Modernisation of the Island's Electoral System

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



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Introduction

A full and public consultation was undertaken from 18 November 2019 to 06 January 2020 inviting views on issues regarding the registration of electors and on how elections should be run in the Isle of Man.

The Cabinet office received 140 responses to the consultation; 29 from organisations/Local Authorities/political parties/Tynwald Members and 111 from individuals.

- 31 gave permission to publish their response in full
- 85 gave permission to publish anonymously
- 24 did not give consent to publish on the Consultation Hub.

The permitted responses will be made available via the Consultation Hub from 28 January 2020.

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.

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
- Isle of Man Law Society
- Registered political parties
- Local Authorities
- Department of Infrastructure

Principles

Following an extensive review of the Island's electoral legislation and an initial high-level consultation, the Cabinet Office has proposed two new Bills to underpin future policy for compiling the electoral register and for running elections, namely the "Registration of Electors Bill 2020" and "Elections (Keys and Local Authorities) Bill 2020".

Registration of Electors

The first section of the consultation focuses on the registration of electors, including 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 for electoral registration, lifelong registration and the full and edited versions of the registers.

The current electoral registration system is conducted on a household basis each year. The Registration of Electors Bill 2020 proposes changes to support a new system based on the principle of individual registration.

76% of respondents to the public consultation felt that registration should be the individual's responsibility and 20% thought it should not.

Question 1 Do you agree that individuals should be responsible for their own registration, rather than the head of household?



Yes	/6%
No	20%
Not Answered	4%

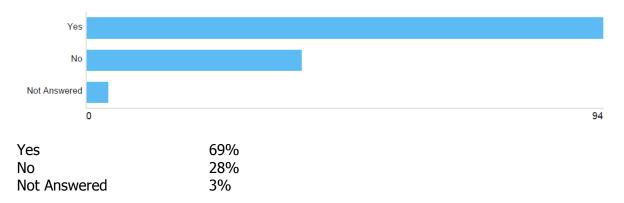
There were a number of comments raised in association with changing to an individual registration system, a selection of these comments are as follows:

- It is not always clear who is head of household, therefore individual information needed
- I wonder though whether this will lead to a lower registration from some voters who have less inclination or capacity to deal with paperwork/emails etc. Broadly and perhaps stereotypically the young and the old. Whereas now I would imagine whoever is the person in the household who normally deals with paperwork will do it regardless of whether they are the householder or not.
- The head of the Household is a back dated term which should be consigned to history. Nowadays we accept greater responsibility for our own actions so registration should reflect this.
- If I recall correctly 16 year olds are now enfranchised. Based on my own experience
 of my two children (one of whom is 16, the other just turned 18) they are unlikely to
 take any notice of any communication they might receive on this subject; indeed
 they never bother opening any post including bank statements and take little notice
 of email.
- If you want to vote then register yourself.

 The concept of and reference to Head of Household is archaic and needs to be removed. The electoral system needs to promote and reflect equality irrespective of gender, age, employment status, financial status.

Question 2 in the consultation asked if there was support for the concept of lifelong registration, with the onus on the individual to update their details when their circumstances change.

69% of respondents agreed with this approach and 28% did not

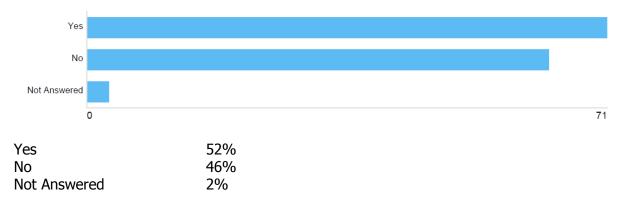


Some comments raised in relation to this question were as follows:

- Provided the system does not become complex as usually happens with Government registers
- Yes please, it has been very frustrating working off island for a while but remaining a
 Manx citizen during the time but being taken off the electoral role. This would
 support overseas workers better.
- If we accept point one here, then it means that the individual is taking responsibility the same way as they would for example when moving home and changing their bank details to show that move
- There is a presumption on your part that individuals will embrace the opportunity and responsibility to maintain their registration. Yes they renew driving licences, passports, road tax etc. but they need to do this. Given the low level of turnout at each election I seriously doubt people will bother. I'm a professional chap, and my frustration with the poor quality of candidates offered means I haven't bothered to vote in recent times. An opportunity to "opt out" would be very attractive and I know I am not alone in this thinking.
 - I also suspect the last thing someone leaving the island will do is to cancel their registration. How are you going to identify that person should not be on the list in good time?
- Agree, so long as it is a simple process to update details and reminders are issued via media. But how does the process capture people who leave the Island, or passaway?
- Lifelong registration would certainly help with office administration and costs. While government should make people aware/advertise people need to tell them when their circumstances change it should definitely be the responsible of the individual at the end of the day.
- There should be an option to update details online.

Question 3: "Do you agree that any changes to the electoral register should be published every month?" generated mixed views and a close overall result.

52% of respondents agreed that the registers should be published monthly, while 46% did not agree. Concern raised in relation to additional administration and costs associated with publishing the registers monthly.



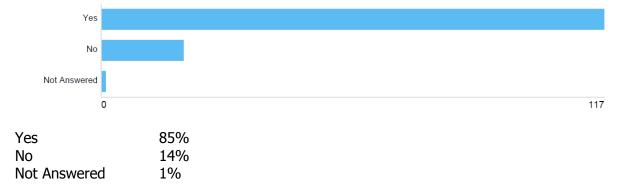
Some comments raised are as follows:

- I doubt that there would be enough changes to the electoral register to merit publication every month, rather, it should be at most every two months, or even once a quarter. Also, the cost of frequent publication should be borne in mind.
- Yes please, I re-registered in may this year having been back a year, and did not receive any confirmation that I am on the register still.
- As long as this is not significantly more bureaucratic/costly.
- I have said yes, but cost implications need to be taken into account, so my yes is only if that is done using the least costly way of doing so, which would possibly mean on-line
- This would mean that the register is as up-to-date at any given point in a month as it can be. Helpful for by-elections as well.
- This seems unnecessary, quarterly seems adequate.
- Yes this would make it easier for those who wish to vote but maybe have recently just moved address or forgot to register to vote at all
- Subject to cost. i.e. only if electronic

Although monthly publication would create an administrative change, it is important to point out that the Cabinet Office does not intend to print/publish the whole register monthly. Any changes (additions/deletions) would instead be published monthly by means of an alteration notice and these amendments would be collated into the register.

This should not result in any additional costs or adversely increase administrative duties. This change would enable individuals to be placed on the registers monthly instead of having to wait for a period of three months, as is the case within the current quarterly publication.

There was clear consensus among respondents to **Question 4** which enquired: "Do you agree that it should be possible for electoral registration information to be verified using other data already held by the Government?



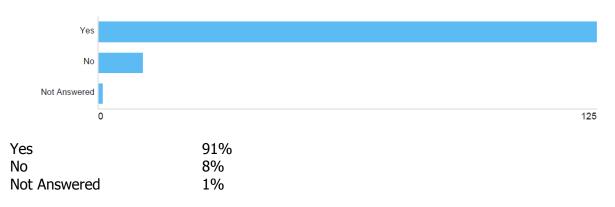
Some comments raised regarding this question were as follows:

- Sounds more streamlined.
- As long as there is a clear reason to do this and the source of the other data is clear beforehand.
- Yes, never had a problem with this, and where a voter is not known to the polling office staff, they should also provide proof of identity and not just a polling card
- Government holds details of tax information, payroll data, census information in many ways, life today is very much like Big Brother is Watching you why can the information held on us not be used for electoral registration?
- Need more details on where the data will come from and what affect it will have to the individual.
- People providing information for other purposes should be informed that it may be used in this way
- Subject to compliance with all aspects of GDPR including the individual's right not to permit data to be visible to third parties.

Special categories of qualifying persons

Question 5 enquired if there was support for special voting arrangements to be introduced for people normally resident in the Isle of Man who are serving in the Armed Forces, public servants and students who are overseas?

91% of respondents agreed with this approach. However, a number of comments were raised as to why this should be restricted to the Armed Forces, Students and Public Service employees. Just over 7% of respondents suggested that special arrangements should be extended to all Isle of Man residents who are temporarily overseas due to employment/study commitments.

