Equal access to democracy
Report and recommendations
The Electoral Commission

We are an independent body that was set up by Parliament. We aim to gain public confidence and encourage people to take part in the democratic process within the United Kingdom by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties.


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In our report on the 2001 general election, we identified the need to review the law governing access to electoral procedures. The Electoral Commission believes that equal access to elections is an essential part of a healthy democracy and necessary to ensure high levels of voter participation.

This review of access to electoral procedures began in August 2002 and has examined issues of access to polling stations, ballot papers, notices, forms and absent voting. We issued a consultation paper in February 2003 in which we invited comments over a six-week period on the legislative framework governing access to the electoral process. Responses to the earlier consultation paper have been taken into account in formulating our final report and recommendations.

This report considers only the legislative framework governing access to the electoral process. The Commission also recognises that ensuring equal access involves active effort, going beyond the requirements of the law, for a range of diverse communities. Equally, in many cases there are changes within the existing legislation which can make it easier for people to vote. Following publication of this report on the legal issues, the Commission will continue to work on the development and promotion of best practice. In doing so, we shall draw on ideas and suggestions contributed by electoral administrators, our own observation of elections and research commissioned from disability organisations across the UK.

Priority
The priority for the Commission in this review has been to promote and protect the interests of the electorate. We believe that in a healthy democracy all sections should be able to participate in and contribute equally to the democratic process. It is not our intention to make recommendations that would benefit certain sections of the community to the detriment of others. In relation to disability access, we have also taken into account the planned implementation of the ‘services’ provision of the Disability Discrimination Act 1995 from October 2004, and have accordingly aimed to avoid duplication of legislation in this area.

Conclusions and recommendations

Polling stations
Returning Officers should be given statutory powers to use all accessible publicly owned buildings as polling stations to enable them to fulfil the requirements of the

Equal access to democracy: executive summary
Disability Discrimination Act 1995. Given the provisions of that Act, we do not regard it as necessary at the present time to create additional legal obligations on Returning Officers to make polling stations accessible. However, we will keep this situation under review and examine progress in two years time.

There should also be a review of the policy and procedures for obtaining grants to provide access facilities for disabled people, with a view to making more funding for permanent alterations as well as temporary alterations available to Returning Officers.

Review of polling stations

We recommend that the law which currently applies in Northern Ireland should be extended to the rest of the UK, imposing an obligation on Returning Officers to review the accessibility of all polling stations in their area over a four-year period.

In the meantime, we would encourage all Returning Officers as a matter of good practice to carry out reviews of the premises that they use on a regular basis. We also recommend that Returning Officers should involve local groups of disabled people in their reviews and that the review process should be as transparent and open as possible.

List of polling stations

We do not see a need for legislation in this area at this stage, but recommend that as a matter of good practice, all Returning Officers maintain a list of polling stations which gives details of access at each polling station. This will be of use when advising electors on the accessibility of polling stations and when planning for what improvements are necessary. We shall be providing further advice on this issue in our forthcoming good practice guidance.

Voting at any polling station

We recommend that with the planned introduction of a national electronic register and the prospect of e-enabled elections, provision is made to allow voters to vote at any polling station that they wish.

Until this becomes a reality, we recommend that a system similar to the certificate of employment is available for use by anyone who has a particular need to vote at an alternative polling station in the electoral area for the election concerned on the basis of a demonstrable access need. The onus would be on the elector to apply and demonstrate the need to use a different location. The cut-off date for such applications would be the same as for absent voting applications, i.e. the sixth working day before the day of poll. The register at their allocated polling station would need to be marked to prevent voting twice.

However, we would stress that this provision is in no way seen to be an alternative for fully accessible polling stations.

Ballot papers, statutory forms and notices

Braille and large-print ballot papers should be supplied in polling stations, as samples only. Electors should continue to vote on a standard ballot paper, using the template designed for voters with visual impairments, if appropriate, or with other assistance permitted by law.

Returning Officers should be given legislative powers to provide pictorial or visual guides to voting in polling stations, to provide official posters and examples of ballot papers in relevant languages for the local community in polling stations. However, the ballot paper that voters complete should continue to be available only in English or Welsh.

Returning Officers and Electoral Registration Officers should be given powers to provide key statutory forms (including registration forms, polling station notices, etc.) in a variety of languages and formats in addition to English and Welsh. The languages used would be at the discretion of the Returning Officer. We recommend that, where this power is used, both English and the second language should appear on the relevant form.

The existing legal provisions for electoral pilot schemes should be extended to allow for piloting of schemes which involve Electoral Registration Officers asking for the individual access needs of electors at the point of registration, in order to meet those needs at election times.
Absent voting

On balance, the Commission takes the view that piloting new approaches to the provision of assistance for postal voters would be useful. The opportunity for such trials should arise in the context of the wider pilots of all-postal voting, and the Commission will evaluate the impact of assistance schemes in that context.

We recommend that, by law, postal ballot papers should be accompanied by a ‘Plain English’ guide on the completion of postal votes containing symbols to explain how to complete and collate the necessary paperwork. As a matter of good practice, this should also be available in other formats – for example, other languages, a pictorial version and audio tape – on request.

Implementation

We recognise that any recommendations to improve accessibility will impact on the resources available to the Returning Officer and ERO. From the responses to consultation received to date, the Commission has so far gathered insufficient evidence to quantify precisely the likely financial implications of these measures. Moreover, these initiatives will interact with other proposals made in other Electoral Commission policy review reports. We intend to work with electoral administrators to develop a costed model of change for the package of measures outlined in this report.
1 Introduction

The Commission believes that equal access to elections is an essential part of a healthy democracy and necessary to ensure high levels of voter participation. Ensuring equal access involves active effort, going beyond the requirements of the law, for a range of diverse communities.

Background

1.1 The Electoral Commission is independent of government, and directly accountable to Parliament. Among the Commission’s general statutory functions is a duty to keep under review a range of electoral and political matters. The Commission’s review of equal access issues falls within this remit. The review is part of a wider programme of reviews being conducted by the Commission following our statutory report on the 2001 general election.

1.2 In our report on the 2001 general election we stated our belief that equal access to elections is an essential part of a healthy democracy and necessary to ensure high levels of voter participation. This report considers only the legislative framework governing access to the electoral process. The Commission also recognises that ensuring equal access involves active effort, going beyond the requirements of the law, for a range of diverse communities. Equally, in many cases there are changes within the existing legislation which can make it easier for people to vote. Following publication of this report on the legal issues, the Commission will continue to work on the development and promotion of best practice. In doing so, we shall draw on ideas and suggestions contributed by electoral administrators, our own observation of elections and research commissioned from disability organisations across the UK.

Review process

1.3 This report sets out the views and recommendations of The Electoral Commission. It has been prepared by staff of The Electoral Commission working with a Project Board chaired by Commissioner Karamjit Singh and comprising of Joan Jones, Deputy Commissioner, Ruth Scott from Scope, Greville Percival from the Commission for Racial Equality and John Collins from the Lord Chancellor’s Department. However, the views presented in the paper are those of The Electoral Commission alone.

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1 Political Parties, Elections and Referendums Act 2000, s.6.
and do not necessarily reflect the opinions of individual Project Board members.

1.4 Following preliminary research and initial consultation with key stakeholder organisations, we issued a public consultation paper in February 2003. This paper was sent directly to all Electoral Services Managers and Access Officers at local councils across the UK, together with media and other interest groups, including organisations representing disabled people and people from ethnic minority communities. It was also available to the public on the Commission’s website.

