



# **Isle of Man Government**

*Reiltys Ellan Vannin*

## **Elections (Keys and Local Authorities) (Amendment) Bill 2024**

**Public Consultation**

**Cabinet Office**

**December 2024**

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# Consultation Overview

Views are sought from the public on the draft Elections (Keys and Local Authorities) (Amendment) Bill 2024 (the "Bill").

The draft Bill is available to view or download as a related document on the [Consultation Hub](#) and should be considered alongside the Elections (Keys and Local Authorities) Act 2020 (the "Act"), which is also linked on this consultation webpage. A keeling schedule of the Act (showing the amendments as they will sit in the Act) is also available as a related document.

The Bill is intended to fulfil several objectives:

1. Correct issues identified with the Elections (Keys and Local Authorities) Act 2020
2. Update elements of the Act to reflect current best practice.
3. Apply new initiatives recommended to and approved by Tynwald.

## Introduction

The Elections (Keys and Local Authorities) Act 2020 was utilised for the first time at the 2021 House of Keys Election and following feedback from stakeholders several areas were identified that needed addressing, some of which required legislative amendment.

A delegation of international observers contributed to a Commonwealth Parliamentary Association (CPA) report on the 2021 General Election.

In March 2024 an Electoral Commission report to Tynwald was submitted following consideration of specified electoral matters.

After considering both the CPA and Electoral Commission reports Tynwald issued instructions, the implementation of which requires some amendment of the Act and will be addressed by this Bill.

This Bill will amend several provisions of the Elections (Keys and Local Authorities) Act 2020, which are:

- Section 3 – Definitions - election regulations
- Section 22 – Powers to make regulations about the publishing of declarations of relevant interest in respect of candidates in Local Authority elections.
- Section 63 - Pre-election meetings
- Section 68 - Powers of Deputy Returning Officer for maintenance of the peace
- Section 81 - Powers to make regulations about the publishing of declarations of relevant interest in respect of candidates in National elections.
- Section 84 – Power to make regulations to enable a voter to be allotted more than one polling station within a constituency at which the vote may be taken.
- Section 88 – To make it an offence for a candidate to fail to disclose relevant interests.
- Section 107 - Tellers – removing the requirement to take an oath of secrecy.
- Sections 136, 140 and 152 – Update to enable a recall by a Tynwald Committee.

It is proposed that the amended legislation will be in place in time for the House of Keys General Election, scheduled in September 2026.

## Previous consultation results addressed by the Bill

The results of previous consultations on electoral matters have been published and are available for review online on the Government Consultation Hub. The consultations requested feedback from a range of stakeholders. Links to the results of the consultations are below.

### 2018 – Elections that work for everyone

The public consultation '[Elections That Work for Everyone](#)', held in 2018, posed a series of high-level questions on how elections should run in the Isle of Man. The responses formed an important part of the review alongside the feedback from a range of direct stakeholders.

### 2020 – Modernisation of the Islands Electoral System 2020

The consultation '[Modernisation of the Island's Electoral System](#)' took the process forward by inviting views on a number of specific questions in respect of Electoral Registration and Election Legislation.

# Proposed amendments and consultation questions

## About You

### **Question 1: Are you responding on behalf of an organisation?**

- Yes, Local Authority (please specify)
- Yes, Deputy Returning Officers (Keys and Local Authorities)
- Yes, Tynwald Members
- Yes, other organisation (please specify)
- No

- If responding on behalf of a Local Authority, please select which:

Andreas, Arbory, Ballaugh, Braddan, Port Soderick, Bride, Castletown, Douglas (Eastfield), Douglas (St Georges), Douglas (Ballabrooie), Douglas (Willaston), Douglas (Glencrutchery), Garff, German, Jurby, Lezayre, Malew, Marown, Michael, Onchan, Patrick, Peel, Port Erin, Port St Mary, Ramsey, Rushen, Santon

- Other organisation:

### **Question 2: May we publish your response?**

- Yes, you can publish my response in full
- Yes, you may publish my response anonymously
- No, please do not publish my response

## Section 3 – Definitions – Election Regulations

An amendment is proposed to the definition of “election regulations” to clarify that these may relate to either national or local authority elections.

### **Question 3: Do you have any comments in relation to this amendment?**

Sections 22 and 81 - Authority for Cabinet Office to publish declarations of relevant interest forms

The Act instructs that individuals seeking to stand as candidates must submit a Declaration of Relevant Interests, and candidates appointed since the introduction of the Act have produced said declarations.

The intention was for these declarations to be published as a matter of public interest however it was felt that the Act did not provide sufficient authorisation for these documents to be published. The proposed amendment to Sections 22 and 81 will provide the necessary authority to collect and publish all candidate's declarations of relevant interests.

**Question 4: Do you agree that all candidates' declarations of relevant interests should be published in advance of an election?**

Yes

No

**Question 5: Based on your response to question 4, please could you summarise why you agree or disagree with publication of declarations of relevant interests?**

Section 63 - Pre-election meetings

Prior to 2020 pre-election meetings were arranged on request by Captains of the Parish (in the same way as requisition meetings) or via the local authorities of Douglas, Castletown, Peel and Ramsey. In response to feedback that pre-election meetings were not always held, the organisation of pre-election meetings was addressed in the Elections (Keys and Local Authorities) Act 2020.

The Act currently requires the Cabinet Office to provide one pre-election meeting per Parish, plus one meeting in the towns of Castletown, Peel and Ramsey and each of the four Douglas constituencies.