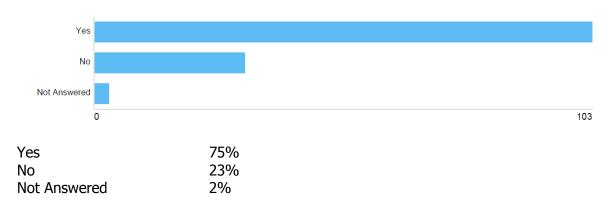


A number of comments received in relation to this question are as follows:

- If we are to be truly democratic then yes arrangements should be made for them. It
 makes sense that their voice should be heard after all what the government does
 applies to them as well
- Non-residents who maintain a close relationship with the island such as students should be able to participate in the electoral process if they wish to. Individuals who do not work or reside on the island should not. (And I am struggling to identify how many public servants reside overseas - I think not many but if they're are then they have, through their selection of job, chosen to leave the island albeit temporarily
- Armed forces and students as long as they have visited for a given amount of time or are informed of manifestos prior to voting.
 No to public office personnel - if they have chosen to work abroad, then that should come with restrictions to voting
- Provided an address in the Isle of Man is their registered place of abode.
- But why only public sector workers? It is quite possible private sector employers could require staff to be off-island for extended periods? There should be a level playing field.
- There should also be included those resident but working off island, not just those on public service
- Giving that they are likely to return to the Island or still largely based here when not working / studying, it seems un-democratic that they would be entitled to less of a say.
- Non-residents should not be able to to vote.

Question 6 enquired if people agreed with the introduction of anonymous registration to help protect the identity of a person who is deemed to be at personal risk?"

75% of respondents agreed that this was a sensible approach and 23% did not agree. There were a number of respondents who felt that enabling anonymous registration could leave the register open to abuse and 7% of respondents stated that the conditions for anonymous registration should be clearly defined and that there should be strict criteria applied in order to determine a person's eligibility to be anonymously registered.



Some of comments on this question are as follows:

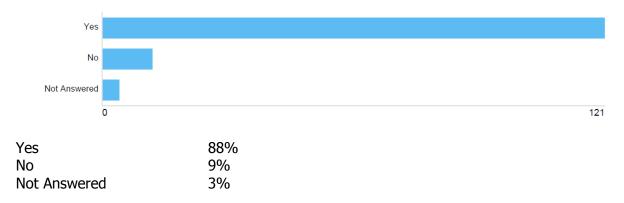
- This is a qualified yes; it would be good to have clearer delineation by the Cabinet
 Office of what particular types of categories of persons will be deemed to be "at
 personal risk".
- Yes, there are people who have suffered abuse, domestic or otherwise, who need
 this protection. There have been cases where the roll has been used by the abuser
 to find their victim and have committed further acts of abuse against them
- Will require regulation so that it is not abused
- But only if this could be proven to not be an issue at the polling station perhaps they would only be allowed to vote online or home votes
- No name, no vote.
 Too easy to miss-use.
 How to stop multiple registrations?
- Providing there are clear and consistently applied criteria

Electoral Registration Officer

Question 7 enquired: "Should there be a Deputy Electoral Registration Officer, who can act in the role of the Registration Officer during periods when the Electoral Registration Officer is absent from office?"

There were a number of comments from respondents who agreed with the proposal, although some respondents stated that this should not be a newly appointed role but should be held by an existing Civil Servant. The Cabinet Office agrees with this position and envisages that the role will be held by an existing Civil Servant and the duties of this role will be incorporated into that officer's daily duties with no additional cost to Government.

88% of those that answered this question agreed that the role of Deputy Electoral Officer should be created and 9% felt this was not required.



Some comments were raised as follows:

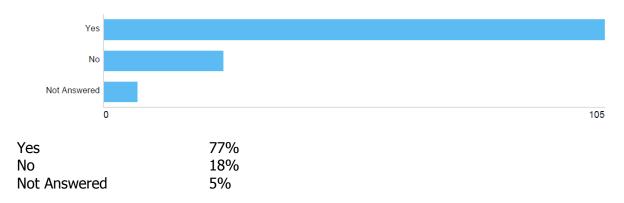
- Should these people work for an independent electoral commission rather than government?
- Pretty obvious to have a deputy!!
- All elections in the Isle of man should be undertaken by the local authorities, who
 are perfectly capable of managing their own elections, there have been more
 mistakes in the past, caused by lawyers with no election or returning officer
 experience. We could also bring in election observers from the UK just to ensure
 things are run properly, the same situation exists in most Commonwealth small
 countries of which the Island is a member.

- Providing the role can be assigned to an existing employee. Would be opposed if a new post had to be created.
- Only when the Registration Officer is absent for proper reasons and not to pass on responsibilities to another person and therefore being unaccountable. This should be only for emergency use and short term only to hold the Registration Officer accountable.
- It is very wise to have someone who can stand in; none of us know what is going to happen today or tomorrow.
- Absolutely must have a contingency in case of illness, incapacity or death.

Provision of information to electoral registration officer

Question 8 asked: "Do you agree that people who provide false information or who fail to comply with the legislation should receive a civil penalty?"

77% of respondents felt that it was appropriate to introduce a civil penalty where an individual provides false information or for failing to comply with the proposed legislation.



1.5% of respondents felt that this should remain a criminal offence and just over 5% stated that it should not be compulsory to provide information to the Electoral Registration Officer

A number of comments raised in relation to this question are as follows:

- This seems like a reasonable change.
- If it is done with intent not in the case of a genuine oversight
- it should remain a criminal penalty, rules of the election and ancillary matters are enshrined in statute law, and are not a civil matter
- with some allowance for memory lapses or other unavoidable reasons
- Providing false information should remain a criminal offence. Failing to comply by not registering at all should be a civil matter unless it can be proved that the individual is attempting to evade any lawful requirement at which point it would become criminal
- The rules should be made absolutely clear to the public and also taught in school, along with the reasons why people should be registered.
- Giving false information should remain a criminal offence; not completing the form should be a civil case. Everyone should be registered, even if they choose not to vote.

Supply of information contained in register

Question 9 enquired: "Do You Agree with the abolition of the edited version of the electoral register?"

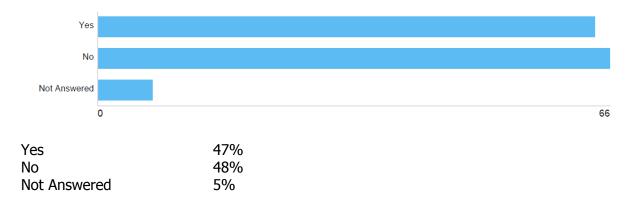
There are currently two versions of the electoral register – the 'full' register and the 'edited' register. The full register contains the names and addresses of every registered elector. The edited register omits the names of electors who have asked for their details to be left out.

The edited register is commercially available to purchase without restrictions and is frequently used for direct marketing purposes.

48% of respondents to the public consultation disagreed with the proposal to abolish the edited register, while 47% agreed.

However, the comments submitted appear to highlight a misunderstanding on the part of some respondents who mistakenly believe that the full register will be sold in the absence of the edited register. That is not the case.

The full register will remain available for use by credit reference agencies, as currently happens, but will not be available for purchase by 'junk mail' companies.



