

Elections That Work For Everyone

Summary of responses to the Cabinet Office consultation on the review of the Isle of Man's election legislation



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Introduction

A full public consultation was undertaken from 5 April to 20 May 2018 inviting views on how elections should be run in the Isle of Man.

The Cabinet Office received 109 responses to the consultation; 5 organisations/Local Authorities/political parties/Tynwald members and 97 individuals responded.

- 31 gave permission to publish their response in full
- 58 gave permission to publish anonymously
- 13 did not give consent to publish on the Consultation Hub

These responses will be made available via the Consultation Hub from 25 June 2018.

Clear themes emerging from the consultation responses include:

- Accessibility
- Modernization and digitization
- Consistency between national and local elections
- Need for guidance and good practice information

The Cabinet Office is grateful to all those who took the time to submit their views to this consultation.

Please note that the comments used in this report are copied directly from the consultation hub verbatim.

Direct Consultees

In addition to views being welcomed from the general public the following stakeholders were directly invited to contribute to the consultation:

- Tynwald Members
- Returning Officers
- 2016 Keys election candidates
- Registered political parties
- Local Authorities and Department of Infrastructure

Principles

The consultation sought views on the following aims suggested as principles which should underpin future policy and legislation for elections.

Aims for Future Election Legislation

- Robust; protecting the integrity of free and fair elections
- Clarity; no areas of grey
- Simplicity; easy to understand
- Consistent; across all public elections
- Modern; enabling of future technology, where appropriate
- Clear on obligations of officials (i.e. Electoral Registration Officer, Returning Officer, Presiding Officer)

87% of respondents agreed that the above aims were correct for electoral legislation and registration, 12% disagreed.

Other aims identified that respondents felt should also be considered included:

- **Online Voting**
- **Democracy**
- **An increase in voter turnout**
- **An inclusive and accessible system for all**
- **Ensuring integrity of the system**

National and Local Elections

The consultation explored whether there should be consistency across electoral events in the Isle of Man.

In response to this section, overall the majority of respondents agreed that there should be more consistency among National and Local Elections. 87% of respondents agreed that there should be a single piece of primary legislation covering all public elections on the Isle of Man. 74% thought that the qualifications and requirements for candidates to be eligible to stand for election to the House of Keys or a Local Authority should be the same.

42% of respondents thought that the House of Keys and Local Authorities should have the same term of office, with the majority agreeing a 5 year term most appropriate, however, 34% of respondents thought that the term of office should be four years and 20% felt that they should not be the same. 50% of respondents thought that the Local and General Elections should be held on the same day

Some of the comments from those who thought the elections should be held on the same day are as follows:

- It could cut costs
- May be easier to administer

However, most of the comments received in relation to holding elections on the same day were from respondents who did not feel it was a good idea for some of the following reasons:

- Confusing for the electorate
- May cause difficulties and confusion administering two ballot counts
- Dates should be well apart, in order to facilitate movement of candidates between Local Authorities and the House of Keys
- Local and national interests are not the same and should be treated differently

94% of respondents thought the means of advance, absent and proxy voting should be the same for House of Keys and Local Authority elections for electors who do not wish or who are unable to vote in person.

With regard to Local Authority elections, 80% felt that there should be a requirement to declare political party affiliation on the ballot paper, as it was for House of Keys elections in 2016.

89% of respondents also answered that Local Authority candidates should be under the same requirements for candidate expenditure and declaration of donations as House of Keys candidates. Some of the comments received from respondents in agreement with this are as follows:

- Should be the same for both
- Transparency
- There may be exceptions which need to be made but the principle should be the same
- To ensure a level playing field for candidates
- Transparency is a fundamental principle in democracy

As to whether the rules for Local Authority Elections should be consistent with House of Keys Elections the vast majority (88%) of respondents agreed.

Option	Total	Percent of All
Yes	96	88.07%
No	9	8.257%
Not Answered	4	3.670%

Polling Day

The consultation raised questions surrounding the organisation and operation of polling day for the General Election.

In response to this section, 79% thought that the House of Keys General Election should continue to be held in September. Whereas others (18%) felt that it would be more appropriate to hold a General Election in a different month of the year.

Historically elections in the Isle of Man, like the UK, have been held on a Thursday. Other countries hold polls at the weekend. The majority (64%) of respondents thought that elections should continue to be held on Thursdays. Of those who disagreed (33%) the most popular choice was for an election to be held on a Saturday (12%).