In 2021 Cabinet Office organised pre-election meetings in advance of the Keys General Election with Captains of the Parish and Local Authorities invited to chair these public meetings. In feedback received following the 2021 General Election, stakeholders indicated dissatisfaction with the new process for pre-election meetings. In addition to the Cabinet Office pre-election meetings, local media outlets produced a significant amount of pre-election information much of which was available island-wide rather than limited to local areas.

The proposed amendment will remove Cabinet Office responsibility for organising one pre-election meeting per area (as mentioned above). This is intended to allow communities or organisations across the Isle of Man to arrange pre-election meetings to better match the requirements of the electorate. Candidates, political parties, or community organisations can arrange pre-election meetings on various platforms (in-person or online) at times and locations that work best for their local community.

**Question 6: Do you have any comments in relation to this amendment?**

Section 68 - Powers of deputy returning officer for maintenance of the peace

The Act gives deputy returning officers the powers to arrest, detain, try, and convict any person who offends against any of the provisions of the Act. These powers were retained from previous legislation however they have not been exercised nor is there any intention for them to be exercised.

This amendment therefore confirms that although a Deputy Returning Officer must maintain order at an election, any requirement to arrest, detain or remove any individual breaching the peace or committing an offence in relation to an election, would be dealt with via the IOM Constabulary and the IOM Courts as appropriate.

This amendment may not be applied so as to prevent an eligible person from voting.

**Question 7: Do you have any comment on the proposed amendment of section 68?**

Section 84 - Ability to vote in any polling station within a constituency

The Act provides that voters must vote at the polling station within their constituency which is nominated for them to attend.

During the 2021 Keys General Election digital technology was trialled which allowed voters within the South Douglas constituency to vote at any of the three polling stations within that constituency.

Following the successful 2021 trial, and in response to Tynwald's instructions to develop the use of digital options within the administration of elections, it is proposed to roll out the use of this technology island-wide at the 2026 Keys General Election.

In order to improve the accessibility of elections this amendment will allow individuals with accessibility needs to vote at the most appropriate polling station within their allotted constituency.

This proposed amendment changes the Act so that the regulations made under the Act would be able to permit a voter to attend to cast their vote at any polling station within their constituency (or another allotted area). This amendment would permit island wide voting however at present it is proposed to retain polling station allocations to within existing constituency boundaries.

**Question 8: Do you agree that voters should have the option to vote in any polling station within an allotted area?**

Yes

No

**Question 9: Would you like to add any further comment in relation to question 5, or about this proposed amendment?**

Section 88 – Data Protection clarification

The proposed amendment to this section makes clear, in relation to data protection legislation, the purpose for which the declaration of relevant interests may be published (see section 81 above). Nomination papers and declarations of relevant interests are official documents and the publication of them is a task conducted in the public interest.

**Question 10: Do you have any comments in relation to this amendment?**

Section 106 – Offences in respect of nomination papers etc.

The proposed amendment to this section makes clear an offence is committed if a person seeking to become a candidate fails to disclose any relevant interests within their declaration of relevant interests (see section 81 above).

**Question 11: Do you have any comments in relation to this amendment?**



Section 107 - Removing the requirement of secrecy for Tellers

Tellers are people who stand outside polling places and record the elector numbers of electors who have voted. They can then identify likely supporters who have not voted and encourage them to vote before the close of poll.

Tellers have no legal status, and voters can refuse to give information to them. The Deputy Returning Officer is in charge of the conduct of the election. If they are concerned by the activities of Tellers, the Deputy Returning Officers can ask Tellers to comply with agreed behaviour or leave the polling place.

The Act provides that Tellers are bound by the requirement of secrecy, effectively barring them from conducting their role i.e. inform candidates who has or has not voted. This amendment proposes to remove Tellers from the list of people named in the requirement of secrecy. This would allow them to fulfil their role lawfully however feedback has indicated some voters feel intimidated by Tellers requesting information outside polling stations.

**Question 12: Should Tellers be removed from the list of those bound by the requirement of secrecy to allow them to lawfully perform their role?**

- Yes
- No

**Question 13: If you would like to share any additional comments on the role of Teller please add them below.**

Section 136 – How a Member becomes subject to a recall petition process

Section 140 – Speakers notice that recall condition has been met

Section 152 - Definitions

Recall is a procedure by which voters can remove an elected official from office through a petition before that official's term of office has ended.

The Act currently provides for two conditions under which a Member of the House of Keys (MHK) may become subject to recall proceedings; the first condition is met if a Member is convicted of an offence and sentenced to custody, the second condition is met if a Member is suspended for a specified period following an investigation by a House of Keys committee.

Amendments are proposed to sections 136, 140 and 152 to provide for the addition of a third condition which would be met if a Member is suspended for a specified period following an investigation by a Tynwald committee.

Under current legislation any investigation by a Tynwald committee would need to be referred to a House of Keys committee in order to meet the conditions required for recall provision. These amendments as proposed would give equal weight to the outcome of investigations by either Tynwald or House of Keys committees when recall provision may be applicable. This would allow the recall mechanism to interact in a more efficient manner with the associated procedures of the Island's unique tricameral parliamentary system

**Question 14: Do you support the proposed amendment to add a third condition which may trigger recall provision?**

Yes

No

**Question 15: Do you have any additional comments about the proposed amendment to recall provision conditions?**

**Question 16: Do you have any general comments or observations to make about this draft Bill?**

## Thank you

Thank you for taking the time to consider the contents of this draft Bill and to provide your feedback on the proposed changes. Consultation responses will inform the briefing documents provided to Tynwald Members as the Bill passes through the Branches of Tynwald.

Consultation responses will also be collated and published on the [Consultation Hub](#) should you wish to review the outcome of this consultation.

## Contact details

If you have any questions about this consultation, please contact:

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