Some comments in connection with the abolishing the edited version of the register are as follows:

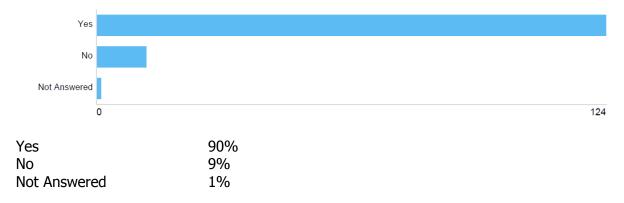
- The edited register should be maintained, so that it can still be used for commercial use by companies for direct marketing, advertising, etc. See this British Library guide to potential uses for the edited register in the UK https://www.bl.uk/britishlibrary/~/media/subjects%20images/government%20publications/pdfs/electoral-registers-and-their-uses.pdf
- I would prefer there to be an edited version which is public and from which anyone can opt out.
- Under GDPR, why should our edited details be available to purchase? The impact of GDPR causes chaos in many workplace situations, for example education and health, so why should my details be out there for anyone to buy?
- The edited version allows individuals to protect their data from being misused or sold. It works perfectly well for both this purpose and to protect the vulnerable. Allowing someone to register anonymously is pointless. Presumably, the Government

- will still know who they are and, if they are no longer permitted to sell the data or publish it, effectively we are all 'anonymous' except from the Government?
- Selling personal information is appalling. Allowing third parties to access private information is also dubious. The edited version is essential if public access is to be allowed to the register.
- The government has no right to sell our personal details to commercial organizations, and any government or government employee to do so is unfit for office and totally unworthy of respect. 'Defined statutory purposes' does not preclude future law being made to add purposes which certain government parties see as useful but which are not in the public interest.
 - The idea is appalling. I would not consent to it under any circumstances. Should it happen, please be prepared for mass disobedience on the island and regular off-island publicity of our government's contempt for basic principles of human rights. Do you seriously want a return to our 1990 world image?
- However, I would need clarity about what statutory purposes are including what this is now and, if any changes are proposed what statutory purposes would be.

Discretion to permit persons to vote

Question 10 enquired: "Do you agree that there should be discretion to add a person to the electoral register before an election if that person has been excluded in error, by an act of omission or under extenuating circumstances?"

The vast majority of respondents agreed with this approach with 90% agreeing and 9% against.



Some of the comments are as follows:

- An independent electoral commission should encourage everyone to register to vote,
 & to use their vote.
- I agree with this proposal, but clause 17(1) in the Electoral Registration Bill is clumsily drafted. It currently reads: "Discretion is hereby conferred on the Cabinet Office to allow to vote in an election a person whose name or other relevant personal data does not appear in the last alteration notice published before that election ("an excluded person"). The exercise of this discretion is not required to be manifested in a statutory provision." Rather, this clause should read: "The Cabinet Office may, having had regard to the considerations set out in section 17(2), allow a person whose name or other relevant personal data does not appear in the last alteration notice published before an election ("an excluded person") to vote in that election".

- I think this would've gone a long way to correcting the mess some years ago when thousands of voters were denied a vote.
- In appropriate circumstances certainly!

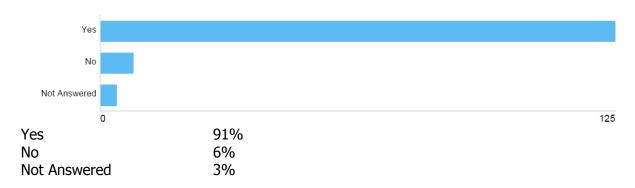
Election Legislation

This part of the report details the responses received in respect of proposed changes to running elections in the Isle of Man.

Consolidation of election rules

Question 11 asked: "Do you agree that election rules should be consolidated into one piece of primary legislation?"

An overall majority of 91% agreed that this was the correct aim in respect of election legislation, 6% did not agree.



Some of the responses received in relation to this guestion are as follows:

- Generally speaking, there is far too much law. As much consolidation as can be achieved would be desirable.
- the whole election legislation has become too complex and difficult to understand ,both by returning officers and candidates there also needs to be the same criteria at polling stations, as we hear too often one returning officer will permit something and at another polling station which another returning officer will not, we require consistency, and a proper explanatory memorandum of what should happen at the polling stations and the election count also mobile phones and texting should be banned during the count and until the election results have been formerly announced by the returning officer, the count spoiled votes etc. is subject to secrecy.
- Having been involved in running and assisting with elections on the island for nearly 50 years it always seemed strange why there is separate legislation.
- This should make the system more effective/efficient.
- And to establish an independent electoral commission for the Isle of Man at the same time

Minimum age requirement

Question 12 enquired if the minimum age requirement to be elected to either branch of Tynwald or to a Local Authority should be 18 years?

64% of respondents agreed that the minimum age requirement should be the same for both branches of Tynwald and Local Authorities, the consensus being that the same rules of entry should be applied to all.

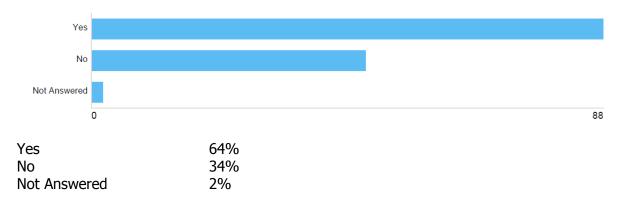
34% did not agree with this and there were a number of alternatives suggested as follows:

12.5% suggested the minimum age should be 16

8% suggested the minimum age should be 21

4% suggested the minimum age should be 25

4% suggested the minimum age for MLC's should be older than 18



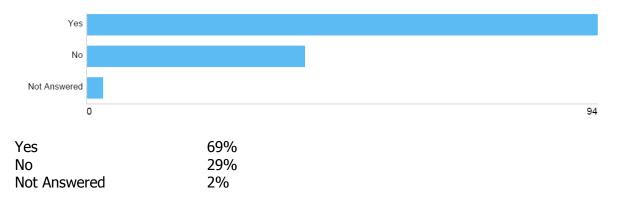
Some of comments received are as follows;

- I agree with this proposal, there does not seem to be a rational reason for this current disparity in ages between age requirements for voting for the different branches of Tynwald.
- I believe that people entering the Legislative Council should have more life experience as at the current time it is not a Public vote and as such should be 21 years or older
- As 16 year olds can vote (as well as marry, have children etc.), why can they also not stand?
- At 18 you are classed as an adult and old enough to vote or qualify for the House of Keys. Therefore to qualify as a member of the Legislative Council at under the age of 21 is discriminating.
- Although I can't see realistically a person of this age having the skills and experience necessary to carry out the role. The disparity is a nonsense.

Public servants as candidates

In respect of **Question 13** regarding whether a person in receipt of an Isle of Man Government salary should be able to offer themselves for election to either branch of Tynwald without first having to resign or retire 69% of respondents agreed and 29% disagreed.

11% of respondents stated that while they agree with this, were a Public Employee successful in their campaign then they must stand down by either resigning or retiring from their Public Office.



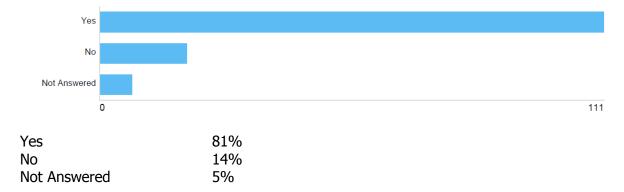
Some comments raised are as follows:

- If by "A person in receipt of an Isle of Man Government salary" it means a Government Minister of the Isle of Man, then that person should resign or retire from his or her post before offering him or herself for election to either branch of Tynwald.
 - However, an ordinary Isle of Man civil public servant (i.e. civil servant) should not have to resign or retire before offering themselves for election to either branch of Tynwald rather, such a person should have to take a temporary leave of absence.
- They should only have to retire or resign if elected.
- Some public sector workers far better understand the issues facing government than other outsiders and it makes sense that they should be able to stand on a similar basis.
- yes provided they resign if they are elected and do not use their position to further their campaign
- I cannot agree with this, as it is put here. Take a temporary leave would be better, then if elected resign, if not then it would be unfair of them to lose their livelihood.

Disqualifications

Question 14 asked if the six members of the Isle of Man judiciary (First Deemster, Second Deemster, Judge of Appeal, Deemster, High Bailiff and Deputy High Bailiff) should be disqualified from serving as members.

81% agreed, 14% disagreed and 4% of respondents suggested that were a member of the judiciary to resign or no longer hold an appointment within the judiciary then they should be able to serve as a member.