1.5 The consultation paper provided information about the current arrangements and legal provisions for equal access to electoral procedures. It also discussed external pressures and described briefly how electors may face disadvantage when accessing electoral procedures. We raised a wide range of questions relating to these issues and invited comments. The paper also set out options or suggestions for improvements to the current legislation and invited views on these. In total, we received 86 responses. The Commission would like to express its thanks and appreciation to all those who made valuable responses to the consultation paper. Without their replies, this report would not have been possible.

1.6 Copies of the consultation paper are available from the Commission and can be viewed or downloaded from our website. A list of respondents to the paper is included in Appendix 1 and the responses are referred to and summarised within this report. Individual responses can be viewed in person at the Commission, except where confidentiality was requested. Some respondents raised new issues that do not strictly relate to the topics addressed by this review; the Commission will consider all these suggestions separately.

Priorities and principles

1.7 Access issues are very complex, and there are significant variations in the way that electoral services are delivered in the different constituent parts of the UK. We were aware at the outset of the review (and especially following our initial research) that there were likely to be conflicting opinions from stakeholders and individuals on the issues of equal access, especially perhaps between practitioners and those representing the rights of disabled people. We have consulted widely on the questions and have received a rich diversity of opinion on the questions and issues raised. The report has, therefore, had to achieve a carefully considered balancing act, taking account of the views and interests of a range of interested players.

1.8 In forming policy and recommendations, however, it is rarely good practice to follow the lowest common denominator in order to secure consensus. The Commission’s own priorities and principles therefore underpin the conclusions and recommendations we reach in this report. The overriding priority for the Commission is to promote and protect the interests of the electorate. One of the Commission’s corporate aims is to encourage greater participation in and increased understanding of the democratic process. We are concerned that equal access can and should play a part in encouraging participation in elections. Increasing turnout is not the main aim of this review but it is important that all voters have an equal opportunity to vote. We are equally concerned that any recommendations that we make should benefit all electors and have a positive impact on accessing the democratic process.

Scope

1.9 Our review covers a wide range of legal issues surrounding equal access. These include issues connected with disability and those encountered by people who do not speak English as their first language or who have literacy problems. We are concerned with physical access to premises as well as access to written material. We have examined three distinct categories of access provision:

- polling stations;
- ballot papers, statutory forms and notices;
- absent voting.

Equal access to democracy: introduction
1.10 The review has considered all relevant current legislation, including the Representation of the People Acts, the Disability Discrimination Act 1995 and the Race Relations Act 1976. Further details on the specific legislation is given in the Equal access consultation paper and in later chapters of this report.

1.11 The access review has involved some overlap with issues addressed in the Commission’s other policy reviews flowing from the 2001 general election, especially the funding of elections, absent voting and the review of ballot paper designs. Where appropriate, recommendations made in this report are consistent with those made in these separate reviews. Full copies of all the Commission’s policy reports can be read on our website at www.electoralcommission.org.uk.

1.12 It is also worth recording that a minority of respondents to the consultation paper on access issues considered that we were asking the wrong questions altogether and we should instead be considering a total revamp of the entire electoral system, with much greater use of modern technology. The Commission is separately evaluating the programme of local electoral pilot schemes which are testing innovations in technology in an electoral context, and issues of equal access are a key consideration in these evaluations. The Commission is required by statute to examine whether voters found the procedures provided for their assistance by the scheme easy to use, and the scheme’s effectiveness in facilitating voting, encouraging voting or enabling voters to make informed choices at the elections. We consider the future development of equal access further in the final chapter of this report.

Recommendations

1.13 This report has been submitted to the Lord Chancellor and Deputy Prime Minister (Secretary of State), in accordance with section 6 of the Political Parties, Elections and Referendums Act 2000. While we have a statutory duty to keep these matters under review, we recognise that the Commission’s role with respect to electoral law is advisory. It is not for the Commission to make the final determination as to how arrangements might be changed and we have no powers to ensure implementation of any recommendations we make. It is for the Government to initiate and ultimately Parliament to decide on any changes to procedures and proposals for legislative change. With respect to practice issues, the Commission will develop further recommendations and promote implementation of best practice as part of the continuing work of this review.

1.14 This report has also been submitted to the Minister for Finance and Local Government, Scottish Executive, as the remit of the review, at the Scottish Executive’s request, included local government elections in Scotland which are a devolved matter.
2 Polling stations

Providing equal access to polling stations is fundamental to the operation of an effective democracy. Despite the introduction of postal voting on demand in 2001, the majority of electors still cast their votes in person at polling stations. This is, therefore, the most obvious public access issue relating to elections.

Key issues

2.1 Perhaps the most fundamental point concerning polling stations is that there are virtually no purpose-built polling stations, if any at all. Moreover, none are owned by the Returning Officer, but rather hired for the day. Premises used range from village halls, community centres and schools to more unusual locations such as private garages, fish and chip shops, pubs and supermarkets. In many areas, electoral administrators have reported that there is very little choice as what to use as a polling station, either because suitable buildings just do not exist or their owners will not allow them to be used as polling stations. There is an inherent difficulty in any obligation on Returning Officers to make polling stations accessible in premises which they hire for only one or two days a year. They also have to consider the needs of all electors in allocating a polling place and at times there can be a conflict between providing a fully accessible polling station and providing one which is in a convenient location.

2.2 The Representation of the People Act 1983 places an obligation on local authorities, so far as reasonable and practicable, to designate as polling places only places which are accessible to disabled people and to keep the polling places under review. For schools, often used as polling stations, the Special Education Needs and Disability Act 2001 amends the Disability Discrimination Act 1995 to create new duties to prevent disability discrimination in education. From September 2002, local education authorities and schools will be under a duty to plan to increase progressively the accessibility of schools to disabled pupils. Local education authorities will be required to produce accessibility strategies covering their maintained schools and schools will be required to produce individual accessibility plans. This provision does not extend to Northern Ireland.

2.3 Despite these legal obligations, publications such as the Polls Apart series by Scope4 and research by

Capability Scotland\(^5\) have highlighted the difficulties faced by some individuals, especially those with physical disabilities, when trying to get into their local polling station. Although the current legislation\(^6\) requires that the council, in so far as is reasonable and practical, designate as polling places only places which are accessible to electors who are disabled, a polling place is not necessarily same as the polling station. Councils can opt to designate the whole district as the polling place, leaving the Returning Officer to choose the specific premises used as a polling station. Alternatively, a council can choose to designate a school as a polling place, the external access to which is accessible. However, the room which is allocated to be used as a polling station could be along a narrow corridor and then up some steps.

2.4 From 1 October 2004, service providers will have to make reasonable adjustments to the physical features of their buildings to overcome physical barriers to access or provide a reasonable means of avoiding the feature. The Disability Discrimination Act does not specifically mention elections as one of the areas of service caught by its provisions, and advice from the Disability Rights Commission suggests that electoral services are regarded as a grey area in this respect. However, The Electoral Commission takes the view that – in the interests of good practice, even if not an explicit statutory requirement – electoral services should regard themselves as covered by the Disability Discrimination Act and, therefore, should make every effort to make their polling stations and wider procedures accessible.

2.5 Our earlier consultation paper posed the central question of how accessible polling stations should be. We also asked whether there should be grant aid available for permanent alterations; if Returning Officers should have the right to use any publicly owned buildings; the need to review premises used as polling stations for accessibility; and if Returning Officers should be required to maintain a list of polling stations, giving details of accessibility. Finally we asked for opinions on whether or not electors should be able to vote at any accessible polling station in their electoral area.

