

**From:** [FOI](#)  
**To:** [REDACTED]  
**Subject:** FOI 156/18 - Guidance in democratic process - Response  
**Date:** 10 October 2018 16:51:15

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Dear [REDACTED]

**Our Ref: FOI 156/18**

Thank you for your email to the Electoral Commission dated **01 October 2018**.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is in bold below followed by our response.

**1. Please identify all historic and current guidance material or campaign or educational material that helps promote the accurate use and understanding of the difference between the words "ballot" and "vote". Please separate or identify the target market for each piece of material e.g. RO's and Poll Clerks, Media, Public.**

**As the wording on ballot papers and display posters is prescribed in law and given that the wording on the last sign you see before marking your ballot says "vote for one candidate only... or your vote may not be counted" and that all ballots are counted to demonstrate that the process has been conducted fairly.**

**2. Please identify any research that the Electoral Commission has conducted to clarify if voters are aware of the distinction between a ballot and a vote.**

**3. Please identify any research that the Electoral Commission has conducted to clarify peoples understanding of the wording used on Poll Station signs, with specific reference to the phrases "vote for one candidate only" and "put no other mark on the ballot paper, or your vote may not be counted"**

**4. Please identify any 3rd party research that the Electoral Commission has used to help it understand the answers to the points raised in questions 2 and 3.**

Since the PCC Elections report of 2012

[\[http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0003/154353/PCC-Elections-Report.pdf\]](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/154353/PCC-Elections-Report.pdf) where it was identified that "a significant proportion of rejected ballots were deliberately spoiled and given that a 2015 Parliamentary Select Committee Report that had 15,840 responses to its survey identified that 72% of people thought that "none of the above" should be included on the ballot paper

[\[https://publications.parliament.uk/pa/cm201415/cmselect/cmpolcon/938/93809.htm#n228\]](https://publications.parliament.uk/pa/cm201415/cmselect/cmpolcon/938/93809.htm#n228)

**5. Please identify any research that the Electoral Commission has conducted looking at how the electorate may be able to formally abstain in UK elections.**

**Given that the Representation of the Peoples act includes a provision for the classification of any rejected ballot to be objected by a candidate or agent and that "rejection objected" should be placed on those rejected ballot papers**

[\[http://www.legislation.gov.uk/ukpga/1983/2/schedule/1/paragraph/47/enacted\]](http://www.legislation.gov.uk/ukpga/1983/2/schedule/1/paragraph/47/enacted) and while there is currently no legislation that requires this number be recorded there is no legal reason for it not to be recorded either. And given that the number of rejected ballots is less than 1%, the current number of rejections objected to will be a tiny fraction of this number and as statistically close to zero, as you can get.

**6. While I appreciate that an amount of public education would be required, does the Electoral Commission agree with me that this piece of the statue has the potential to be used to identify those individuals who wish to formally abstain in our elections or 'vote' none of the above, all be it in an anecdotal fashion, without the need for any change to our current electoral system or legislation.**

**Given that the advice that any Poll Station staff can offer to a member of the electorate is**

prescribed in law and is limited to reading out the wording on the guidance posters.

**7. What level of stress to you think a Poll Station staff member would face if there were asked for advice on how a ballot paper could be marked so that it would be anecdotally viewed as a formal abstention?**

**8. Given that your tagline is to 'promote public confidence in the democratic process and ensure its integrity' how would you advise a Poll Station staff member to respond to the question "how do I intentionally spoil my ballot?"**

**9. Does the Electoral Commission acknowledge that members of the Electorate have a right to intentionally spoil their ballot?**

Our response is as follows:

**Response 1-5:**

1. The Electoral Commission has not produced guidance, campaign or educational materials that promote an understanding of the difference between the words "ballot" and "vote"
2. The Electoral Commission has not carried out any research with the aim of clarifying if voters are aware of the distinction drawn here between a ballot and a vote.
3. The Electoral Commission has not conducted any research to clarify people's understanding of the wording used on polling station signs.
4. The Electoral Commission has commissioned several pieces of research which are relevant to question 3.
  - There are two research reports from 2009 setting out the findings from usability testing of ballot papers.
    - i. [https://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0010/169147/Uservision-report-on-ballot-paper-design-FINAL.pdf](https://www.electoralcommission.org.uk/__data/assets/pdf_file/0010/169147/Uservision-report-on-ballot-paper-design-FINAL.pdf)
    - ii. [https://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0011/169148/The-Electoral-Commission-Ballot-Paper-Testing-Summary-Final-Report.pdf](https://www.electoralcommission.org.uk/__data/assets/pdf_file/0011/169148/The-Electoral-Commission-Ballot-Paper-Testing-Summary-Final-Report.pdf)

This research informed the Commission's subsequent guidance on the design of election materials 'Making your Mark'. The full range of guidance can be found here:

<https://www.electoralcommission.org.uk/i-am-a/electoral-administrator/participation-resources-for-local-authorities>

5. The Electoral Commission has not conducted any research looking at how the electorate may be able to formally abstain in UK elections.

**Response 6-9:**

The Commission is unable to respond to questions 6, 7 8 and 9 as you have requested for our opinion. The Freedom of Information Act 2000 only covers information **held** by an authority therefore this part of your request falls outside the scope of the FOI Act and as such we are not required to respond.

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority, but in some circumstances we cannot responsibly release requested information, and we ask for your understanding in this regard.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: <http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-i-make-an-foi-request>

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: <https://ico.org.uk/>

Yours sincerely,

[REDACTED]

[REDACTED]

Access to Information Officer (FOI and DPA)

**The Electoral Commission**

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