need for further subscribers. We do not consider that this would result in an unmanageable increase in "frivolous" candidates.
- 5.4. However, we are aware of occasions where subscribers have wished to withdraw their assent or have alleged that they were unaware that they had subscribed a nomination paper. Such issues would be resolved by removing the requirement for subscribers.
- 5.5. *Does the subscriber system create additional hurdles for independents which might result in their non-participation in elections?*

It may well do. However, the issue is likely to be linked to that of access to electoral registers at the appropriate time prior to an election.

- 5.6. *What is the value of candidates of political parties registered with the Electoral Commission under PPERA continuing to be asked for their nomination papers to be subscribed?*

*Is there any value in continuing to ask independent candidates to have their nomination papers subscribed? If so, how many subscribers should there be? Should the numbers vary depending on the nature and type of election?*

If the requirement for subscribers (other than a proposer and a seconder) is removed, it should be consistently and equitably applied for all candidates regardless of whether they are supported by a political party or not. This would facilitate clarity of process both for prospective candidates and for Returning Officers.

- 5.7. *Should there be a direct correlation between the number of subscribers and the deposit required for nomination? Should the number of subscribers be increased if the deposit is abolished?*

We consider that there should be a standard requirement for two subscribers across all elections irrespective of whether or not there is a deposit.

- 5.8. *Should potential candidates be given a choice of using subscribers or paying a deposit?*

We are not clear as to the rationale underpinning the suggestion that potential candidates should be given a choice of using subscribers or paying a deposit. If subscribers are considered to be an indicator of support and that is a principle that is valued within our electoral process, then allowing some candidates to opt out of that requirement by paying a deposit would seem to undermine that principle. If the requirement for subscribers is seen purely as a deterrent to frivolous nominations, then the proposal could be seen as treating candidates differently depending on their financial status. We do not believe there should be choice. It would overcomplicate the process and would not be equitable. Before making any such recommendation, we would suggest the Electoral Commission tests the idea with voters.

## **6. Deposits**

*Is a deposits system a useful deterrent against candidates standing for election for commercial purposes and not expecting to be elected?*

*Do you think that a deposits system either deters or disadvantages independents or candidates from smaller parties from standing for election?*

*Do you consider that the advantages of a deposit system are outweighed by the disadvantages?*

*Should the deposit required at an election be the same for all candidates or be varied for independent candidates and/or by the size of the political party? Do you think this would encourage greater participation?*

- 6.1. If candidates are standing for election purely for the publicity they might receive (e.g. for commercial purposes), we do not consider that a deposit will be a deterrent.
- 6.2. However, we agree with the findings in the consultation paper that deposits may well deter or disadvantage independent candidates or those from smaller parties from standing.
- 6.3. Whatever policy is established regarding deposits, if the deposit system is retained it should be underpinned by a clear and consistent rationale and by the administrative process. Candidates for a particular election should all be treated equally. A distinction could be drawn between national and local elections. We would not welcome the introduction of deposits at the latter.
- 6.4. The deposit and subscriber threshold for the Police and Crime Commissioner elections appear disproportionate, compared with those for a Member of Parliament. In addition, managing the checking process for the subscribers during the nomination process involves a significant administrative process.
- 6.5. *Would reducing the threshold for forfeiture encourage wider participation?*  
It might.
- 6.6. *What alternative methods of payment should be available for paying a deposit? Should all Returning Officers be obliged to offer a range of alternatives?*

Arrangements for the payment of deposits should keep pace with modern methods of payment and so the legislative requirements should be drafted accordingly to achieve consistency, clarity and future proofing. It would not be equitable to have different arrangements in different areas. Clearly, any requirements need to be achievable by all Returning Officers and therefore consultation should take place before any changes are made.

## **7. Independent candidates**

*Are there ways in which independent candidates could be allowed to use a six word description without undermining the regulatory regime for political parties?*

*If so, how could descriptions for independents be administered in a proportionate way?*

- 7.1. Independent candidates could be allowed to use a six word description and it is feasible the provisions that currently apply to descriptions at parish elections contained in the Local Elections (Parishes and Communities) Rules 2006 could be used as a starting point. There are issues that would need to be addressed in relation to ensuring that any 'independent descriptions' do not closely resemble any party descriptions, and that they are subject to the same scrutiny as party descriptions.
- 7.2. However, if the Electoral Commission is minded to take forward proposals for descriptions for independent candidates, we strongly recommend that Returning Officers and electoral administrators are consulted to ensure their workability. Any such proposal ought to require the word 'independent' to feature within the description.
- 7.3. *What opportunities (other than descriptions) could be used by independents to communicate what they stand for to the electorate?*

This is a publicity and campaigning matter on which no comment is offered.

## **8. Candidate mailings**

*Should the practice of sending free candidate mailings to all registered voters / households be continued for all Parliamentary / Assembly elections in the UK?*

*Should there be consistent practice with candidate mailings in the UK or should practice depend on the nature and type of the election being contested?*

*Should greater use be made of online candidate addresses or co-ordinated booklets containing this information rather than each elector being sent a separate address from a large number of candidates?*

*Should legislation be changed to allow for greater flexibility with candidate mailings in circumstances where elections are combined?*

- 8.1. As a result of the feedback and complaints electoral administrators received from the public about the lack of information about candidates for the PCC elections in 2012, the AEA recommended that the UK Government should make provision for either a candidates' mailing or for the delivery of a booklet containing information about the PCC elections and about the candidates to all households.
- 8.2. A key concern was the provision of online information without any direct mailing to households.