Consultation responses

2.6 From the responses received to the consultation paper, three clear themes emerged. The majority of electoral administrators who responded pointed out the difficulty of finding suitable premises for accessible polling stations and the problems that they would encounter if all polling stations had to be fully accessible. Many Returning Officers agreed with the principle that all polling stations should be accessible, other than in exceptional circumstances. However, despite this, the majority thought that it was also impracticable. Some respondents suggested that it would be possible to use only accessible premises if this were phased in over a period of a few years. This would give Returning Officers time to look for alternative premises and make adaptations where necessary. Another issue raised by practitioners was that choosing only fully accessible halls could mean using locations more difficult to access by the majority of pedestrians in the ward. Others considered that it was not acceptable for polling stations to be closed without replacement or for accessibility to be used as an ‘excuse’ for closures.

2.7 Those who responded from groups representing disabled people in the main stated that they thought all polling stations should be accessible to all voters. For example, Greater London Action on Disability expressed the view that only polling stations which are accessible should be used; they considered that there should be no exception to this because it is a service to the public. There was also strong support for fully accessible polling stations from the political representatives. In the words of one local councillor: ‘accessible polling stations should be the right of every voter’. Another considered that this would help to put pressure on local authorities to place access issues higher up the agenda.

2.8 The third point of view expressed was that if non-accessible polling stations could not be used, then this would mean that electors, including those with

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\(^6\) *Representation of the People Act* 1983, section 18(2)(a).
disabilities, would have to travel a greater distance to vote, which could lead to further access problems and have an adverse effect on turnout. The Commission has received representations from electors in local authorities whose local polling stations have been closed for a variety of reasons. Closure of polling stations without providing a suitable local alternative is not desirable and can lead to additional access problems if large numbers of electors, including elderly and disabled people and those without their own transport, cannot conveniently reach a polling station. This could lead to a further decrease in turnout. If it is unacceptable for disabled people to be told that their only option is to vote by post, then this must equally apply to other electors who are deprived of a local polling station.

2.9 In addition to these three core themes, it was suggested to us that if funding were provided to make polling stations accessible, then the need for reviews of polling station premises would lessen. Once premises became accessible, it is unlikely that this would alter unless something happened to cause structural damage to the premises.

**Implications of the Disability Discrimination Act 1995**

2.10 The Disability Rights Commission has suggested that the requirements for accessibility of polling stations should be in line with the Disability Discrimination Act. This would be to require Returning Officers to ensure that polling stations were reasonably accessible for disabled people. Although this does not give either disabled people or Returning Officers complete certainty around what threshold of accessibility would be required, it does give some flexibility within the process. Guidance could elaborate on what would constitute reasonable accessibility.

2.11 In applying the Disability Discrimination Act, there is no precise definition of ‘reasonable’ as this varies with what the premises are being used for. Anyone trying to justify the use of a polling station which was not fully accessible would have to be able to show they had taken all reasonable steps to find an alternative. A possible scenario is in an isolated rural area where there is only one suitable building for use as a polling station, which was not fully accessible. Under the Disability Discrimination Act, the local authority would need to prove that there were no alternative premises, it was not possible to make alterations without excessive cost and the only alternative premises was over 10 miles away. This would mean that all electors, including those with disabilities which did not prevent them accessing the original polling station, would have to travel to the nearest polling station or vote by post or proxy. The local authority could also speak to local disabled people and get their views on acceptable alternatives to the local polling station.

2.12 Concern has been expressed in the responses to our consultation exercise, as well as more generally, that the Disability Discrimination Act may cause some premises to close because they will not be able to afford the adaptations required to make them accessible. Particularly in rural areas, there is a shortage of available premises and very little choice of venues for polling stations. There is also concern that any such closures could lead to feelings of resentment against disabled people. However, in a written answer in the House of Commons on 12 March 2003 concerning the implications of the Disability Discrimination Act on village halls, Alun Michael MP (Minister of State for Rural Affairs and Urban Quality of Life) stated:

> Those managing village halls or running activities there are subject to the Act in the same way as other service providers; but the test of reasonableness takes account of the provider’s financial resources and there should be no question of village halls being forced to close. However, it is very much in the public interest that activities taking place in village halls should be accessible to disabled people living in rural communities.

2.13 Which of these views turns out to be closer to the truth is impossible to predict at this stage, but the Commission will clearly need to keep the situation under review.

2.14 One further consequence of the Disability Discrimination Act is to introduce a greater degree of clarity about where responsibility for ensuring accessibility should lie. At present there is no specific legal duty on Returning Officers with regard to
accessibility and it was suggested to us by some respondents that if legislation is to be amended, it should be the duty of Returning Officers to fix polling places rather than the council. However, it is important to note that with the commencement of the central provisions of the Disability Discrimination Act in 2004, the responsibility to ensure access compliance lies with the person hiring out the hall, rather than the hiree. We therefore recognise the concern expressed by other respondents to our consultation paper that Returning Officers should not be treated any differently from any other person hiring premises for a day.

The Commission’s perspective

2.15 While we fully support the view that every elector has the right to vote in a fully accessible polling station, equally it would be wrong to ignore the message coming to us from electoral administrators that there are considerable problems in finding accessible polling stations.

2.16 We have come to the conclusion that the accessibility of premises, funding and the right to use premises are inextricably linked. Many currently inaccessible premises used as polling stations can be made accessible only by providing money to make the necessary alterations. Without identifying sources of funding, we consider that it is not realistic to expect Returning Officers to supply fully accessible polling stations.

2.17 These issues are considered in further detail in the following paragraphs.

Funding

2.18 It goes almost without saying that alterations to make premises more accessible cost money. The connection between funding and accessibility cannot be ignored. At present, grants are available from central funds for temporary alterations to premises. Grants of 50% are available for temporary ramps but no grants are available for permanent alterations to premises. Although temporary ramps can be useful to help electors access a polling station, they are not an ideal way of improving accessibility and if not installed correctly can lead to injury and possibly legal action against the Returning Officer for damages. In addition, temporary ramps specifically for polling stations are only used on one or two days a year and spend the rest of the time in storage, presumably gathering dust and incurring extra storage costs. Grants are available for internal fittings, such as polling booths.

2.19 The major issue concerning funding is whether the Returning Officer should be required to pay for alterations to premises which are used as polling stations only infrequently. In many cases the village halls and community buildings used as polling stations are used by the same people who vote in them throughout the year for a variety of functions, such as elderly persons’ clubs, toddlers’ groups and bingo. If the premises are not accessible for polling station use, they will be equally inaccessible for all these other functions. Polling station access should not be seen in isolation and we consider that a more holistic approach to funding is appropriate.

2.20 The primary argument against providing grants for permanent alterations to premises is that money for electoral purposes should not be used to make alterations to improve premises used as polling stations only once or twice a year. Although we can see the logic behind this in principle, in practice it seems to us that money currently spent on part-funding temporary access aids on polling day would be better spent on permanent improvements.

2.21 There was overwhelming support from all respondents for grants for permanent improvements. Although many local authorities do provide additional grants to fund alterations, comments such as the following are typical of those received: ‘The Borough Council has previously met the full cost of installing a permanent ramp at a polling station (a church hall) but felt that the exercise could not be repeated at other polling stations because of the cost involved’. Local
authorities have limited funds available and many are reluctant to fund improvements to privately owned premises because of the lack of return to their investment.

2.22 The general view expressed by respondents was that grants for temporary ramps which are used only once or twice a year are not the best use of available money. An example of how this works in practice was provided by one respondent:

In our area we use a school that needs a permanent ramp to be installed. The County Council and the Home Office were contacted to contribute towards the £2,000 the ramp would cost, because the same location is used for County Council and national elections, as well as district. Unfortunately, both parties refused to contribute. This means that for each election a Portakabin is hired at a cost of £600.