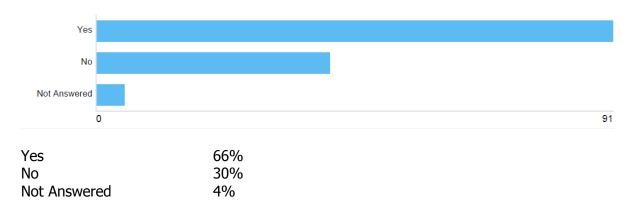
Some of the comments raised are as follows:

- Yes, this seems like a rational proposal.
- yes , but if they wish to stand they can resign and stand at an election , we used to get Deemsters offering themselves for election and serving in the legislative council following retirement ,their input was excellent and wisdom and experience much valued
- Justice and gov need to be kept separate
- As long as they resign or retire from their judicial roles, I think they would improve Tynwald immensely.
- The judiciary should be fully independent of politics
- Should not prevent them standing once retired

Day of election

Question 15 asked: "Do you agree that national elections should take place on the fourth Thursday in September once every five years and that local elections take place on the fourth Thursday in April once every four years?"

66% agreed with this and 30% disagreed, a number of other suggested dates were put forward by respondents as possible alternatives. 6% felt both elections should be held on the same date, 3% stated that holding elections on a weekend or Sunday would be more appropriate and may encourage a greater turnout on polling day.



Some of the comments raised as in association with this question are as follows:

- I would prefer a Sunday but suspect it would be more expensive.
- Why a Thursday?
- Collate them, so that they all happen at the same time. This would save time, money and disruption.
- there has been a demise in local authority elections, four years is too long, the wards in Douglas were set up with a number of members so there was an election every year with a councillor retiring by rotation, moving away from this has been a mistake that needs to be revisited, fourth Thursday in September is good for house of keys election as it gives candidates the whole summer to canvas, and prepare for the election
- It would be better to hold the National elections on the first or second Thursday in September. This would depend on which day of the week the first of September fell on.

The schools usually return from Summer holidays on an early Tuesday in September. Manx students studying in the UK and elsewhere tend to return to their studies in the 3rd week of September.

I would suggest holding the election on Thursday following the Tuesday on which the schools return.

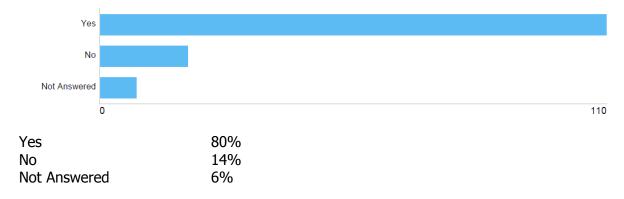
This would maximise people on Island for voting as this is outside school holidays but before students commence study years at off Island University and Colleges. Bringing forward the election by less than 14 days would not be a major change. It may help increase voter turnout and participation by younger people.

• I think we need to have a review on why we would separate the two from being held on the same day and understand what is better for good turnouts and engagement from both electorate and candidates.

Extension of term of Keys in emergency

Question 16 asked: "Should the Governor in Council have the power to extend parliament for Local Authorities in a state of emergency in order to align with the current rules governing Keys?"

The vast majority agreed with this (80%) and 14% disagreed.



Some of the comments raised are as follows:

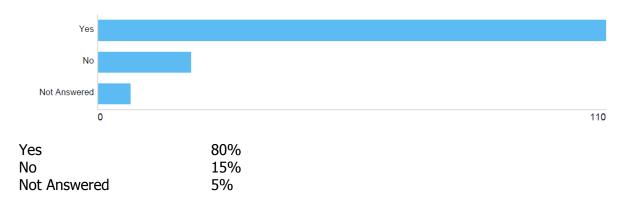
- But only in extreme circumstances of national emergency and only for as long as is absolutely necessary.
- Only if the emergency is clear to all persons, for example a war

- Will need more information but I feel uncomfortable that the Governor in Council will have the power to do this without consultation or a vote amongst ministers.
- Seems logical.
- What would constitute a national emergency that would prevent elections taking place

Report of casual vacancies

Question 17 enquired: Do you agree that Local Authorities should be able to treat unfilled seats at a local election as casual vacancies?

80% of respondents agreed while 15% disagreed.

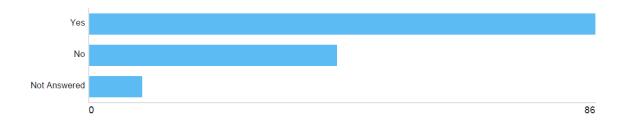


Some of the comments associated with this question are detailed below:

- Yes as long as an election is held
- But everything possible must be done to encourage the Rate payers of an area to stand
- As an additional provision is it worth including a provision to give power to co- opt a
 member or members should such vacancies still exist after re-advertising on say at
 least two occasions. This will save on unnecessary costs being incurred
- Perhaps add:- 'as soon as reasonably practical but within a time period of 90 days
- I believe it is important to carry out by-elections and to fill the seats of the board of that authority.
- The idea that an Island as small as we are should have so many local authorities is frankly nonsense and over governs us.
 - There should be a focus on reducing local authorities to a maximum of four North, South, East, West.
 - Even better would be two authorities, North and South.

Question 18 asked: "Do you agree that the requirement for a casual vacancy election to take place within 42 days should be removed?"

While 63% agreed with this approach 31% did not. There were a number of comments from respondents who felt that there should be a limit on the amount of time for a casual vacancy election to take place. 2% of respondents stated that a definition of "reasonable time" should be entered in the legislation, while 1% felt that the election should be carried out within 60 days.



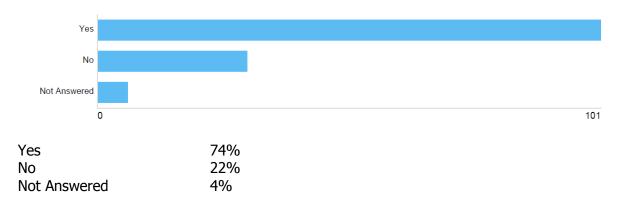
Yes	63%
No	31%
Not Answered	6%

Some comments raised are as follows:

- Remove, more time wasted, if people are serious about serving in a local authority they will come forward.
- 42 days is too long for any LA to be short of elected representatives.
- This has on occasions been difficult to comply with.
 Casual vacancies should occur immediately on death or resignation of a member.
 There should be no need to ask ratepayers to request an election.
- but there still needs to be a definition of reasonable time. This could be dependent
 on the time of year. Garff's election was almost held on New Year's Eve, common
 sense needs to be applied, eg. an election during TT Week or Christmas would be
 madness.
- The 42 day deadline is achievable but can lead to processes being rushed. There should be a time limit, and 42 days may be an ideal target, but extending the limit to 60 days (maximum) would enable the deadline to be met while giving officials and candidates more time to properly prepare.

Registration and conduct of political parties

74% of respondents to **Question 19** agreed that a fine be imposed when political parties do not meet their registration requirements, 22% were against this idea



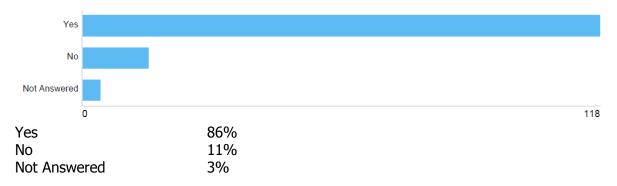
Some of the comments on this question are as follows:

 Yes they should be fully accountable. But also independent candidates should as well, eg tax submission etc.

- Who would decide this and based on what criteria? What level of penalty would be set, fixed/sliding scale? Where would the fines go and what would they be used for? Would the same standards be applied to members who are not part of a political party?
- Or some other means to promote the importance of "not meeting their registration requirements".
- Needs clarification. Is the Bill introducing a new requirement re political support for candidates? How is 'support' defined? Is registration per election or one-off process? If there is already a sanction why does the system need a fine
- Agreed should apply to both types of Election but who would the Fine apply too, Individual or the Organisation or both! Also should it be Criminal or Civil?

86% of respondents to **Question 20** agreed that it should be an offence with penalties imposed when a candidate in any election gives a false statement on their nomination papers such as failing to declare political party affiliation, 14% of respondents disagreed.

Approximately 1.5% of respondents suggested that were a candidate in an election campaign, to give a false statement, the candidate should be disqualified.