- 8.3. There ought to be a clear rationale for making provision for candidate mailings and/or booklets so that it is clear what the voter can expect at election time. This is more important within the context of increasing combination of different electoral events, or multiple polls being held on the same day.
- 8.4. It should be recognised that the compilation and production of co-ordinated booklets would be impossible to achieve within the current election timetable with the deadline for nominations so close to polling day. This deadline would need to be brought forward and the timetable extended to accommodate the additional work involved. The costs would need to be met. All necessary requirements would need to be clearly set out in the relevant legislation.
- 8.5. In particular, we do not recommend booklets for local government elections as the cost would be prohibitive and the administration extremely problematic with so many candidates and so many electoral areas within the local government area. It could also be argued that candidates at local elections are better placed to engage with the electorate within their electoral area. They do not face the same challenges as candidates within larger electoral areas such as is the case at Police and Crime Commissioner Elections for example.

## **9. Party election broadcasts**

- 9.1. No comment.

## **10. Access to the Electoral Register**

*Should independent candidates have the same access to the register as political parties? What are your reasons for this?*

*Would the current safeguards regarding the misuse of electors' personal data be adequate if access was extended?*

- 10.1. The key issue here is when a person is deemed to become a candidate. Political parties receive the register all year round and are registered as political parties. So, how do you know at any point in the year that a person purporting to be an independent candidate will in fact stand for election and use the register for electoral purposes? At the same time, our members frequently receive feedback that independent candidates are disadvantaged by not receiving the electoral register earlier in the process.
- 10.2. Removing the requirement for subscribers (other than for a proposer and a seconder) would assist independent candidates. However, such candidates will also wish to use the electoral register to campaign and not having access to electoral registers until after the notice of election does put them at a disadvantage as compared with those standing for a political party.

- 10.3. If the electoral register and any updates are to be provided to prospective candidates earlier than is currently the case, there would need to be clarity as to the point at which these must be provided and the criteria for such provision. Electoral Registration Officers would need absolute clarity on this point.
- 10.4. Further, it would be necessary to legally require such individuals to sign a declaration stating that they understand the purpose for which the register is being supplied and that any misuse would be an offence. For the latter to be effectively enforced, the Electoral Commission should work with the Information Commissioner and the prosecuting authorities to determine who might be responsible for bringing forward any cases.

## **11. Emblems**

*Are there ways in which independent candidates can use an emblem without undermining the regulatory regime?*

*If so, how might the use of emblems be administered in a proportionate way?*

- 11.1. We do not support the introduction of emblems for independent candidates. We are not clear what independent candidates would gain from this. At present, the independent candidates on the ballot paper are clearly demarcated from party candidates as there is a space where the party emblem would otherwise be printed.
- 11.2. For practical purposes, if this provision were to be taken forward, there would have to be specific criteria for the submission of emblems in a format that could be used by Returning Officers and their printers in the production of ballot papers. A key practical concern would be around the nature of the images supplied, e.g. an emblem that might be deemed in some way to be offensive, or very similar to an emblem used by a registered political party. Would this then place the Returning Officer in the position of having to 'vet' any emblems supplied? A further issue would relate to the quality of the artwork and the possible implication for Returning Officers in having to make subjective judgements on this point.
- 11.3. A nationally approved emblem for use by all independents would not necessarily be of any benefit for the candidates, particularly if there were a number within a particular electoral area.
- 11.4. We also have concerns about this suggestion in principle. Has any work been undertaken to understand how the voter might perceive the use of emblems by independent candidates e.g. by mocking up ballot papers and gauging responses? It may be that the use of emblems by independent candidates may

confuse the voter into thinking that the candidate stands for a political party that they have never heard of.

## **12. Free use of rooms**

*Is the availability of free rooms still an entitlement that candidates support or have modern communications techniques replaced the need for it?*

*Do you think the entitlement needs to be clarified again to explain what is available and on what basis?*

- 12.1. We do not have systematic evidence as to the widespread use or non-use of this facility, although it would appear that the entitlement is rarely used. It may be that the requirement to meet the costs of heating and lighting, for example, deters candidates from taking up this right. It may also be that voters do not attend meetings as their preferred method of finding out about a candidate. It might be helpful to clarify the provisions and/or seek further evidence as to whether there remains a need for this facility.

## **13. Alphabetical listing**

*Does the alphabetical listing of candidates and/or parties on the ballot papers favour certain candidates especially in multi seat constituencies?*

- 13.1. We do not comment on the principle of how candidates are listed on the ballot paper, nor on its potential effect in terms of favouring certain candidates. However, if any changes to the current arrangement are proposed, these should take the form of a legally precise method that is secure, transparent, understandable and acceptable to the political community. It must not be able to be challenged, except on the ground that the process was not carried out according to law and only after the result has been declared. Any new requirements would need to be set out clearly in the legislation and the instructions as to printing the ballot paper.

## **14. Positive abstention**

*Should the ballot paper include an option for positive abstention and what should be the implication of this for the election if this receives a majority of the votes cast?*

- 14.1. We do not offer a view on whether this option should be introduced. If it is and the abstentions are counted as 'votes', we assume the election would need to be re-run. Alternatively, an option might be to consider such papers as a separate category that do not affect the result but with the number of such papers declared.

## **15. Photographs on ballot papers**

*Do you think there is a case for introducing coloured photographs on ballot papers to distinguish candidates?*

*How would this improve things from the voters' perspective?*

*Can you foresee any problems with using photographs on ballot papers?*

- 15.1. We are not aware of strong evidence of a need to introduce photographs on ballot papers in the UK.
- 15.2. However, we do have significant concerns about the potential problems with the introduction of this provision. If it were to be introduced, there would need to be unambiguous legislation and guidance setting out the requirements to ensure a fair and transparent process.
- 15.3. The use of coloured photographs on ballot papers would have implications for the overall design and possibly the size of ballot papers. These would need to be considered and tested to accommodate the new feature. The photographs would need to be submitted in a usable format and to a certain level of quality.
- 15.4. Moreover, there would need to be sufficient funding for Returning Officers to be able to include this new feature on ballot papers as the use of coloured photographs would increase printing costs to achieve the level of clarity necessary for the images to be of any benefit to the voter. Across the UK at the various types of elections, this would result in a considerable total cost both to local government and to the consolidated fund. If the Electoral Commission is considering recommending the introduction of photographs on ballot papers, we would strongly recommend that they undertake sufficient work to inform a cost / benefit analysis.

## **16. Submitting nomination papers**

*Should more flexible arrangements be introduced for the receipt of all nomination papers? Should the Returning Officer have discretion to allow receipt by fax, email, or through an online portal or mobile phone app?*

*Should the delivery of nomination papers be standardised for all elections in the UK?*

- 16.1. The AEA is concerned about the Electoral Commission's recent guidance<sup>2</sup> that nomination papers must be delivered by hand for all elections. This is not helpful in supporting access to the process for prospective candidates particularly at local government elections and we strongly urge the UK Government to resolve the matter for elections in 2014, via the various

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<sup>2</sup> [http://www.electoralcommission.org.uk/data/assets/pdf\\_file/0007/163933/Electoral-Administration-Bulletin-61.pdf](http://www.electoralcommission.org.uk/data/assets/pdf_file/0007/163933/Electoral-Administration-Bulletin-61.pdf)

legislative vehicles currently being drafted and laid before the UK Parliament in advance of those elections.

- 16.2. The fact that the issue has arisen is in itself an indicator that the provisions for submitting nomination papers need to be modernised and clarified. Consistency across all elections would be preferable for clarity. We do not believe that discretion would be helpful in this matter, but rather that the legislation should set out clearly the means by which the papers can be submitted, with a view to this being easily updated to reflect developments in technology and communication channels.
- 16.3. This is not, however, a simple matter of the delivery channel. Linked to the issue of submission of the papers is that of whether the Returning Officer must receive the actual document in paper format, or whether a scanned version is sufficient.
- 16.4. This brings with it issues of the authenticity of the signatures on the document. It is inextricably bound up with the questions raised earlier in the consultation about subscribers and whether these should be retained. If they are retained, it may be desirable to have the original document signed by the subscribers in case there are allegations of subscribers' signatures having been forged. One cannot imagine how you would administer the completion of an online nomination for the Police and Crime Commissioner Elections or for the London Mayor with the current requirements for 100 or 330 subscribers respectively, for example.
- 16.5. We recognise that as part of any new system, the requirement for 'signatures' electronic or otherwise would need to be addressed. If you remove the need for subscribers (notwithstanding the retaining of a proposer and seconder), this also removes a barrier to having electronic submission of documents either by email (with a scanned copy of the form) or via an online portal. The proposed online portal for individual electoral registration may well provide a model.
- 16.6. In addition, there would need to be an electronic audit trail to ensure that delivery and non-delivery are captured to provide clarity where a nomination and associated documentation are not delivered on time or at all.

## **17. Objections to nomination**

*Should the objections procedure used in respect of nominations be revised and replaced with a more consistent and transparent scheme? How do you think this should work in practice?*

*Are the timeframes set for objections sufficient to meet the needs of candidates and electoral administrators?*

- 17.1. We agree that the objections regime would benefit from simplifying and clarifying if it is to have any real purpose. In reality, the current arrangement only has any effect if a petition is brought forward and we believe that the principle that the poll cannot be stopped and that it can only be challenged after the result is declared should remain. However, the provisions for bringing petitions are also in need of modernising.
- 17.2. In particular, we would not wish to see a departure from the Returning Officer's administrative role in accepting nominations and objections on face value.
- 17.3. We expect that the Law Commission will wish to look at these issues in its review of electoral law in the UK.

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**Chief Executive**

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**Assistant Chief Executive**

**17 December 2013**