2.23 In practice this means that after four elections (possibly fewer as hire charges may increase each year), the hire costs of the Portakabin would exceed the cost of the permanent ramp. This does not appear to be the best use of public funds. The Portakabin would only benefit electors on polling day, but the ramp would benefit all users throughout the year at no additional cost in the long term. A further relevant point made by a number of respondents is that permanent alterations would, in the longer term, provide substantial savings on the costs of delivery of portable ramps, which also come out of election budgets.

2.24 On the other hand, concern was raised by some that there could be abuse of any funding provided, in that a property could be adapted for polling station use and then the owner could refuse to allow it to be used for polling station use in the future. Suggestions were therefore made by some consultees that any central grant fund might be conditional upon using the premises for an agreed number of elections.

2.25 There were several suggestions about where funding should come from. Grants could be made available by central or local government in relation to wider community use, providing some financial resources to support and improve community halls for use all year round. Alternatively, one respondent suggested Lottery funding.

2.26 The model adopted for the National Assembly for Wales elections in May 2003 provides an important precedent. For these elections, the Assembly paid for 50% of the cost of temporary ramps for polling stations. With the Lord Chancellor’s Department paying for the other 50% of the cost, this meant that all ramps purchased for these elections were fully funded and so local authorities incurred no additional expenditure.

2.27 Grants are also available to make school premises more accessible. Since 1996, the Schools Access Initiative has provided funding to make mainstream schools more accessible to children with disabilities and special education needs. The SAI funds projects such as the installation of lifts, stair lifts, ramps and disabled toilets. The Department for Education and Skills allocates funding to Local Education Authorities (LEAs) and then it is up to each LEA to decide its priority schemes. Funding of £100 million is available for 2003–04. All mainstream schools are eligible for support under the initiative.

2.28 The Commission’s report on Funding electoral services recommends that there should be a review of the current procedures for obtaining grants to provide access facilities for disabled people. This should include examination of the implications of the Disability Discrimination Act requirements, reassessment of the size of the total fund available for such grants and the need to provide grants towards permanent solutions, as well as for temporary access.

2.29 In the light of our further examination of access issues, the Commission has concluded that the grants review recommended above should also reconsider the wider policy framework of grant funding including the issue of who should have the responsibility for adapting buildings.

The right to use premises

2.30 At present, Returning Officers have no legal right to use any premises as a polling station, other than schools or rooms funded out of any rate. This means that although there may be fully accessible premises which

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7 Representation of the People Act 1983, schedule 1, paragraph 22(1).
would make an ideal polling station, the Returning Officer would have no powers to demand use of these premises.

2.31 Our earlier consultation paper asked if the law should be extended to allow Returning Officers to have use of any accessible public or community premises for a polling station with payment of a reasonable fee. Virtually all respondents agreed to this. One local authority stated in their response:

There are two perfectly acceptable community premises which refuse to accept polling station use because it disrupts other weekly activities. The Returning Officer is powerless to require the use of premises and thus two mobile units have to be hired. These are not only much more expensive than the community premises but also are not fully accessible.

Clearly, this situation leads to public money being wasted and electors having to vote in a less accessible polling station. One local access group also supported giving Returning Officers greater rights, pointing out that it would give a greater degree of permanence to polling station locations and could attract grants.

2.32 Concerns were expressed by some consultees that the owners of these premises should be given reasonable notice. However, for all elections, with the exception of the general election and any by-elections that may occur, the dates of elections are well known in advance, so in practice owners of premises could be given plenty of notice for most elections.

2.33 Some respondents expressed concerns that this would be unenforceable. The Commission also appreciates that the owners of some premises may object to Returning Officers having a legal right to use their premises, although we had no responses that suggested this would be the case.

Recommendations

2.34 As we have already made clear, accessibility, funding and the use of premises are all linked. Although we firmly believe that all polling stations should be fully accessible to all voters, we recognise that at present this is not achievable, due to lack of suitable premises and funds. We also recognise that even with funding, this probably could not be achieved immediately, owing to the large number of premises involved. Unless Returning Officers have greater access to funds, we consider that it would be unrealistic and unreasonable for us to require that all polling stations are fully accessible. This would place a heavy financial burden on local authorities that many would be unable to meet. It would also not be in the interests of the electorate as a whole if such recommendations led to the closure of numerous local polling stations. However, we do believe that making all polling stations accessible is achievable in the longer term.

2.35 We consider that the present system of grants for temporary improvements, while it has undoubtedly made many polling stations more accessible, is not the most efficient use of funds available. We consider that funds would be better spent on permanent improvements. However, these should be conditional on the premises continuing to be used for election purposes.

2.36 Finally, we also regard it as important to recognise that implementation of key provisions in the Disability Discrimination Act 2004 from 1 October 2004 will mean that the owners of many of the buildings currently used by Returning Officers that are not fully accessible will need to have adjustments made to meet the new statutory obligations. We therefore regard it as premature to impose any additional statutory obligations to ensure accessibility specifically to polling stations. More critical is ensuring that Returning Officers should have rights to use suitable buildings in public ownership – and so avoid expenditure on adapting less accessible temporary structures.

Returning Officers should be given statutory powers to use all accessible publicly owned buildings as polling stations to enable them to fulfil the requirements of the Disability Discrimination Act 1995. Given the provisions of that Act, we do not regard it as necessary at the present time to create additional legal obligations on Returning Officers to make polling stations accessible. However, we will keep this situation under review and examine progress in two years time.
There should also be a review of the policy and procedures for obtaining grants to provide access facilities for disabled people, with a view to providing more funding for permanent alterations as well as temporary alterations available to Returning Officers.

2.37 The Commission will also be making recommendations and suggestions concerning accessibility at polling stations in our forthcoming good practice guidance.

Review of premises used as polling stations

2.38 We consider that it is important for premises used as polling stations to be reviewed over a set period of time and asked for opinions on this in our consultation paper.

2.39 Currently, legislation requires local authorities to keep polling places under review. However, as mentioned before, a polling place is not necessarily the premises used as a polling station and – other than in Northern Ireland – there is no mention of the timescale for review. In Northern Ireland, polling premises are reviewed by law every four years and the Chief Electoral Officer for Northern Ireland carries out more frequent reviews if and when it is deemed necessary. The Chief Electoral Officer has to produce a draft scheme of polling stations and this is open to consultation for a set period.

2.40 Our consultation paper suggested that premises used as polling stations in Great Britain should be reviewed every two years. There was almost total support among respondents for the idea that polling stations should be reviewed regularly, although there were differences of opinion on how this could be achieved.

2.41 Many local authorities have told us that they already carry out reviews of polling stations on a regular basis and said that a change in the law was not necessary. Some stated that they review all polling stations on election day, asking Presiding Officers to complete a form giving details of any access issues. However, a number of administrators pointed out that they may not have elections within a two-year period in a particular polling station if they have whole council elections, so reviewing the premises this frequently would not be productive. Further suggestions were that premises should be reviewed every four years or that there should be a rolling programme of reviews over five years.

2.42 In addition, there were some useful suggestions from respondents as to who should carry out reviews. One response suggested that local authority committees or portfolio holders in Cabinet could carry out this task. Alternatively, reviews could be carried out on polling day by completion of a pro-forma by the Presiding Officer at each polling station. We do not believe that legislation needs to be prescriptive in this regard. However, the Commission strongly agrees with the respondents who suggested that reviews should involve disabled people from the local area. We also consider that reviews should be made public and a set programme of repairs and upgrades to the sites should be instituted in time for the next known set of elections.

We recommend that the law which currently applies in Northern Ireland should be extended to the rest of the UK, imposing an obligation on Returning Officers to review the accessibility of all polling stations in their area over a four-year period.