Polling stations are currently open for a 12 hour period on polling day from 8am to 8pm; whilst in the UK they open from 7am until 10pm. Most respondents (57%) felt that the current 12 hour period of 8am to 8pm should not be changed. However, 39% felt that the opening times should be amended with the most popular option (21%) from these respondents being 7am to 10pm.

The consultation asked whether 'tellers' or candidate supporters should be allowed outside a polling station. 52% of respondents felt that tellers and agents should not be allowed and 45% disagreed. Those who thought they should not be allowed said:

- Privacy should be respected
- No I think that there is little advantage to this and may even put people off going in to vote we must have faith the officers at the station ended with the correct legal requirements then it should not be necessary can be intimidating

- They can be a problem bothering people who just want to vote

Some comments by those who thought tellers/agents should be allowed are as follows:

- Only outside the building
- Designated areas required and set aside for this purpose at the discretion of the presiding officer
- Voters may wish to ask questions
- No more than two per candidate
- The election should be open to scrutiny from participants (or their representatives)

Voters are not currently required to show identification at the polling station. A large number of respondents (68%) agreed with showing identification when voting, often citing it as a means to prevent electoral fraud; others saw it as unnecessary, bureaucratic and a potential deterrent from voting.

Alternatives to Voting in Person

Appointment of a proxy to vote on your behalf, known as proxy voting, is available for electors who **are unable** to cast an advance vote or vote in person.

In Local Authority elections if you are unable to vote in person you may cast an **absent** vote by making arrangements with the Local Authority.

Views on proxy voting were split; 49% of respondents felt the practice of proxy voting should continue for House of Keys elections, however, 49% felt that proxy voting should no longer be allowed as an option with the general feeling that the practice was open to abuse and fraud.

Views were sought on the concept of postal voting; the majority (72%) of respondents agreed that there should be postal voting as an alternative to the current advance and absent vote systems.

61% of respondents thought that there should be no restrictions on who can exercise an advance vote. They said:

- If there were to be then it would inhibit democracy
- Should be online voting too
- Should have a legitimate reason
- Not required if postal alternative in place
- Restricted, eg to incapacity or absence from IOM

Returning Officers

The consultation raised questions in relation to the current rules which exist in relation to Returning Officers. Currently Returning Officers are usually advocates for a General Election, in relation to the question as to whether this should remain the case, 83% of respondents thought that the Returning Officer did not need to be an advocate, the general feedback received was that if adequate training was provided to a professional then the Returning Officer would not need to be an advocate. 61% of respondents thought that the

Returning Officer could be a Government or Local Authority employee; some comments received are as follows:

- These people are already in a position of trust
- There would need to be a strict code of conduct and declaration of any interests if either national or local government employees were to be returning officers
- This would be preferable to the current system
- I think they need to be separate from Government - some professional body would suffice
- As long as they follow standardised and legal rules then it should not matter
- Given the responsibilities which attach to the role, any person undertaking it would have to be of sufficient experience and seniority so as to ensure the proper conduct of the election. Also, sufficient resources would have to be made available to meet the costs of the usual roles of the employees concerned being undertaken by others.

A strong steer was given regarding politicians acting as Returning Officers in Local Authority elections; 89% of respondents felt this was not appropriate with the majority of respondents stating that this was a clear conflict of interest.

In relation to the question as to whether there should be a specific offence of acts of omission/breach of official duty by a Returning Officer and/or his/her staff, 87% of respondents answered "Yes". A selection of comments received in respect of this question, are as follows:

- Absolutely, this should be expressly clear with stiff penalties for all that undertake these duties
- It acts as a deterrent to lax practices
- But only in serious wilful or negligent circumstances
- No but clarity needed as to what happens when incidents occur
- The whole democratic process can be undermined if procedure is not adhered to

Election Candidates

The consultation posed a number of questions regarding election candidates ranging from the provision of "ordinary" hospitality, expenditure and guidance linked to a statutory code of conduct.