Some comments raised are as follows:

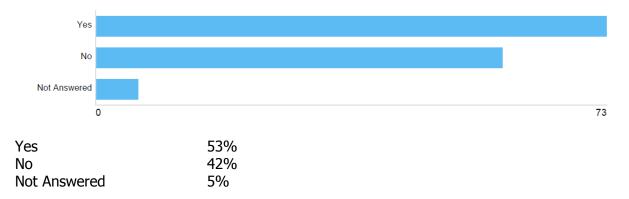
- An independent IOM electoral commission should have the powers to oblige candidates for public election to declare political affiliations, including membership of significant donations to overseas political parties/bodies
- Voters should know exactly who they are voting for. We tend to vote for the person, not the party as they do elsewhere, if it turns out that the person was affiliated to a party then they have got votes fraudulently by not declaring that
- I believe in absolute clarity for the public to be fully informed and hold candidates accountable.
- It's dishonest and misrepresentation.
- Any false statement should be an offence.
 I would not be fully in favour with a monetary fine but with that potential candidate being warned and potentially being removed from the election process.

The Electoral Commission

Question 21 asked: "Should former MHKs be allowed to be appointed to the Electoral Commission?"

53% agreed with this and 42% disagreed.

5% of respondents felt that this would be a conflict of interest and members of the Electoral Commission should be impartial and have no Government ties. However, 5% suggested that this would be acceptable, as long as the member was not allowed to stand in any future election, had no Party affiliation and both former members of Local Authorities and MLCs should also be able to stand.



Some of the comments for and against this enquiry are as follows:

• I see no online reference to an existing Isle of Man Electoral Commission

I advocate an Isle of Man Electoral Commission entirely independent from government and Tynwald, though reporting to the latter annually in return for public funding

There should be a Speakers Committee on the Electoral Commission, overseeing the appointment process amongst other things

https://www.parliament.uk/business/committees/committees-a-z/other-committees/speakers-committee-on-the-electoral-commission/

Former and existing MHKs should be permitted to be members of the Speakers Committee

Selection of members of an independent IOM Electoral Commission should be an open, public process without any form of undue influence being allowed.

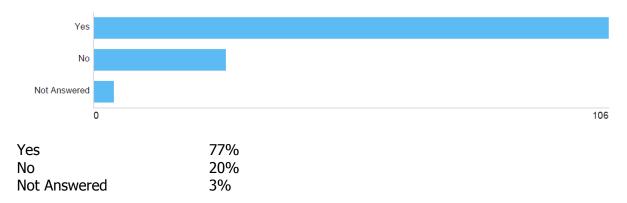
- Former MHKs will have detailed knowledge of the conduct of elections and are therefore highly suitable candidates for appointment to the Electoral Commission.
- former MHKs and MLCS have a lot of experience of elections and constituency areas there experience and knowledge is very valuable and they understand the issues
- The electoral commission should be independent of any current or prior political involvement. MHKs and former MHKs have affiliations to specific areas and are often still involved in these areas. This may present a conflict of interest and lack of objectivity
- The Electoral Commission must be seen as immune from political interference, which precludes former members of either branch of the legislature from being a member of the Commission. The views of sitting and former politicians can been taken into account by way of evidence given to the Commission in public.

Appointment of Returning Officers

Question 22 enquired: "Do you agree that the Chief Secretary should be the Returning Officer for elections in the Isle of Man, with the power to appoint Deputy Returning Officers to run elections at a constituency level?"

77% of respondents agreed and 20% disagreed.

2% suggested that the Returning Officer should not be a Civil Servant and another 2% of respondents suggested that the Chief Secretary should be appointed Returning Officer for Keys elections only.



Whilst there was general consensus that the Chief Secretary should be appointed as the Returning Officer, many local authorities felt that while this was a positive step, Deputy Returning Officers should not be advocates, but rather senior clerks from the Local Authorities.

A number of comments raised in respect of this question are as follows:

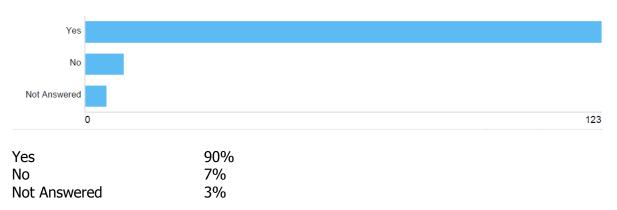
- yes, to chief secretary, but many senior clerks of local authorities could act as returning officers, as they run their own local authority elections and have polling staff with experience, Manx lawyers have become too embedded in the corporate sector and many don't understand elections or participate often enough
- This would seem to be a potential conflict of interest; the returning officer should not be a public servant.
- The chief secretary is an appointee of iom gov and therefore not objective. Elections
 take place once every five years. There is no need to change a whole system on the
 basis of an occasional issue regarding returning officers.
- But with strict penalties if found to be corrupt or caught interfering with the democratic process
- As long as the retuning officer can count and is honest, anyone can do it
- Not for local authorities but there could be a single Returning Officer for all House of Keys elections. Local authorities should be free to appoint their own Returning Officer.
- Should simplify the appointment of Deputy Returning Officers as I'm not sure that Local Advocates are best placed to do the job these days (Town Hall staff perhaps?).
- For consistency I believe it would be a good idea to appoint one returning officer, who would then appoint a deputy to run General or Local Election. I do not agree however that for the local authority elections a local advocate should be appointed as the returning officer. This responsibility should be offered to the current Clerk of

the Local Authority who budget to cover the cost of running a contested election. Would the cost of appointing an advocate be more expensive?

Disqualification as Deputy Returning Officer

Question 23 asked: "Do you agree that it is inappropriate for politicians to be appointed as Deputy Returning Officers for both Local Authority and House of Keys elections?"

A clear steer was received on this question, with 90% of respondents agreeing that it was inappropriate for politicians to be appointed as Deputy Returning Officers, 7% disagreed.



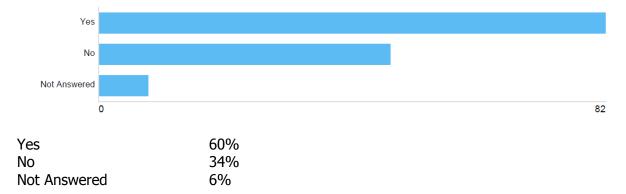
Some of the comments raised are as follows:

- The position needs to be one of political and legal neutrality complete separate of powers.
- Any returning officers should be beyond criticism as far as political or any other possible bias is concerned.
- The Isle of Man does not have a fully functioning party system, unlike for instance the UK or Ireland. Most MHKs are independents, and do not owe their allegiance to political parties. In these circumstances, it makes sense therefore not to exclude Isle of Man politicians from being appointed as Deputy Returning Officers for both Local Authority and House of Keys elections.
- again I am surprised this is not already in place
- No the Commissioners feel that this should be permissible provided they are not standing for election and are not affiliated to any political party represented at the election nor are acting as nominee or assenter to any candidate in the election.
- Seems an obvious move to remove Politicians but not sure that General Registry staff should be still excluded in case of a shortage of `volunteers` to act as Deputies!

Returning Officer to take oath of office

Question 24 asked: "Do you agree that a Returning Officer must accept the appointment instead of declaring an oath of office?"

While 60% of respondents agreed 34% did not and a number of respondents commented that an oath of office was more appropriate for the role.



A number of comments received are as follows:

- So long as they remain accountable.
- I am sure a legal contract would suffice
- yes, and everyone else present at the election count ,and those election officers dealing with sick and absent votes , swear oath of secrecy ,too many leaks at elections and as stated before mobile phones and texts banned until after the returning officer announces the results
- Does it really matter if it's outdated? Is "new" "better"? Stick with the oath it clearly has the same effect.
- Why shouldn't a returning officer take an oath of office, provided it is to the people of the Isle of Man rather than the Crown?
- Oath of office is very old fashioned. Surely from a time when everyone was considered to be "God Fearing" I don't think that applies now or should it. We know better now
- Surely an oath is part of accepting the appointment.
- While this may seem a little outdated I still feel it is great to hold on to some traditions and it also makes anyone declaring an oath of office see the importance of that role and the obligation they hold.

Election donations and expenses

Question 25 of the consultation asked: "Do you agree that all candidates whether successful or otherwise should be required to submit declarations and returns of donations and expenses – and that the information is then published?"

88% agreed with this and 11% did not agree.