In the meantime, we would encourage all Returning Officers as a matter of good practice to carry out reviews of the premises that they use on a regular basis. We also recommend that Returning Officers should involve local groups of disabled people in their reviews and that the review process should be as transparent and open as possible.

List of premises used as polling stations

2.43 We asked in our consultation exercise whether Returning Officers should be required to maintain a list of polling stations giving details of access at each polling station. The vast majority of respondents replied positively to this suggestion, considering that it would help disabled electors decide how to vote. However, some concern was expressed that publicising details of

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8 Representation of the People Act 1983, section 18.
9 Electoral Law Act (Northern Ireland) 1962.
accessible polling stations should not be a substitute to making them accessible.

2.44 From the responses we received, it appears that many Returning Officers already compile such a list. Many respondents stated that this would be easy to maintain and update as necessary. This list would also help when giving advice to members of the public and would be useful to the Returning Officer. However, some doubts were expressed, including suggestions that no-one would read the list and querying where it should be published. Some responses suggested that there should be no obligation to keep a list but information on polling stations should be provided on request. Others pointed out that polling stations can change from election to election and, even within a single building, different rooms can be used.

2.45 We consider that maintaining a list would facilitate responding to any requests that are received. With many authorities already reviewing their polling stations, we consider that maintaining this list would not be an onerous duty on Returning Officers, nor would it require much extra work to set up and keep up to date. The list could be updated after any review or elections when feedback is received from Presiding Officers. Some of the software packages used for election management include a notes section in the listing of polling stations and this could be used to record details on accessibility.

2.46 A few Returning Officers provide details of the accessibility of their polling stations on the poll cards they issue. A list of the accessibility of polling stations would make it easier for other Returning Officers to do this if they wished.

Use of alternative polling stations

2.47 Across the UK, the present law requires that each elector on the register of electors be allocated to one polling station. Any elector who wishes to vote at an alternative polling station is not permitted to do so. One possible way to overcome the problem of an inaccessible polling station is to allow voters to chose to vote at another polling station within their electoral area. This is already the case in the Republic of Ireland, where electors with a disability who have difficulty gaining access to their local polling station may apply to have their vote transferred to a more accessible station in their constituency. However, there are many more restrictions on postal voting in the Republic of Ireland than in most of the UK.

2.48 Responses to this question were mixed. Many of the respondents agreed with the principle that electors should be allowed to vote at any polling station that they wished, but pointed out that, at present, practical considerations made this impossible. Other respondents stated that they believed any uptake of this would be minimal and any provision to allow voting at alternative polling stations would significantly increase the cost of elections. Many of the organisations who responded to the consultation paper were also concerned that the ability to vote at alternative polling stations could be used as an excuse not to provide accessible polling stations and were concerned that this could lead to a reduction in funding.

2.49 At a practical level, allowing electors to vote at any polling station could cause problems with providing ballot papers and lead to difficulties at the count. There could also be problems with electors receiving the correct ballot papers if they vote at an alternative polling station. Electoral areas can vary considerably in size. In a Parliamentary election, the electoral area is the entire constituency with numerous polling stations, whereas at parish level, there could just be one polling station for the electoral area, so there would be no choice of polling stations in this particular instance. Using an alternative polling station would involve greater travelling as electors are presently allocated to a local polling station. However,
any elector who chose to use an alternative polling station would no doubt take this into consideration and could also consider the option of a postal or proxy vote.

2.50 In principle, many respondents were positive about the idea that electors should be able to vote at any polling station without the need to notify the Returning Officer in advance. This would assist not only disabled people, but also those who faced other difficulties in attending the local polling station (e.g. time pressures or absence from home on work duties). There was general agreement that if there were an online register, so the details of all electors were held at each polling station, voting at any polling station would be possible and easy to administer. This would also reduce the possibility of anyone abusing the system by voting twice.

2.51 At present, the only practical way that an elector could vote at an alternative polling station would be to give advance notice to the Returning Officer. This is permitted under law for staff employed by the Returning Officer and police officers on duty at polling stations. Such staff have to apply for a certificate of employment which they then present to the Presiding Officer at any polling station within their electoral area. This is most widely used at Parliamentary elections when many polling staff will be on duty at polling stations in the constituency where they are registered, but not at their allocated station.

2.52 Allowing this to be used more widely could lead to various problems. It has been pointed out by respondents from local authorities that they would not want to be in the position of judging levels of disability and eligibility to use special facilities. There was also concern that if a provision were granted only to disabled voters, it could be argued by able-bodied voters that they were being discriminated against by being forced to attend their own polling station. We have already stated that it is not our intention that any of our recommendations would disadvantage any elector, whether disabled or not.

2.53 Some local authorities already include details of accessibility on their poll cards. This obviously helps electors to decide whether or not they would need to vote at an alternative polling station. If a general entitlement were to be introduced, in deciding if they needed to vote at an alternative polling station on the grounds of accessibility, electors would need to have details of alternative polling stations and in this case the list of polling stations describing access would be important.

2.54 At the moment, although we sympathise with the view that electors should be able to vote at any polling station without having to give notice to the Returning Officer, we recognise that this is not possible without a major change in the way elections are run and the introduction of an online register at polling stations. However, we consider that some small changes would be possible in the current framework without creating excessive burdens on Returning Officers. Electors would need to apply in advance to the Returning Officer and they would need to specify the alternative polling station within the electoral area. This would apply only to electors with a disability which prevented them from accessing their own polling station. Returning Officers would need to publicise the list of accessible polling stations so that electors would know which were the accessible polling stations in their area.

We recommend that with the introduction of an electronic register and the prospect of e-enabled elections, provision is made to allow voters to vote at any polling station that they wish.

Until this becomes a reality, we recommend that a system similar to the certificate of employment is available to anyone who has a particular need to vote at an alternative polling station in the electoral area for the election concerned on the basis of a demonstrable access need. The onus would be on the elector to apply and demonstrate the need to use a different location. The final decision on whether to permit use of an alternative polling station would be for the Returning Officer. The cut-off date for such applications would be the same as for absent voting applications, i.e. the sixth working day before the day of poll. The register at their allocated polling station would need to be marked to

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10 Representation of the People Act 2000, schedule 4, paragraph 2(5).
prevent voting twice. However, we would stress that this provision is in no way seen to be an alternative for fully accessible polling stations.

2.55 The Commission will be evaluating electronic voting as part of the pilot schemes for elections to English local authorities held in May 2003 and making recommendations for the future development of the pilot programme. We have also made separate recommendations in our report on registration for the development of a national electronic register and the piloting of online registration. We hope that the increasing use of pilot schemes will, over time, develop technology to a point where the possibility of electors choosing a preferred polling station can be made a statutory requirement.
3 Ballot papers, statutory forms and notices

This chapter looks at how difficulties in reading or understanding written material can lead to further access issues. The electoral process – from registration to voting – involves a range of written information that is not always couched in language, or provided in a format, that is readily intelligible.

Current legal framework

3.1 The Representation of the People Act 2000 introduced new statutory obligations on Returning Officers to ensure greater access to the electoral process. These include a requirement to display a large-print ballot paper in each polling station, and the mandatory provision in each polling station of a device for visually impaired voters which uses Braille.

3.2 In addition to these legal provisions specific to elections, the Race Relations Act 1976 gives local authorities various duties in respect to race equality. The general duty set out in section 71(1) of the Act and the statutory Code of Practice on the Duty to Promote Race Equality¹¹ is to have due regard to the following three objectives:

• eliminate unlawful racial discrimination;
• promote equality of opportunity; and
• promote good relations between people of different racial groups.