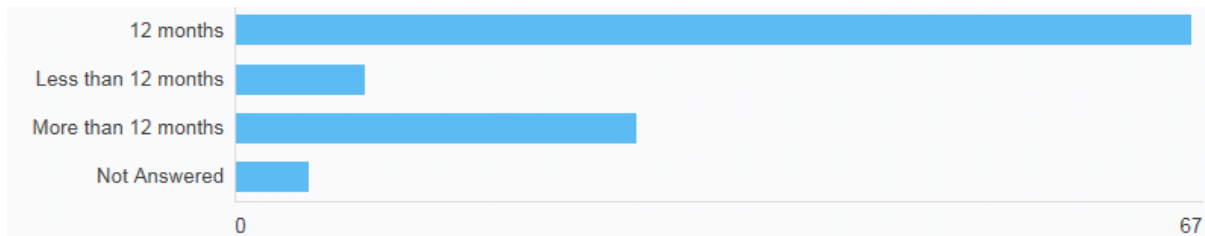
The first question asked in this section of the consultation was whether candidates should be allowed to provide ordinary hospitality at public meetings (i.e. food and drink). Views on this matter were fairly evenly split: 53% of respondents agreed that ordinary hospitality at public meetings would be acceptable, while 42% felt that this was not acceptable. Most respondents who thought it was acceptable felt that this should be limited to light refreshments i.e. tea and biscuits. Some of the comments made were:

- restricted to light refreshments ie tea and biscuits
- limited to tea, coffee, biscuits or soft drinks

- why not for goodness sake allow refreshments particularly if a candidate is funding a hall for a 'meet the candidate session'?
- perhaps a nominal limit of £1 per head, this would exclude alcohol and extravagance
- I do not believe that a reasonable amount of food or drink would influence a vote. I believe that it is customary in this country to offer tea indeed I would go a step further to say that it is a politeness. I would very much doubt that a soft drink and a biscuit could be called as bribery.

The next question asked was “over what period a candidate/prospective candidate or individual should have to declare any expenditure or donations received prior to a poll?”

61% responded 12 months, 26% responded more than 12 months and 8% thought it should be less than 12 months:



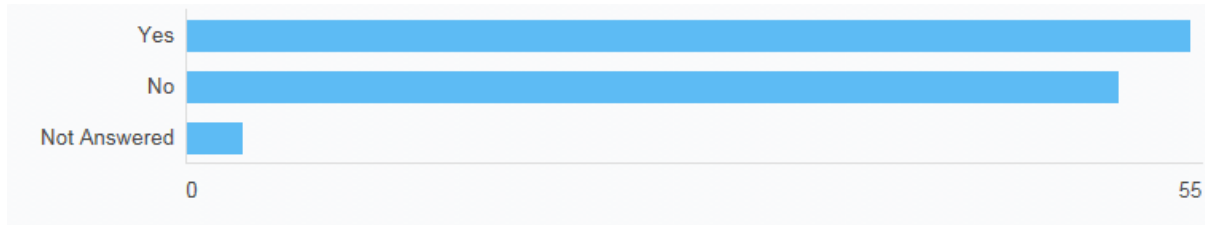
As to whether the current limit on expenditure by a candidate of £2,000.00 plus 50p per registered voter was appropriate, the majority of respondents felt that this was adequate, with 70% stating “Yes”



As to whether all candidates (successful or otherwise) should have to declare their expenditure on their campaign costs, 89% of those that responded to the consultation said “Yes – all required to declare expenditure”. A selection of comments received in response to this question, are as follows:

- There should be a complete list of what was spent and who spent it and on what no matter what the results and the public should be able to inspect this
- Because it could give them an unfair advantage just because they have more money behind them
- if they don't declare there is no point in having a limit
- Otherwise how will we know how much is spent. I know that some of the manifestos that were printed would definitely have challenged the £2000 cap I appreciate the 50p per voter increase as well

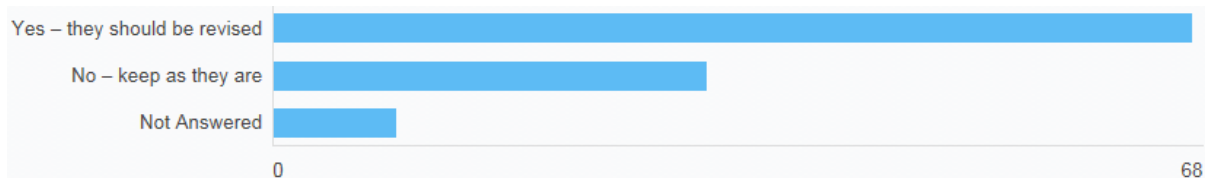
There was clear divergence over the issue of Government funding postage costs for manifestos; 51% of respondents thought that Government should continue to pay for the postage of candidate manifestos, given that there are alternative methods to promote policies, 47% felt that this was not necessary.