1% suggested that this should only apply to candidates running in a House of Keys election.

A further 1% suggested that returns should be submitted but not published and 1.5% suggested that this should apply to successful candidates only.



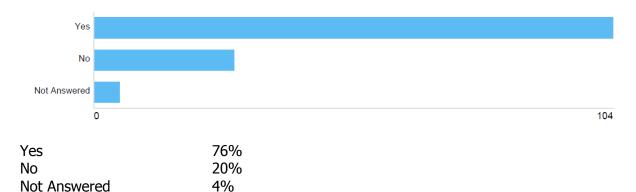
Yes 88% No 11% Not Answered 1%

Some of the comments raised are as follows:

- following the election court case a few years ago when an election agent received a custodial sentence it is vital that this information is published (Regina verses Lewin)
- Total transparency is absolutely necessary, given that we are living in quite tricky Financial Times, where government cuts and spending are limiting resources for every day needs.
- Let us see some of this transparency the Government talks so much about.
- Everything should be open to view so we know what is what
- I agree the submission, but not the publishing. It seems to me that you seek to give
 the public the right to question a candidate's records. Surely it would be better to
 have each candidates declaration reviewed by an individual appointed for that
 purpose and for that individual to take any apparent breed forward to a suitable
 tribunal.
- Yes to part 1, but why publish the information of unsuccessful candidates? Whose interest is served?

Question 26 enquired: "Do you agree that the period covered by the returns should commence one year before the scheduled date of an election?"

While 76% agreed, 20% did not. 4% of respondents suggested that 6 months would be a better alternative.



Some comments raised on this question are as follows:

• It would be unfair to commence period before nomination day, but it should be from the time the candidate declares.

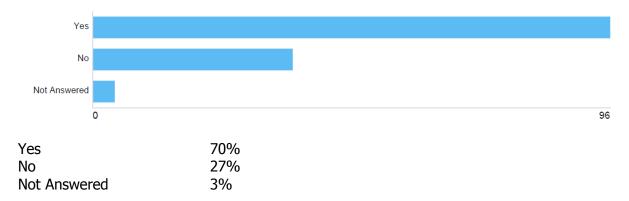
We seem to have prospective candidates on Manx Radio almost every day, so to nail this down will prove difficult

- I would increase this
- Six months prior should be enough
- Should be from time that the election run up commences.
- Only from the point of a submitted and approved declaration of being a candidate for election.
- 6 months should be long enough which would give you more accurate and up to date changes to the voters.

Question 27 asked: "Do you agree that the current expenses limit of £2,000 plus 50p per electors should be increased in line with CPI and apply to both House of Keys and Local Authority candidates?"

70% agreed with this and 27% did not.

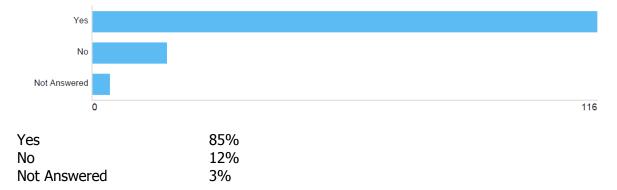
Of the responses received 3% felt that the figure should be less for Local Authority candidates. 1% felt that the amount was too high while 1% felt that the amount was too low, a further 1% suggested that the expenses limit should apply to House of Keys candidates only.



Some comments raised on this issue are as follows:

- As long as it supports equality for candidates of limited finances.
- No, should only apply to house of keys candidates, most local authority candidates don't even provide a manifesto or any information for the voter.
- Less for local authorities.
- Whatever is reasonable.
- Candidates in rural constituencies have to spend more on getting to each constituent than those in urban constituencies. The 50p should reflect that. And I do wonder whether the £2000 limit is too low. It doesn't go very far these days.
- I believe capping the expenses at £2,000 plus 50p per electors is more than adequate to run a successful campaign especially within the Isle of Man. The fluctuation of CPI or RPI does not have any bearing on this matter.

There was clear consensus to **Question 28** that candidates should be prohibited from accepting support or funding from parties or entities from outside the Isle of Man, with 85% agreeing and 12% disagreeing.



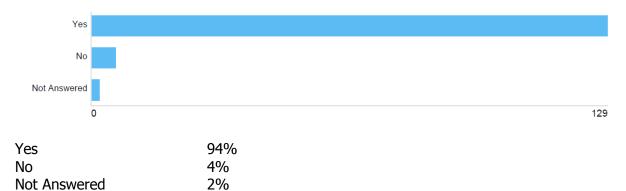
Some of the comments received in relation to this question are detailed below:

- This is an absolute requirement
- Yes this would not make them independent.
- They are not Manx if outside of the Isle of Man so may not have the best interests of the Isle of Man as their reason for support
- I believe this will help to stop corruption and unfairness.
- Affiliation to recognised political parties such as the Green Party should be acceptable.
- Any outside influence would be cause for concern especially anyone running at a national campaign.

Donations/expenses by candidates to electors

There was overwhelming agreement to **Question 29**: "Do you agree that the elections legislation should govern donations/expenses made by candidates?"

94% agreed and 4% were against.



Some of the comments received in relation to this question are noted below:

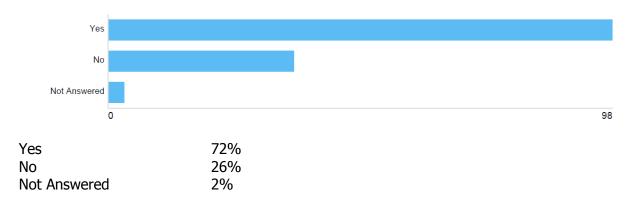
- Need to make clear what constitutes a donation. Do not want treating to "tea and biscuit" discussions as in past
- I think these must be declared regardless of time period for openness and fairness.
- "Donations made to electors" need careful scrutiny.

- But bear in mind any By Elections & again what would the Penalty Regime look like.
 By Electors I assume that would also include Organisations that have had a Donation or Membership Fee?
- I think unless anyone has made a complaint or observation that this would be a needless process.
 - However if more transparency and consistency is required then there is no other way but to govern this.

Identification at polling stations

Question 30 enquired: "Do you agree with retaining the current position, where it is not compulsory to produce identification in order to vote, but to include a provision within the legislation to compel a voter to produce identification if requested by the Deputy Returning Officer?"

While 72% agreed with this 26% did not, 2% of respondents suggested that everyone should have an ID card or be able to produce ID. One respondent stated that it should be the Presiding Officer of a Polling Station who should be responsible for requesting ID if required.



Some of the comments raised are as follows:

- This seems like a proportionate approach.
- With caution, I have found some officers to be immensely officious when seeking personal identification at the polls
- If there are any concerns that they have then yes and anyone who not acting incorrectly would be happy to provide the identification
- But recognise that the elderly my not have a passport/driving licence. And those in retirement homes may not have anything they don't need it!
- I agree that it could reduce turnout if ID is mandatory.
- The present arrangements are more than adequate whereby the Presiding Officer at the Polling Station can ask certain questions. This in practice has always proved satisfactory. Provision for impersonation should continue.

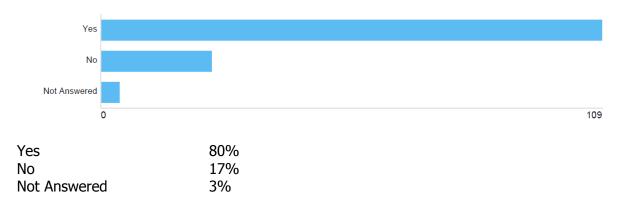
 You refer to the Deputy Peturping Officer but in a constituency with multiple polling.
 - You refer to the Deputy Returning Officer but in a constituency with multiple polling stations he/she is not going to be in a position to request ID. Anything within a polling station is the responsibility of the Presiding Officer.
- I think it is perfectly reasonable to require ID to be produced at polling stations, there has been considerable coverage in the UK media over potential misuse of poll

- cards by other persons to vote more than once and the IOM should mirror the procedure accepted in the UK.
- Identification should be mandatory to help prevent election fraud

Place and manner of voting

80% of respondents to **Question 31** agreed with the principle of "replacing the system of advance voting with postal voting on demand together with the use of proxy voting in particular situations and under close control?"