3.3 Councils are required to publish a race equality scheme. This lists the functions and policies assessed as being relevant to promoting race equality. The scheme also includes an explanation of arrangements for monitoring policies and services, consulting on them and assessing their impact on race equality and for monitoring the workforce and key employment practices. We consider that local authorities should consider taking these issues into account when considering access to the democratic process. However, this is certainly not universal practice at present.

Key issues

3.4 Although welcome developments, recent changes in the law have not gone to the heart of the problems inherent in the system. Our consultation paper asked questions on a variety of issues linked to the provision of

accessible information. We received a wide variety of responses from local authorities and groups representing disabled people. Disappointingly, no responses were received from groups representing people from ethnic minority communities. However, the Commission’s report on Voter engagement among black and minority ethnic communities, a review of existing research on voter engagement among black and minority ethnic communities in the United Kingdom, did examine these issues. The report states:

The procedures and language of registration and the information provided at the polling station or for remote voting can inhibit the participation of certain black and minority (BME) communities. There is a need for more user-friendly language for some forms available in the English language … and a need to increase the availability of translated materials for older members of certain BME communities. … In order to encourage the turnout of older members of certain BME communities it is important that voting and publicity materials include translated guidance. It is important to establish national standards for quality and good practice with respect to the translation of materials from English into other languages.  

Ballot paper design

3.5 The Commission has carried out a separate review on ballot paper design and looked at the issue of providing ballot papers in other languages. The access consultation raised further questions about alternative formats (Braille, large print, audio tape) for ballot papers. A range of concerns about practical issues when producing ballot papers in alternative formats raised in the responses. Typical of the questions and issues raised are the following:

• A special ballot paper may identify the voter, thus undermining the secrecy of the ballot.
• The timescale between the close of nominations and the requirement for ballot papers would be tight.
• If a translated template were available, how would the voter mark the actual ballot paper?
• Who would do the translation?
• How would the translation be checked for 100% accuracy?

3.6 The Commission is sympathetic to the idea of producing ballot papers and related material in languages other than English and Welsh. This would allow greater access to the electoral process and enable voters to make informed choices and would also minimise the scope for undue influence being exerted over voters whose first language is not English. However, any obligation to produce ballot papers or other materials in multiple languages would need to be both carefully targeted and adequately resourced. Even with the necessary funds, the tight statutory election timetable that operates in the UK would give rise to a number of practical difficulties. Beyond the issues of logistics, there are also issues of principle about whether it is appropriate to provide ballot papers in many different languages, and how to determine which languages would need to be provided for. The Commission has concluded that an obligation on Returning Officers would, until technology is further integrated into the electoral process, create too many difficulties in operation (these issues are considered in greater detail in our separate report on ballot paper design). We believe that the more appropriate approach for the immediate future is to create a permissive power for Returning Officers to provide sample ballot papers in ethnic community languages where they believe that this would be useful.

3.7 In relation to the provision of Braille or other formats of ballot paper designed for use by visually impaired people, there were conflicting responses. Many respondents were in favour of providing Braille ballot papers, but on request only, to polling stations. Figures from the Royal National Institute for the Blind suggest that there are approximately 12–13,000 people in the UK who can read only Braille. This means that on
average there will be 20 people per constituency who need information in Braille as opposed to another format. In addition, there is more than one form of Braille. This means if Braille ballot papers were provided at every polling station, the chances are that the majority of them would be unused, thereby utilising funds which could perhaps be used more productively elsewhere. Some respondents accordingly took the view that the provision of a Braille ballot paper at every polling station would be a disproportionate response given the existing provision for visually impaired voters at polling stations and alternative arrangements including assistance by companions or Presiding Officers and the voting device for visually impaired people.

3.8 A further concern about using Braille ballot papers is to do with secrecy. A Braille ballot paper would be very visible at a count, thereby showing how that particular individual had voted. Any alternative forms of ballot paper would lead to these ballot papers being highly visible at the count to all those watching the process. At present, all ballot papers are the same, so everyone has the same guarantee of secrecy.

3.9 We asked in our consultation paper whether more detailed guidance notes should be available at each polling station to explain clearly how to vote. We also asked if these should be provided in other languages and/or use drawings which could be understood by all voters. Although the voting process itself is not particularly complicated, it can prove daunting for first-time voters and those with learning difficulties or low literacy skills.

3.10 There were mixed responses to this issue. Some took the view that there was no point in providing any extra guidance because anyone who could not understand the process could ask the Presiding Officer for help. Others considered that no-one would actually read notes provided, so it would be a waste of time producing them. It is certainly true that a bewildering array of notes and notices is likely to be counter-productive. However, it may well be that electors do not read the current notices because they do not look especially user-friendly. Voters may be more inclined to look at a notice that gives clear guidance.

3.11 Some respondents suggested that guidance notes should be pinned up in each polling booth. In some areas, local authorities already provide guidance notes in a variety of languages at polling stations. Others assist electors who do not speak English by employing polling staff who speak those languages used by voters in the local area. It was also suggested that it would be a good idea to develop a pictorial ‘walk through’ explaining how to vote which could be displayed in the entrance to each polling station.

3.12 An alternative suggestion instead of providing information at polling stations, would be to send every household a booklet on voting during the run up to the election. Versions could also be made available in Braille, large print or on audio tape. The Electoral Commission has now produced an easy guide to voting which gives a step-by-step guide to voting, and is also developing leaflets about the voting process at specific elections for distribution through local authorities and others.

3.13 On balance, we consider that providing a pictorial guide to voters at polling stations would be of help to all electors, and that the present prohibition on displaying materials other than the formal notices prescribed in law is not conducive to increasing voter awareness and understanding. Once a design was agreed upon, this could be included as part of the standard package of forms and notices provided to Presiding Officers. The Electoral Commission will consider designing and providing such a guide in various formats.

Guidance notes at polling stations

Braille and large print ballot papers should be supplied in polling stations, as samples only. Visually impaired electors should, however, continue to vote on a standard ballot paper, perhaps using the template, or with other assistance currently permitted by law.
Forms

3.14 Throughout the electoral process, a variety of different forms are used, many using legal phrases which are difficult to understand for many electors. At present, all statutory forms can be produced only in English or Welsh. However, guidance notes, not required by statute, can be produced in whatever languages or formats are required. We asked in the consultation paper if there should be provision for statutory forms to be provided in a variety of languages and formats in addition to English and Welsh.

3.15 There was a range of conflicting responses to this question. Arguments against this move included concerns that it could prove necessary to restrict the number of other languages and this would leave the door open for complaints from voters whose language is not included. It was also suggested that guidance notes in other languages should only be provided in areas which exceed a minimum threshold of the electorate, on the basis that this would avoid wasting resources on producing guidance notes in a language that local voters did not use. A number of respondents expressed concern that ‘an excess of political correctness’ could lead to Returning Officers using resources in producing guidance which did not actually benefit anyone.

3.16 In addition, practical difficulties were mentioned by respondents, including the fact that expertise to validate forms in a foreign language would not be available except at great cost and the ability of others to object to nomination forms would be constrained. There is also the problem that certain legal phrases cannot be directly translated into other languages and Returning Officers could be accused of misleading electors, especially where they do not understand the other languages being used.

3.17 Several respondents suggested that economies of scale could be achieved at national level. We accept this point, and believe that the basic design and content of these notices could be produced by the Commission for local adaptation and use. We consider providing forms in alternative languages would be of help to all those electors who do not speak English as their first language. The Commission could take a lead in preparing any dual language form or notice, which can then be used by local officers to suit local needs. The Commission already produces rolling registration forms and postal voting application forms in a variety of languages and formats.