Some of the comments received regarding this question are as follows:

- Not everyone has internet access, but postage should come out of the allowed expenditure and not be funded by the rate or tax payer
- Although all manifestos could be posted out together to save expense and express a sense of fairness
- Not everyone has or wants email
- Not all people have reliable access to IT
- Cannot risk disenfranchising those who cannot see manifestos online etc
- Post on-line. Give voters option to receive by post but try and save paper

62% of respondents think that the definitions for election offences of bribery, treating and undue influence, should be revised:



However a large amount of comments made on this section of the consultation expressed the need to review these definitions and to revise them if appropriate, examples of comments below:

- Reviewed - not necessarily revised
- Reviewed and revised if required.
- Reviewed rather than revised to ensure all behaviour is monitored.
- Reviewed and updated in line with changes what would generally be regarded as corrupt. A woolly answer but it is not a clear cut subject.

As to whether the use of social media by candidates and parties should be covered within the law, 84% of respondents agreed.



92% of respondents thought that it should be a requirement for any member of the House of Keys or a Local Authority who is standing for re-election, to declare any donations made to electors in the 12 months prior to the scheduled date of the election in question:



Nearly all respondents (95%) agreed that there should be guidance for candidates linked to a statutory code of conduct for all elections, whilst 54% stated that such a code should also contain clear guidance on the provision and placement of posters and other advertising. Other responses to this question were in favour of specific guidelines, details below:

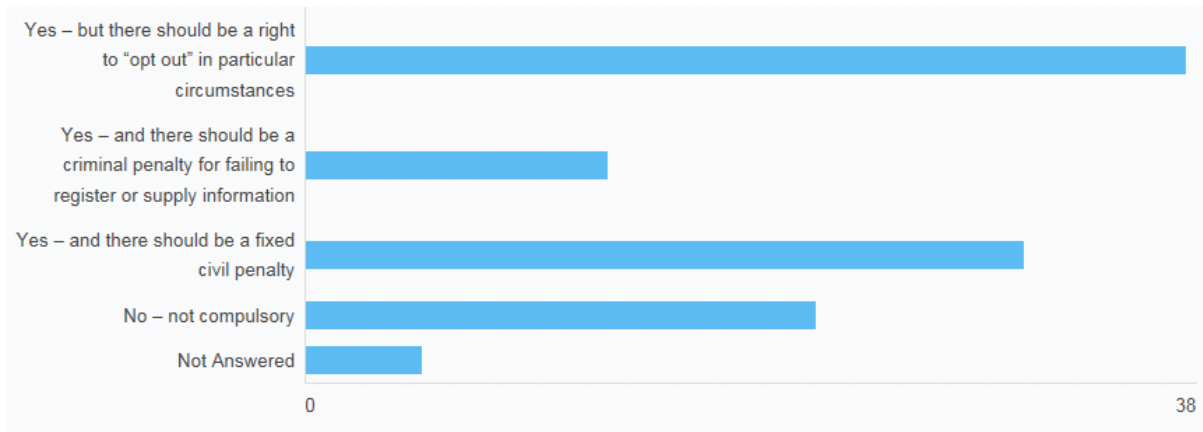
Option	Total	Percent of All
Also clear guidance on removal of posters	9	8.257%
Clear, statutory, guidance	5	4.587%
Limitation to size and location of posters	4	3.670%
Maybe	1	0.9174%
more clarity required, currently too open to interpretation	1	0.9174%
One candidate should not be allowed to be the sole promoter in an area, there must be space provided in equal amounts for the other candidates to advertise in their area	1	0.9174%
Posters should be time limited and equal in number for each candidate	1	0.9174%
social media guidelines	2	1.835%
Unsure what current guidance exists	1	0.9174%
within the £2,000 spending limit	1	0.9174%
Yes	59	54.13%
Not Answered	31	28.44%

Registration of Electors

The next section of the consultation focussed on the Registration of Electors and specifically on how data should be collected and from where or whom this data should be obtained.

Other questions raised in this section relate to the Annual Canvass, the Full and Edited registers and compulsory registration.