17% did not agree and 7% of those responding felt that online/electronic voting should have been progressed.



Whilst the concept of Online Voting is certainly very attractive in terms of convenience for electors, the use of electronic voting systems also presents a number of challenges in respect of security, privacy and cost.

John Turner, who conducted the independent review of the Isle of Man's electoral legislation, concluded: 'The current trend is to move away from electronic voting systems for statutory elections because of security and integrity concerns and those relating to cyber interference from outside agencies.'

Based on the balance of evidence available at this time, e-voting is not considered an appropriate or cost-effective option for the Isle of Man in 2021.

However, the situation will remain under review and the Cabinet office will continue to review the security and means by which electronic voting might be progressed for future elections in the Isle of Man.

Some comments raised in relation to question 31 are as follows:

• We have a problem with a disenfranchised electorate. I believe that we need to make it easier for people to vote, not harder, in order to regain voter engagement.

I would also recommend that we look include an electronic voting option. Government already has systems in place for an individual to register to pay tax, VAT, bills, fines, etc. on line and this could be expanded to include voting. The system already has two-step verification and the polling cards could contain a unique

code to each voter that would have to be input when casting their vote creating an additional level of security.

- This seems like a proportionate response.
- can be very convenient, but the returning officer or agent should visit nursing homes etc. and make sure those voting are capable
- Agree with advance voting by postal but NOT proxy votes
- I also strongly feel that participation in elections would be increased if the system recognised that we are now in the 21st century and introduced the option of electronic voting. The current system of updating the electoral roll sends out a unique once only code for returns and I can see no reason why this could not be adopted for e-voting. If voting in this way had to be done a few days before election day then the register at the polling station could record that the elector had already voted to prevent double voting.
- The present archaic system does not appeal to the younger IT literate section of the community and older people with mobility issues could also use it. Those without computer/mobile access could still request a postal vote.

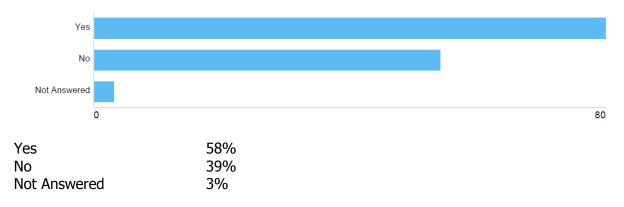
Distribution of election manifestos

Question 32 enquired: "Do you agree that the Government should continue to fund the cost of posting candidates' election manifestos to each household for House of Keys elections only?"

58% agreed and 39% did not, there were a wide number of suggestions relating to this question, which included 1% of respondents suggesting that this should also be the case for Local Authority election manifestos.

4% of respondents felt that Government should not pay for the postage of manifestos but should make them available online only.

2% felt that candidates should hand deliver the manifestos when out canvassing during an election campaign and 5% felt that the cost of postage should be paid by the candidates and not from Government funding.



Some comments raised are as follows:

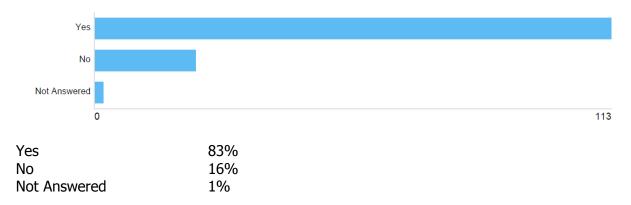
- This helps equalise the field so that 'wealthy candidates' who can afford postage costs are not at an advantage
- Having candidates pay for all expenses restricts those who are able to become candidates to those who have sufficient funds.

- local authority wards and areas are small enough for the candidates to deliver by hand or by an arrangement with the courier delivery or post office, at their own cost
- Yes, good voter information is vital in order to ensure a fully free and fair election.
- They should be obliged to post manifestos online & government or an independent electoral commission should fund this
- No they shouldn't fund this at all. it doesn't happen in other countries
- Should be part of their election expenses.
- Politics needs to be accessible to all. There should be political loans on hand too so candidates are able to fund expenses up front.

Treating

Question 33 of the consultation asked: "Do you agree that the provision of modest hospitality (tea, coffee, soft drinks, biscuits) should be permissible at campaign meetings and the cost listed on the candidate's declaration and return of expenses?"

Of the responses received 83% agreed and 16% did not.

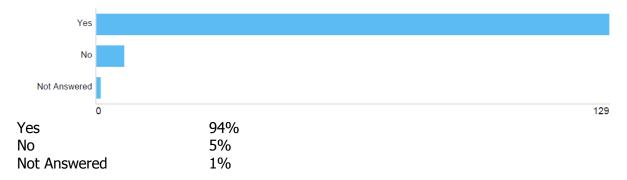


A sample of comments on this question are as follows::

- This seems like a proportionate approach.
- Have no issue with such hospitality being offered but the taxpayer should not be liable for the cost.
- Transport to polling station should also be permitted.
- Is it necessary to provide hospitality at campaign meetings? What would be deemed modest refreshment?
- But it should be noted that any extra intent from a candidate to sway a resident to vote for them in this way should, disqualify this candidate.
 Example: During an election I witnessed a candidate telling voters that if they vote for them they will give them a free meal in their food business.

In **question 34** we asked: "Do you agree that the guidance should be provided to candidates on the meaning of "treating" from the Cabinet Office?"

The majority agreed that guidance should be provided to candidates on the meaning of treating, with 94% saying "Yes" and 5% disagreeing.



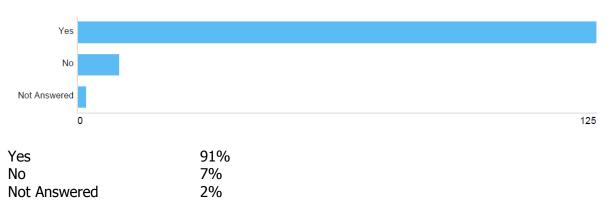
Some of the comments raised are as follows:

- It should be provided by an independent electoral commission
- Then they cannot say they didn't know.
- If it is thought necessary.
- If you are not clear about rules how can you expect all candidates to do the same

Election Publications

Question 35 enquired: "Do you agree with the introduction of a statutory code of conduct in respect of election materials and the size and placement of election banners?"

91% agreed and 7% did not, of the responses received approximately 1% also stated that election materials should be displayed in allocated areas only, a further 1% stated that the code of conduct should also include the removal of election campaign materials and the same percentage wanted to know who would enforce/police this code of conduct.

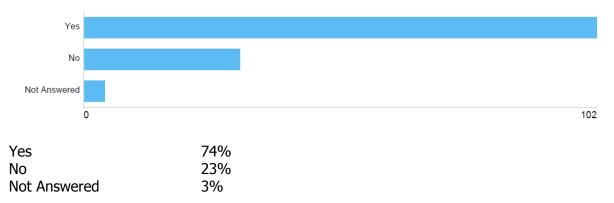


Some of the responses received are as follows:

- Furthermore, I think that the numbers of posters and other marketing materials should be limited and that strict, enforceable rules be implemented regarding their timely removal.
- However I believe the candidate should be able to take a "different" or "unique" approach if they wish to do so allowing them to personalize their campaign. However there must be some controls to keep the process fair for all candidates.
- If yes who would be policing this?
- Having a statutory code will help with clarity and consistency to all.
- Particularly around Polling Stations. But care must be taken to allow freedom of expression in manifesto leaflets, etc.

Question 36 of the consultation asked: "Do you agree with the removal of the printer's details having to be displayed on any election publication?"

74% of those responding agreed with this and 23% did not.



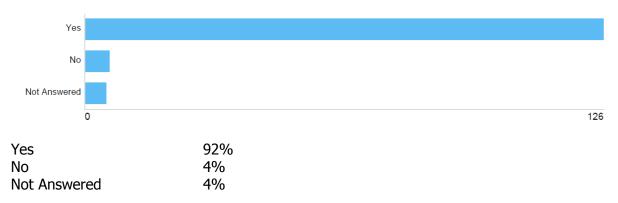
Some comments raised are as follows:

- Can't say I am interested in who the printer is
- This is an outdated requirement without any obvious benefit given the variety of ways a candidate can now publish via electronic media.
- Really not relevant to the election.
- I don't see how the printer is relevant, as long as the publisher is clear. This is especially true for web content where it is easy to pretend to be someone else to damage their campaign see the Conservatives' efforts with 'FactCheckUK' on Twitter and their fake website designed to look like it was from Labour.
- As you state a move with the times.

Legal proceedings

Question 37 enquired: "Do you agree that complaints that fall outside the current election petition process should be referred to the Tynwald Commissioner for Administration?"

While 92% agreed with this 4% did not, there were some comments advocating that this could be dealt with by an independent Electoral Commission or by another body.



Examples of some of the comments received are as follows:

- An independent electoral commission should have capacity to comment
- Yes please! As the person affected by this in the 2016 elections this situation was extremely challenging. There was no due process that did not compromise the AG's office by being prematurely involved.
- no it should be the chief secretary in the first instance with a maximum 7 days to make a complaint or objection, he should examine the complaint and only then pass it to the Tynwald commissioner if it cannot be resolved by him
- Or to another body!
- Genuine simple mistakes could be cleared up a lot quicker and at a low cost.

89% of respondents agreed with **Question 38**: "Do you agree that the Returning Officer should be able to correct a procedural mistake in cases where it affects the result of an election?" 9% did not agree and there were a number of alternatives suggested by respondents.

2% suggested that this should be the responsibility of the Commissioner of Administration, 1% suggested that this should be dealt with by an Independent Electoral Commission and 1% suggested the responsibility should lie with a third party or the First Deemster.



Yes	89%
No	9%
Not Answered	2%

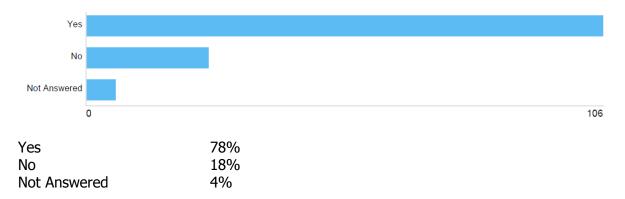
Some comments raised are as follows:

- This would seem another argument for the viewpoint that the Chief Secretary should not be the Returning Officer; the Returning Officer should be a person independent from the civil service.
- Subject to independent third party verification
- This should be the responsibility of the Commissioner for Administration.
- Subject to full scrutiny by the first Deemster
- Every such case should also be automatically referred to the Tynwald Commissioner for Administration.

Election Agents

Question 39 of the consultation enquired: "Do you agree that candidates in an election should have the option to appoint an election agent?"

78% agreed and 18% did not. There were a number of comments received concerning the funding of such agents with 1% of respondents suggesting that remuneration for an agent should be provided for at the Candidate's own expense. 1% felt that this would benefit wealthier candidates and 3% suggested that any remuneration for an Agent should form part of a candidates election expenses.



A number of comments received in relation to this question are detailed below:

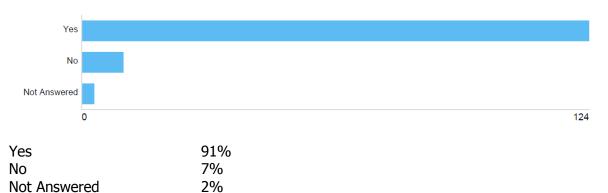
- Subject to transparency and form part of published Election Expenses.
- Every candidate should have an agent to look after compliance with legal requirements
- But how will any costs to be dealt with if the agent is to be remunerated?
- At their own expense.
- Benefits those with money.
- I would expect a candidate to be an adequate administrator, if they can't handle that successfully, they probably shouldn't be running. The very last thing we need is to "professionalise" our politics.

Tellers

91% of respondents answered "Yes" to **Question 40**: "Do you agree that a statutory code of conduct should be drawn up to govern the activities of Tellers?"

While 7% do not agree that a statutory code of conduct is required.

In addition to the above results approximately 7% suggested that there was no reason for Tellers to be engaged in an election while 1% stated that Tellers should be restricted to one Teller per candidate.



Some comments raised are as follows:

- Definitely. The number should be limited to no more than one per candidate and they should not be allowed to approach a voter on entry to the Polling Station.
- Definitely as a large crowd standing outside a polling station can be intimidating to some people.
- Most tellers are very intimidating. I see no reason for tellers.
- there is a need to stop people asking how u voted
- However, I actually think they should be banned!

Election meetings

Although 80% of respondents agreed with **Question 41** of the consultation: "Do you agree that Government should fund one pre-election public meeting per constituency for elections to the House of Keys?" 18% did not agree and there were a number of suggestions made.

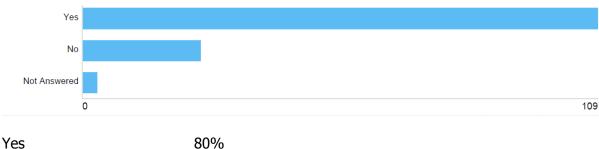
3% suggested that this should also be applicable to Local Authority elections.

3% suggested that Candidates should arrange and fund the public meetings themselves.

1% did not agree that it was the role of Government to arrange candidate meetings.

3% suggested that Government should arrange more than one meeting per constituency and felt one per parish would be more appropriate.

1% felt that the meetings should be arranged by the Captains of the Parish.



Yes 80% No 18% Not Answered 2%

Some of comments raised on this question are as follows:

- Yes, this will encourage information about the election and the candidates and is good practice.
- This would be helpful but not as effective in large geographical areas as it would in Douglas, more may need to be held in those areas.
- I agree that Government should fund it but I was quite happy with the Captain of the Parish arranging and chairing the meeting. I am generally dubious of the Cabinet Office's involvement.
- this is essential and should be a requirement in every constituency within so many days of the election
- It doesn't reflect the fact that some constituencies cover several areas, it is better leaving it with the Captains of the Parishes and allowing them to submit expenses for

any charges or to be able to direct any required payment to the Cabinet Office say for example Garff which covered parts of Onchan and Laxey it is stupid to say they can only have one meeting

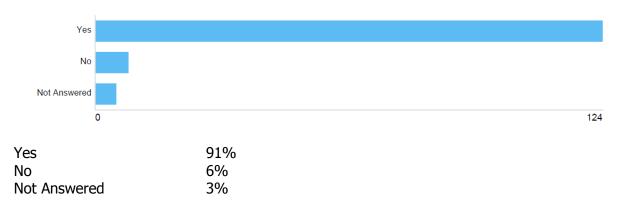
• It is not the role of Government to be involved in such process.

Recall of elected members

Question 42 was the final question raised in the consultation: "Do you agree that electors should have the right to recall a Member of the House of Keys if the MHK is sentenced to custody or is suspended from parliament for a specified period?"

91% of respondents agreed with the right to recall and 6% did not agree.

From analysis of the results received on this question, just over 2% suggested that this should also apply to Local Authorities, while just under 2% stated that if 10% of voters recall an elected member, a By-Election should be held. 1% also requested that clarity on the meaning of "suspended" is required.



Some comments raised in relation to the final question are as follows:

- The electorate should have the power of recall for all elected candidates, and the Council of Ministers
- This should also be applied to local authority members, if they don't commit to
 meetings or get fed up. They are in post for 4 years and not working in the best
 interests of the community, therefore depriving the authority and its community of
 proper representation in the House of Keys and Tynwald there should be a an
 offence for malfeasance in public office included
- Need to clarify what 'suspension from parliament' means .I
 In the case of Mr John Houghton it seemed to be unclear what his suspension entailed.
- Do they have any access to the Tynwald building or government departments?
- This recall should also be subject to the wishes of the constituents.
- Just hope it won't be needed but perhaps a Section should include where a high % of the Electorate can call for the dismissal of an MHK via a Petition when it's obvious they are not carrying out the role they were elected for.

Other Themes

There were a number of other themes that came through during the analysis stage of the consultation that were not directly consulted upon, the most common of these are detailed below:

- 1. An Independent Electoral Commission
- 2. Online Voting
- 3. Funding an Election Agent

The next stage of the process will now involve reviewing all the responses received within the consultation process, in order to further inform the draft Bills that have been produced.