Returning Officers and Electoral Registration Officers should be given powers to provide key statutory forms (including registration forms, polling station notices, etc.) in a variety of languages and formats in addition to English and Welsh. The languages used would be at the discretion of the Returning Officer. We would recommend that, where this power is used, both English and the second language should appear on the relevant form.

Electoral registration forms

3.18 The Commission has carried out a separate review of the electoral registration process which has made a range of recommendations aimed at making registration more straightforward and promoting participation. In addition, we raised in the equal access review some specific issues regarding use of language in the registration process. We asked if registration forms should ask electors about their information needs, for example, whether the elector would prefer to receive information in large print, audio tape, Braille or another language.

3.19 The main objection to this was anxiety about the large amount of information that already has to be included on the register of electors form. The Commission is aware that some electoral registration forms are already produced in very small print, because of the need to accommodate all this information. The recent provision of the box for ‘opt-out’ of the published register and the explanation required has added considerably to the amount of material that has to be included on the form. It was also pointed out that voter requirements could change between registration and polling day. Others stated that this could not be done because of problems with computer software, although others stated that the technology is already available to store such requests. One respondent summed up the concerns of many administrators:
'It means more work, more cost, more pressure in a limited timescale and more opportunity for error'.
4 Absent voting

The introduction of postal voting ‘on demand’ at all elections in Great Britain has meant that it is more important than ever to ensure that this method of voting is accessible to all. Proxy voting is also important in enabling electors who would otherwise face significant challenges to participation.

Context
4.1 The Electoral Commission has carried out a separate review of absent voting. This review examined access to absent voting procedures for all those wishing to vote by post or proxy. It considered providing assistance to electors in their own homes and the needs of those electors who cannot sign their own forms. We have also examined, in the context of our report on ballot paper design, the design of the information provided to those casting a vote by post or proxy. The recommendations made here reflect the views taken across all the relevant policy reviews; the separate reports on absent voting and ballot paper design can also be read on the Commission’s website at www.electoralcommission.org.uk.

Personal assistance for absent voters
4.2 All disabled voters and those voters who cannot read may have a companion to assist them when voting in a polling station. In the course of the absent voting review, we considered specifically whether different kinds of assistance should be available at the elector’s home (e.g. visiting polling teams) in advance of polling day to mirror or improve on the support offered at polling stations. We suggested that, whilst this facility would primarily be directed towards helping disadvantaged voters, it could also serve as a check on undue influence. Some respondents welcomed this approach and suggested that it should be piloted. However, many respondents were against the idea of assistance being available at electors’ homes as they considered that it would be resource-intensive. Certainly, the Commission accepts that any such assistance could not be provided ‘on demand’ and would need to be subject to clear criteria – perhaps provided only to registered disabled people initially or in designated nursing homes and healthcare centres.

4.3 Responses to a similar question raised in the equal access review consultation exercise backs this up. There was concern that home visits could perhaps be abused. There was also concern that visits to remote rural areas would take up a considerable amount of time. In addition, it should be pointed out that postal votes can
be sent to addresses throughout the UK and also to addresses overseas. It would not appear reasonable, therefore, for a Returning Officer in Cornwall to offer assistance to someone who had requested their postal vote to be sent to Scotland. As one response stated: ‘Returning Officers would not be short of volunteers to give personal assistance to the blind postal voter in Australia’. Any support offered, therefore, would have to be limited to postal votes despatched to addresses within the local authority area.

4.4 We also asked in the access review consultation if there should be a requirement for the Returning Officer to supply to postal voters, on request, the tactile voting device and/or the large-print ballot paper. This provoked concern that providing the tactile device through the post could lead to technical difficulties, although these were not specified.

4.5 An alternative suggestion was that help should be available from a mobile team which could assist the voter to place an ordinary vote in a special ballot box. This service should be available on request to voters with special needs and is perhaps particularly suited to care homes and sheltered housing. The mobile polling team should be authorised to refuse the service if they discovered the elector did not have a special need and was perhaps just too lazy to go to the polling station.

On balance, the Commission takes the view that piloting new approaches to the provision of assistance to postal voters would be useful. The opportunity for such trials should arise in the context of the wider pilots of all-postal voting, and the Commission will evaluate the impact of assistance schemes in that context.

Guidance to be included with postal votes

4.6 At present, anyone wishing to vote by post has to complete a declaration of identity and send back their postal vote using two envelopes. Many electors have found that this system presents them with difficulties and this is evident in the significant numbers of postal votes that have had to be rejected at all-postal elections. The Commission has made recommendations in the absent voting report on the future design of the declaration of identity aimed at making it simpler and more effective in deterring fraud. But there is also a wider issue. Unlike at polling stations, those electors who vote by post have no-one to ask for guidance. With more and more people applying for postal votes and increasingly the occurrence of all-postal elections, we are concerned that postal voters should be given some form of guidance. In many of the all-postal pilot schemes, Returning Officers did provide guidance notes to all electors.

4.7 We asked in the access review consultation if should there be a legal requirement to include with all postal ballot papers a ‘Plain English’ guide on the completion of postal votes containing symbols to explain how to complete and collate the necessary paperwork. We also asked if there should be a requirement to supply this on request in other formats, for example, other languages, a pictorial version or audio tape. This was very well received by all respondents. In fact one respondent commented: ‘throughout the consultation papers to which I have responded I find that the suggestion to include a ‘Plain English’ guide, in a pictorial version, to assist postal voters the one which I can give most support. This is an excellent idea and must be pursued.’

4.8 Many authorities stated that they already provided their own guides to be included with postal votes and sent us some examples. Some have included diagrams to show how to vote and others have produced guidance notes in multiple languages. We consider that a straightforward guide included with postal votes would be of benefit to all electors. This could include diagrams and the Returning Officer could be given discretion to provide alternative formats on request.

We recommend that, by law, all postal ballot papers should be accompanied by a ‘Plain English’ guide on the completion of postal votes containing symbols to explain how to complete and collate the necessary paperwork. As a matter of good practice, this should also be available in other formats – for example, other languages, a pictorial version and audio tape – on request.
4.9 In the meantime, the Commission will design a model guide for this purpose, which we will make available to Returning Officers to use on a voluntary basis.
Our electoral processes are now changing at a faster pace than at any point in the previous 100 years. Added to this is an increasing awareness of the importance of equal access. The Commission will continue to monitor and review equal access in electoral procedures and make further recommendations for changes in the law or good practice as appropriate.

Financial implications

5.1 In the context of our separate review of the funding of electoral services, it became evident that, although sufficient funds are usually available for core statutory electoral functions, the changes to electoral practice since 2000 have not been properly resourced. The introduction of the tactile voting device and large-print ballot paper did not prompt a review of the funding to local authorities from central government as a result of these additional responsibilities, and grants are only available for temporary access improvements to polling stations. Those authorities which are proactive and make permanent alterations to premises are in effect financially penalised because they have to use their own funds.

5.2 In our report on the funding of electoral services, we have recommended that all local councils should conduct an immediate review of expenditure in relation to electoral services and establish whether an increase in budget allocation is necessary. We have specifically indicated that this budget review should take account of the need to provide funding sufficient to support effective service provision and promotion (advertising, PR, outreach and other) of the annual canvass, rolling registration and participation in elections.