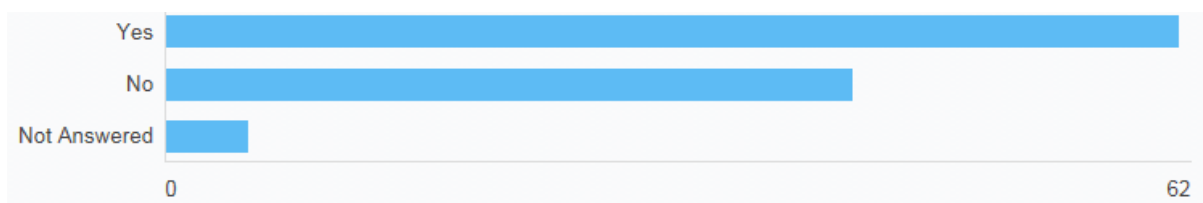
Currently electoral registration is compulsory and the consultation enquired if this should remain so? Most of the respondents felt that registration should remain compulsory (75%) and 20% thought it should not. There were three Yes options in the consultation with different caveats, the full spread of which can be seen in the graph below:



The most popular response was Yes – but there should be a right to “opt out” in particular circumstances.

In relation to whose responsibility it should be to ensure that eligible electors are registered, 51% of respondents stated that the responsibility lay with the individual, 28% stated that it was Government by using data it already holds and 17% felt that it was the responsibility of a person acting on behalf of the household.

In respect of whether you should be registered automatically using data or information that the Government already holds, 57% of respondents said “Yes”

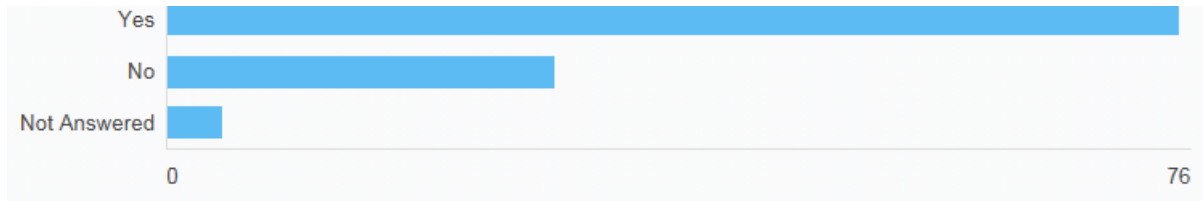


There were a number of comments in support of this option and some comments also voiced concerns, examples are as follows:

- However responsibility still rests with the individual
- So long as it from a limited source e.g. NI or the source is at least declared
- Too much information leaks into the public domain or is/has been sold offered to private companies; that is why people don't like registering
- As a starting point this will at least pick up some 'movers' who you can contact if everyone were to supply an e-mail on the registration form
- Data should only be used for the intention it was originally given

- Not sure this would not fall foul of data storage and sharing, every gov dept has different info
- I strongly object to my personal data being passed from one Government department to another

Currently in order to be eligible to vote you must have been resident in the Isle of Man for a 12 month period, the consultation asked if this was sufficient, 70% thought that this residency criteria was still relevant.



Of the 26% of respondents who thought 12 months was no longer relevant, the following suggestions were made:

Option	Total	Percent of All
10 years	1	0.9174%
12 months	9	8.257%
12 months sole residency - no voting in multiple jurisdictions	2	1.835%
2 Years	4	3.670%
3 months	2	1.835%
3 months - only if in full time work	1	0.9174%
3 years	1	0.9174%
5 years	11	10.09%
6 months	3	2.752%
As soon as you move to the IOM	1	0.9174%
In line with tax residency legislation	1	0.9174%
should be longer than 12 months for Ministers & the Chief Minister	1	0.9174%
Not Answered	72	66.06%

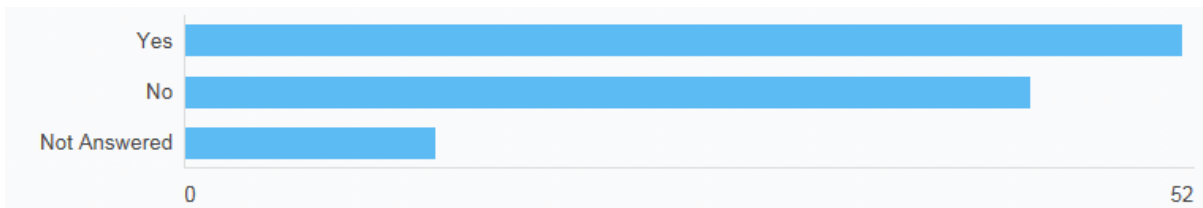
46% of respondents thought that the Electoral Register should be updated annually, 22% felt that it should be updated quarterly, 18% suggested updating the register only in the year of an election and 7% thought the register should be updated on a monthly basis

57% of respondents felt that there should be an Annual Canvass with 36% stating that the canvass should just be held in the year of a General Election.

69% agreed that an Edited Register should continue to be compiled, a number of comments were received in relation to the Edited Register and a selection of these responses are as follows:

- The edited register has always been so if it isn't broke don't fix it
- Too much info is sold or made available to other organisations and not for what it was intended
- People's privacy is extremely important
- There has to be an opt out from direct marketing as this is not the objective of collecting this data. If there is no opt out for addresses being sold, it will put people off replying and probably contravenes GDPR
- The register needs not to be used for marketing without voter's consent
- I would prefer that the electoral register is not sold or distributed in any way. if that were the case, then there would be no need for an 'edited register'. As that is very unlikely to happen, an edited register is better than one that is open to all and sundry. The information should only be used for voting

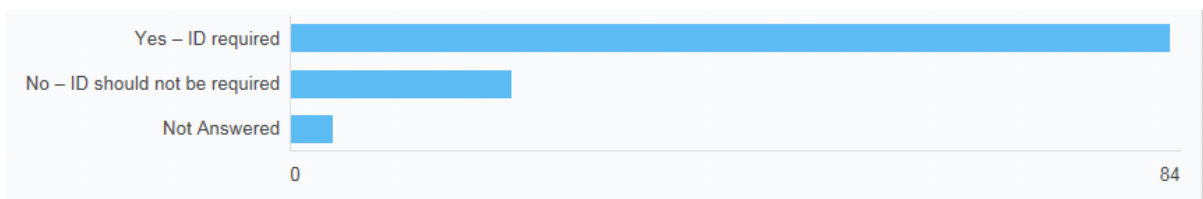
With regard to continuing to compile an Edited Register, 48% of respondents felt that an elector should be deemed to have opted out of the Edited Register unless they have specifically agreed to opt in.



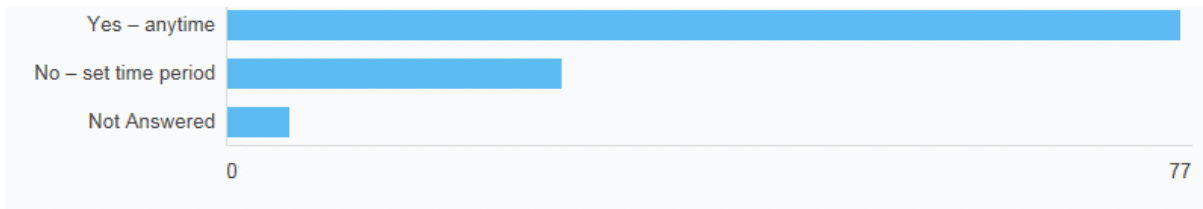
There was clear support for making available a facility for anonymous registration, for individuals whose safety may be at risk if they appear on the Electoral Register with 79% of respondents agreeing. Some comments made by respondents on this topic are as follows;

- But only under strict assessment and recommendation from Police and Social Services
- As long as it is a vigorously applied criteria
- There are always privacy issues but on an Island this small - hard to hide someone
- Provided it's not abused by people who simply don't want their details to be in the public domain

Question 44 of the consultation enquired as to whether first time applicants should have to provide proof of identity and/or evidence of their eligibility for registration, 77% of respondents agreed that ID should be provided.



71% of respondents confirmed that objections to register additions, changes or deletions to the register, should be capable of being made at any time.



In relation to the question as to how long before an election should it be possible to register to be able to vote in an election, there were diverging views, however, the most popular suggestion was 1 month prior to an election, with 19.27% suggesting this option, the spread of these results can be seen below:

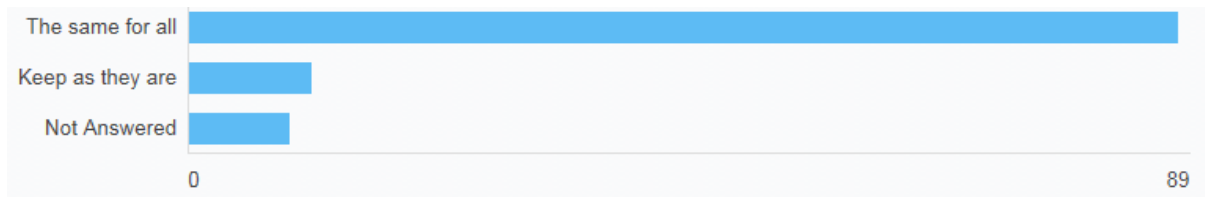
Option	Total	Percent of All
1 day	4	3.670%
1 month	21	19.27%
1 week	7	6.422%
1 year	7	6.422%
10 days	1	0.9174%
2 months	5	4.587%
2 weeks	8	7.339%
21 days	1	0.9174%
28 Days	1	0.9174%
3 months	8	7.339%
30 Days	0	0%
6 months	12	11.01%
6 weeks	1	0.9174%
Anytime between Elections	1	0.9174%
As short as possible	4	3.670%
No limit	1	0.9174%
not necessary if election compulsory	1	0.9174%
On the day of Elecions - with provisos	2	1.835%
Unsure	1	0.9174%
When date of Election is Announced	2	1.835%
Not Answered	23	21.10%

The majority of respondents (63%) also felt that it should not be possible to apply to be added to the register on the day of an election, subject to the necessary safeguards and requirements being in place, a sample of comments received in relation to this question are as follows:

- Once the election is announced that is it and no voters should be added
- There should be no need for this as it shouldn't be possible to qualify to vote on the day but not previously have been qualified, except where it is the voter's 16th birthday or the day on which they complete 12 months of residency - in both cases these should really be captured in advance by the annual canvass

- Too hard to administer- the calculations become more complex on the night if extra numbers are added
- This would place an intolerable burden on admin staff and the operation of the election, and why should people who had ample opportunity prior to the election date be able to 'get away' with last minute applications?
- No reason for such late additions and no time for the people standing to make their policies known to this person

82% of respondents thought that the date for the provision of the register should be the same for all elections i.e. General Elections, By Elections and Local Government Elections.



Other issues

During the stakeholder meetings a number of other assorted issues were raised, upon which it would be useful to get the views of the public to help shape future policy direction, the results and associated comments in relation to these issues are detailed below:

1. Should members of the public (registered electors) have the ability to recall elected Members in certain prescribed circumstances? In response to this question, 76% answered "Yes" with 20% of respondents disagreeing:

A selection of comments on this question are as follows;

- I think it is poor if there are rules about who can stand and things happen to members during their tenancy which would have rendered them ineligible to stand, but they may continue. I think it is appalling if members commit a criminal offence and are convicted, like drink driving, and can continue in their role, funded by tax payers
- Evidence or strong suspicion of dishonesty, criminal activity or serious immoral behaviour. Serious departure from electoral pledge or failure to even attempt without reasonable excuse
- But - there has to be a robust process for recall by an Independent Board, not other politicians or civil servants, who can propose an elected member to be recalled. It has to be a completely government free process to avoid any 'contamination'
- Circumstances must be very clearly defined and must include specified minimum required registered voter number requirements
- Once elected Members must be free to exercise their prerogatives and not be the subject of a campaign in the media; recall is open to abuse

Yes	83	76.15%
No	22	20.18%
Not Answered	4	3.670%

2. Should there be a fixed period between an employee leaving the service of the Government or a Local Authority before that person can stand as a candidate for election to the same body? 50% of respondents felt that there should be no fixed period between an employee leaving Government or Local Authority Service before standing as a candidate in an election for the same body, however, 47% felt that there should be a fixed period, a selection of comments received in relation to this question are set out below:

- A person who has been an employee should have broken all ties for at least 12 months
- It depends on what their job was, where they worked
- I do not believe it is appropriate to exclude public employees from standing for election at all
- unfair advantages if inside government employees stand
- Whilst this is difficult on the Island, a clear conflict of interest may arise regardless of seniority. A time period of at least six months should be mandatory
- This would exclude employees from standing for fear of loss of employment if they were unsuccessful

3. Should a candidate be allowed to stand in more than one Constituency/Local Authority area at the same election?

85% of respondents felt that a candidate should not be able to stand in more than one Constituency/Local Authority area at the same election:



4. Should a candidate have to live within the Constituency they wish to represent?

53% responded that a candidate does not need to live within the constituency they wish to represent and 43% felt that the candidate should live in the Constituency they wish to represent.

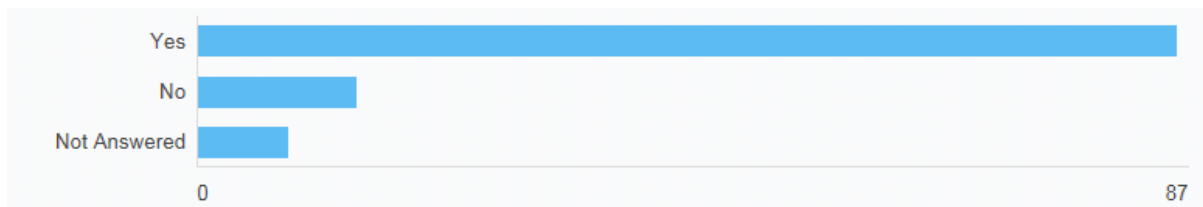
5. Should there be universal guidance for the conduct of election counts to ensure consistency of practice?

There was a very clear steer in response to this question with 98% of respondents agreeing, a number of comments received are as follows:

- It was totally lacking at the last General Election, hence the ensuing chaos that followed
- Yes. Past errors show this is essential
- Would avoid any future problems notwithstanding emergencies
- There should be guidance, but it shouldn't be too prescriptive. There are many ways to carry out the count, all of which come to the same result, even if they are not identical
- Absolutely essential. Question for me is why isn't there already?!?

6. Should there be an additional process to deal with election complaints which do not fall within the election petition process?

80% of consultation respondents agreed that there should be an additional process to deal with election complaints.



A selection of comments received in respect of this question are as follows:

- The petition process needs reviewing. as per q2. The AG should be reserved as a final resort for decisions to prosecute or not and not be involved in the early stages of investigation. An additional layer is required. There should be an experienced person overseeing all election complaints who is then able to elevate those that require it to the police or to another body, say the LG / Cabinet office. Only as a last resort should the AG be involved
- An independent ombudsman
- As long as it is independent of all politicians and civil servants
- The rules and guidance should cover the process. Why open the door to complain about something not within the election process
- Appeals should be heard within 4 weeks so the results can be changed promptly if needed

The final question in the consultation enquired if the respondents had any final thoughts that they would like to put forward, there were a high number received and a selection of these are as follows:

- There are a number of areas that require further discussion, for example there are no questions in respect of the polling stations themselves. It would be useful to

discuss the difficulties in obtaining suitable buildings, the diverse nature of the constituencies, the amount of stations and the sizes of polling districts

- General observation. Voter turnout is low (disgracefully so in local elections) in all elections. Anything which increases voter turnout should be encouraged
- We need to be modern and I note that there is no question about electronic voting I am aware that this is not currently a consideration but many of the complaints that were levied at the last election could and would have been dealt with by this modernisation

If I was to stand again for any election then I probably will not attend the count as I found the count a very embarrassing and quite frankly frustrating for the most part inaccurate, until rectified at the last minute, experience of my life and the result either way did not affect me! A standardised professional and well organised election process would/should give me the confidence to sit at home and let the process take its path. Even a request for a recount seems dubious surely it should be accurate and checked at the time

- Time to catch up with the 21st century and allow voting online on the day of the election. This is the best way to ensure the maximum number of voters are able to vote. Registration for elections should also be an online system with a central register which can be accessed from any polling location if someone wants to go and vote in person anywhere
- There will always be people who complain about how difficult it is to register/vote but it isn't and you will never be able to get everyone involved if they don't really want to be
- A greater openness for the possibilities of electronic voting as a way on increasing participation
- I would like to see the choice of electric voting by means of doing so online as this would help people like myself who are disabled - security would have to be in place but this could be done quite easily within the frame work that government already has
- Elections should be undertaken on a single transferrable vote system this would ensure that candidates cannot be elected who represent an inordinately small number of electors
- Due to lack of space here I would refer you to www.democracyisleofman.com
- Bring back true STV, without the option to plump. This means anyone who is elected obtained more than 50%
- Should be an island wide election for ISLAND REPRESENTATIVES as MHKs.....
NO constituency reps except as commissioners

In addition to the above responses a paper was also submitted from Smartmatic concerning the advantages of electronic voting.

The next stage of the Elections That Work For Everyone consultation will entail reviewing all the responses received and setting out a list of conclusions and recommendations based upon this feedback. The review will also look at the practicalities of any suggested changes and the feasibility and cost implications of implementing any change or enhancements to the current system.