

## Political Parties and Elections Bill House of Lords Report Stage - 17 June 2009

### Additional Briefing on Amendments

Please note that this briefing note comments only on amendments tabled after our most recent briefing paper for Report Stage was issued on 12 June. Earlier Commission briefings on the content of the Political Parties and Elections Bill are available from the Commission's website <http://www.electoralcommission.org.uk/focus-on-items/PPE>

### Clause 21 – Candidate at parliamentary election may withhold home address from publication

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Amendment 76A in the names of Lords Steel of Aikwood and Lord Tyler would require candidates standing on behalf of a registered political party to use only the registered party name on the ballot paper. This would represent a departure from the system introduced under the Electoral Administration Act 2006, which enabled such candidates to use either the registered party name or one of twelve registered party descriptions on the ballot paper. In addition, Amendment 76A would enable independent candidates to use a six word description on the ballot paper, which would have been previously registered with the Commission. Currently, if a candidate is standing independently, he/she can only have 'Independent' inserted beside their name.

The Commission does not support the introduction of ballot paper descriptions for independent candidates. Under the current rules candidates can only use a description on a ballot paper if standing for a registered party, meaning that both the party and the candidate are subject to regulation of donations and campaign spending under the Political Parties Elections and Referendums Act 2000, as well as the 1983 Act. The amendment could therefore affect the balance of the current regulatory regime. The amendment, as drafted, would also raise significant questions of workability, particularly in respect of the Commission's role in deciding whether to authorise the descriptions of independent candidates.

With respect to the use of registered descriptions by registered political parties on ballot papers, there is evidence to suggest that the risk of voter confusion would be reduced if registered party names were to appear first (i.e. above) party descriptions on ballot papers.

The independent review of the 2007 Scottish Parliamentary and local government elections, led by Ron Gould CM, recommended that legislation be amended to this effect on all regional ballot papers for the Scottish parliamentary elections. We understand that the Scotland Office is also taking steps to amend the relevant legislation for future elections to the Scottish Parliament to that effect.

In line with the Commission's subsequent recommendation, the regulations for the (regional list) ballot paper used at the 2009 European Parliamentary Elections in Great Britain also required party names to be placed above descriptions.

We will continue to monitor the issue of party descriptions and will identify any issues which arise in our statutory reports on the administration of UK elections, including our report on the 2009 European Parliamentary elections.

We also have concerns about the impact of the amendment on the issue of equality of treatment among candidates insofar as registered political parties would no longer be able to use descriptions on the ballot paper, while independent candidates would. For these reasons we oppose this amendment.

## New Clauses after Clause 24

### New Clause – Ballot Papers

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Amendment 84A in the name of Lord Pearson of Rannoch would require ballot papers to be given to voters unfolded, except in the case of postal votes. The amendment would require the Commission to monitor and take appropriate steps to ensure compliance with such a requirement; publish a report within three months of an election in relation to compliance with the provision; and, on the basis of any report which concludes that failure to comply may have affected the result of an election, advise the Secretary of State on the validity of the election result and make public its advice.

The Commission already has a duty to report on the administration of statutory elections in the UK and would consider any issues relating to the process of issuing ballot papers to voters in polling stations, and recommended actions to be taken, in that context. We therefore do not support this amendment.