5.3 We recognise that any recommendations to improve accessibility will impact on the resources available to the Returning Officer. Alterations to premises and providing alternative notices and guidance notes in alternative formats will all add to the total election bill. In addition, if grants are made available for permanent alterations, obviously the money will have to be allocated from some specific budget. From the responses to consultation received to date, however, the Commission has gathered insufficient evidence to quantify the likely financial implications of these measures. Moreover, these initiatives will interact with other proposals made in other reports. We intend to work with electoral administrators to develop a costed model of change for the package of measures outlined in this report. Other recommendations in this report are also likely to have resource implications for the Commission itself and these will be quantified.
Examining and evaluating electoral practice

Electoral pilot schemes

5.4 During 2003, the Commission will have a number of opportunities to examine further the issues raised in this report. Pilot schemes over the last three years at local elections in England, Wales and Scotland have extended postal voting to replace polling stations and explored new electronic voting methods. In May 2003, there were a further 59 pilot schemes across England.

5.5 A formal disability access audit of the pilot schemes was first carried out for the Commission by Scope, the British disability charity, to inform our statutory evaluation of the 30 electoral pilot schemes at the May 2002 local elections in England. The Commission’s report, Modernising elections, drew on Scope’s Polls Apart: A Future for Accessible Democracy which was funded by the Commission and also published as a stand-alone report.¹³

5.6 Access issues for disabled people have been given a high priority by the Commission and the Office of the Deputy Prime Minister (ODPM) this year when considering pilots and authorising the statutory orders which allow the pilots to go ahead. It is important that no voter faces any more difficulties when trying to vote in a pilot scheme than in a traditional election. Following discussion with disability groups, certain criteria have been agreed in relation to access issues when assessing pilot schemes:

• At all-postal elections, all Orders include a provision that, on request, the Returning Officer shall make arrangements for a member of staff to attend at an agreed time and place to assist any voter who requests assistance in order to be able to vote. Also, on request, the Returning Officer shall make arrangements for the delivery to an elector who is blind or partially sighted, at an agreed time and place, the prescribed tactile voting request. The person who delivers the request can also assist the elector, if requested, and deliver the envelope to the Returning Officer.

• Pilot schemes involving e-voting and other methods of voting have also to meet defined access requirements in order to secure approval from the Secretary of State. The ODPM has published Disability Access Standards for the Electoral Modernisation Pilot Project.¹⁴ These standards have been drawn up in consultation with Scope, Sense and RNIB and draw on the Commission’s evaluation reports. They define the minimum accessibility standards required for each voting platform as well as further standards which technology suppliers should demonstrate that they are working towards. These requirements may be reflected in the legal provisions within the individual pilot scheme orders.

5.7 The Commission will report individually on each of the May 2003 pilot schemes by the end of July 2003, together with a strategic evaluation of the themes and issues emerging from the full range of electoral pilot schemes. There will also be a separate evaluation of access issues, and we will continue to examine these issues as the pilot programme develops.

Elections in Scotland, Wales and Northern Ireland

5.8 We shall also be examining equal access issues in our statutory reports later in the year on the elections to the devolved legislatures in Scotland and Wales in May 2003 and Northern Ireland currently expected in autumn 2003. The analysis should examine the following issues:

• physical access to the electoral process including registration and voting;

• access to voting, including the extent to which polling stations meet standard accessibility requirements, the availability and use of the tactile voting device, and any non-statutory initiatives taken by Returning Officers to facilitate access;

• the extent and nature of training on responding to the needs of electors with disabilities provided by Returning Officers to electoral services staff and those employed in polling stations on election day;

• levels of awareness among electors with disabilities about the facilities and legal provisions available to


assist in voting (e.g. the tactile voting device, postal voting, proxy voting and assistance in the polling booth);

- any difficulties experienced by electors with disabilities voting:
  - in person (accessing polling stations and polling booths)
  - using remote voting (postal or proxy voting);
- any difficulties experienced by electors with disabilities in accessing information about voting including all election literature (poll cards, ballot papers etc.) and advertising (including material produced by political parties and The Electoral Commission);
- specific examples of best practice by Returning Officers and their staff in terms of facilitating access; support and assistance provided to facilitate access for people with disabilities (helplines etc.) and communication relating to disability access;
- any difficulties experienced by voters with disabilities in registering to vote and examples of best practice in facilitating registration of those with disabilities.

5.9 The reports will include quantitative data measuring accessibility using audits and survey research administered by people with disabilities or networks; qualitative findings, including case studies, based on consultation with local networks and groups and constituency visits; and comparisons with disability access at previous elections. These reports will be published towards the end of 2003.

Legislative change and practice guidance

5.10 This review of equal access was prompted by the Commission’s statutory evaluation of the administration of the 2001 general election. In this report and its recommendations, we have sought to address these issues in a comprehensive manner. However, it is clear that this report will not be the final word on access issues in the UK, even for the foreseeable future. We shall continue to keep developments in this respect under review and the projects referred to above will play a key role in this constant review process.

5.11 The Electoral Commission will also be developing and publishing good practice guidance for electoral administrators later in the year. This will include ideas and suggestions received from electoral administrators for good practice and, as already indicated, will draw on ideas and suggestions contributed by electoral administrators, our own observation of elections and the research commissioned from disability organisations across the UK.
Appendix 1

Respondents to consultation our paper

Respondents to the consultation paper are listed below. Copies of individual responses are available to view at the Commission’s offices on request, except in those instances where respondents requested confidentiality.

Local authorities’ responses came variously from councillors, electoral administrators, Chief Executives, Returning Officers or as a ‘corporate’ response.

**Local authorities**
- Adur District Council
- Amber Valley Borough Council
- Birmingham City Council
- Blaby District Council
- Bromsgrove District Council
- Broxtowe Borough Council
- Burnley Borough Council
- Chiltern District Council
- City of Gloucester Council
- Dacorum Borough Council
- Dundee City Council
- East Hampshire District Council
- Exeter City Council
- Gosport Borough Council
- Hampshire County Council
- London Borough of Croydon
- London Borough of Ealing
- London Borough of Enfield
- London Borough of Hammersmith and Fulham
- London Borough of Islington
- London Borough of Merton
- London Borough of Richmond upon Thames
- London Borough of Sutton
- London Borough of Wandsworth
- Newport City Council
- North Tyneside Council
- Northampton Borough Council
- Nottingham City Council
- Pendle District Council
- Penwith District Council
- Perth and Kinross Council
- Peterborough City Council
- Redcar and Cleveland Council
- Renfrewshire Council
- Rushcliffe Borough Council
- Rushmoor Borough Council
- Sevenoaks District Council
- Somerset County Council
- South Ayrshire Council
- South Holland District Council
- South Lanarkshire Council
- Stirling Council
- Three Rivers District Council
- Walsall Metropolitan Borough Council
- Wellingborough Borough Council
- West Dunbartonshire Council
- West Lindsey District Council
- Weymouth and Portland Borough Council
- Worthing Borough Council

**Other organisations**
- Access Association
- Association of Electoral Administrators
- Capability Scotland
- Carlisle Access
- Chief Electoral Officer for Northern Ireland
- Disability Rights Commission
- Electoral Reform Society
- Equal Opportunities Commission
- Equality Commission for Northern Ireland
- Greater London Action on Disability
- Help the Aged
- Islington Access Group
- Leonard Cheshire
- Liberal Democrats
- N.I. Women’s Coalition
- National Assembly for Wales
- Royal National Institute for the Blind
- Royal National Institute for the Deaf
- Rushmoor Access Group
- Scope
- Sense
- Society of Local Authority Chief Executives
- The Elfrida Society
- The National Autistic Society
- The Ulster Unionist Party
- Uttlesford Area Access Group
- Wirral South Constituency Labour Party
Individuals
Sarah Baird-Murray
Victoria Blenkins
Ian Clark
Councillor Alan Hackett
David Kidney MP
Ann McKechin MP
We are an independent body that was set up by Parliament. We aim to gain public confidence and encourage people to take part in the democratic process within the United Kingdom by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties.