



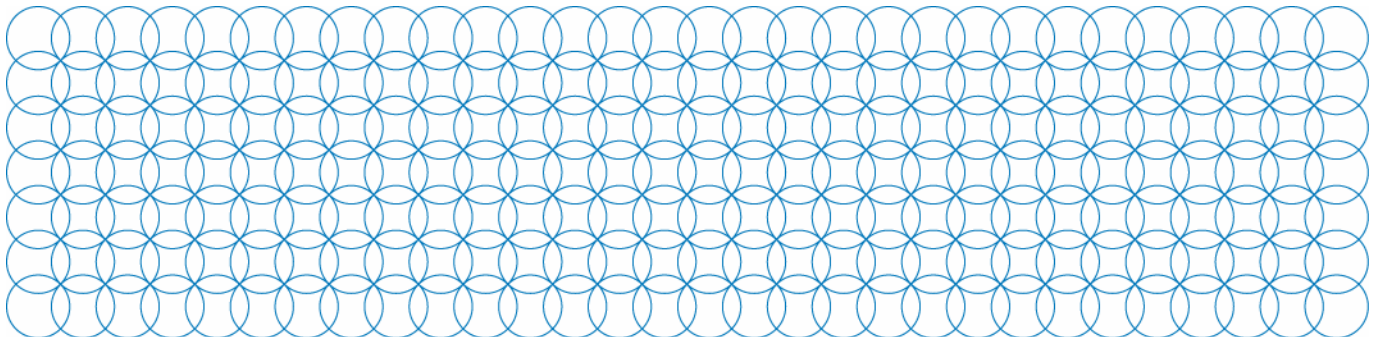
Ministry of
JUSTICE

Publication of candidates' addresses at UK Parliamentary elections

Consultation Paper CP(L) 30/08

Published on 26 November 2008

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JUSTICE

Publication of candidates' addresses at UK Parliamentary elections

**A consultation produced by the Ministry of Justice. This consultation is also
available on the Ministry of Justice website: www.justice.gov.uk**

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Foreword

The purpose of this consultation paper is to seek your views on whether the addresses of candidates at UK Parliamentary elections should continue to be included on ballot papers and other election documents open to the public. This follows concerns that the current requirements for candidates' addresses to appear on nomination and ballot papers at elections may put at risk the safety and security of MPs, candidates and their families. These concerns were reflected in amendments tabled on this issue at the Committee stage of the Political Parties and Elections Bill during November 2008.

The Government has an open mind on this matter and would welcome your views on whether any amendments should be made to the Bill and, if so, what these changes should be. There are a number of options, ranging from keeping the existing requirements to total non-disclosure. Between those extremes, there are other, intermediate options, for example, including the whole or the first part of a candidate's postcode on the nomination and ballot papers.

This consultation paper considers the impact any legislative changes would have upon the conduct of elections, the transparency and openness of the process and issues surrounding the safety and security of MPs, candidates and their families, all of which go to the heart of our democratic process.

We look forward to hearing your views.



Michael Wills

Minister of State for Justice

Executive summary

The purpose of this paper is to seek views on whether the full home addresses of candidates at UK Parliamentary elections should continue to appear on ballot papers, and other electoral documents open to the public.

The issue has arisen following the removal of MPs and peers from certain provisions of the Freedom of Information Act. It has been argued that such public figures and their families face particular risks to their safety, security and peace of mind and that special considerations therefore apply to them. Others argue that the electoral process should be open and transparent and that those putting themselves forward for public office in this way should be prepared to face those risks in the interests of accountability and the free expression of democracy.

This paper therefore examines the arguments in more depth; gives some background to the current provisions and the reasons they continue to apply; and explains what the law currently says. It also examines the practical issues which may arise from any proposed change and the implications for the electorate, for the electoral process, for candidates, and for administrators.

The paper is primarily concerned with the position at UK Parliamentary elections. However, if any changes follow from the consultation consideration will be given to extending them to other elections in the UK.

Introduction

This paper seeks views on whether the full home addresses of candidates at UK Parliamentary elections should continue to appear on ballot papers and other electoral documents open to the public.

The consultation is open to all. We hope in particular that Members of Parliament, political parties, candidates, electors and electoral administrators in the UK will consider the issues raised and respond.

This consultation follows the Code of Practice on Consultation issued by the Cabinet Office, with the following variation. Michael Wills MP, Minister of State for Justice, has decided that reducing the consultation period from the twelve week period recommended in the Code of Practice to nine is appropriate in this instance. That nine week period will properly balance the need to ensure that there is adequate time for views on this issue to be expressed and be taken into account with the desire to preserve the possibility of incorporating any necessary changes into the Political Parties and Elections Bill, which is currently before Parliament, if a clear view to that effect emerges from this consultation.

An initial Impact Assessment has been completed and indicates that electoral administrators may be particularly affected if particular changes in the law considered in this paper are made. Depending on the response to this consultation, proposals for change may therefore lead to some additional costs for the public sector. Comments on the Impact Assessment and the specific questions it contains are particularly welcome: the Impact Assessment is provided on page 27.

Copies of the consultation paper are being sent to:

Members of Parliament

Political Parties

The Association of Electoral Administrators

The Electoral Commission

The Society of Local Authority Chief Executives and Senior Managers

SOLACE - Scotland

Electoral Registration Officers in England, Wales and Scotland

The Chief Electoral Officer for Northern Ireland

Local Authorities in England, Wales, Scotland and Northern Ireland

The HS Chapman Society

Association of Chief Police Officers

Association of Chief Police Officers in Scotland

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

Background

Concerns about publication of MPs' home addresses

On 16th May 2008 the High Court upheld a decision of the Information Tribunal ordering, amongst other things, the release of certain MPs' home addresses in response to a Freedom of Information Act 2000 (FOIA) request for details of those MPs' claims under the Additional Costs Allowance (ACA). The House Authorities decided not to appeal to the Court of Appeal, and released the information sought.

Subsequently, concerns were raised in the House of Commons in July 2008 that the release of information relating to the addresses of Members of either House could have security implications for the Members concerned, and could adversely affect their ability to speak about any matter without fear or threat of interference or molestation.

In order to address these concerns, The Freedom of Information (Parliament and National Assembly for Wales) Order 2008 (SI 2008 No 1967) was made under section 7(3)(a) of the FOIA. The effect of this was to amend the FOIA so that MPs' and peers' addresses and certain other types of information held by the House of Commons or House of Lords is removed from the scope of the Act. This means that any request made to the House of Commons or House of Lords for such information now falls outside the scope of the FOIA.

In the debates on the Order in July of this year¹, MPs and peers focused upon the risks to their security and safety of having their private addresses compulsorily available on a continuous basis. The points which were made during the debates included:

- The risk of increased pressure being placed on an MP's family by having their private addresses in the public domain, particularly during the hours when the MP is required to be away from home;
- The right for families as private citizens to keep details of their address out of the public domain;
- The need for MPs to speak freely in the House of Commons on issues (a number of which may be controversial) without fear of putting themselves or their families at risk;

¹ The debate in the House of Commons on 17 July can be viewed via the following link: <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080717/debtext/80717-0010.htm#08071780000001>. The full debate in the House of Lords on 22 July can be accessed via the following link:- <http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80722-0003.htm#08072254000015>

- The need for consideration to be given to the wider security needs of the public – particularly those of who live near MPs;
- The risk of MPs having their homes targeted by individuals or groups campaigning on specific issues. A recent example of the latter risk was realised earlier this year when Fathers 4 Justice campaigners staged a protest at the home of the deputy leader of the Labour Party;
- The risk of MPs being burgled whilst being away from their homes;
- Unforeseen future dangers associated with publishing MPs' addresses such as death threats, and terrorism;
- Unless an MP moves address, he or she will continue to have their address in the public domain even after they cease to be an MP.

The debates followed the Early Day Motion (number 1620) put down on 20 May 2008 by Dr Julian Lewis MP about the publication of MPs' home addresses which stated that:

That this House believes that the home address of any Hon. or Rt. Hon. Member should not be published if he or she objects to publication on grounds of privacy or personal security.

To date, 249 MPs drawn from across the House have supported this Early Day Motion.

In addition, Dr Julian Lewis MP has been in correspondence with the Government and the Electoral Commission on the current requirement in electoral law for the home addresses of candidates at UK Parliamentary elections to be published on nomination and ballot papers. Dr Lewis is concerned that this requirement is at odds with the Order approved by Parliament in July and could be used to target MPs who, by the nature of their work, will attract public criticism from some.

Dr Lewis raised this issue at the Second Reading of the Political Parties and Elections Bill on 20 October, and explained that he had put to the Electoral Commission a number of options for addressing the issue. This included the proposal that candidates should only be required to disclose the first part of the postcode of their address at a Parliamentary election. Dr Lewis referred to a response he had received from Peter Wardle, Chief Executive of the Electoral Commission, in which he explained that the Electoral Commission would be likely to prefer this option if a change was made. Dr Lewis noted that Mr Wardle had stated that *"the Commission is likely to take the view that electors and candidates should have the opportunity to establish for themselves what connection a candidate has with the area they are seeking to represent."*

In passing the Freedom of Information (Parliament and National Assembly for Wales) Order 2008, Parliament has acknowledged a need to protect particular personal details for MPs and peers. It is therefore reasonable to examine whether or not the publication of similar personal details in other circumstances remains appropriate. The FOIA as amended by that Order

carves MPs' and Peers' addresses and certain other information out of the FOI regime to the extent that such information is held by both the House of Commons and the House of Lords. This consultation focuses on the more narrow publication of such details in the context of elections, and in particular UK Parliamentary elections.

The current legal position

The principal piece of electoral legislation in this area is the Representation of the People Act 1983, which consolidated the majority of electoral legislation up to that point. Schedule 1 to that Act sets out the rules for the conduct of UK Parliamentary elections. The principles reflected in the rules in that Schedule are replicated in the rules for elections to other bodies, such as the European Parliament, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly, the Greater London Authority, elections to local authorities, parish elections and for the election of local authority mayors. Each of these types of elections has its own set of rules governing the conduct of the poll, set out either in primary or secondary legislation or in both, which modify the terms of Schedule 1 to the 1983 Act for the purposes of the election in question.

Although the 1983 Act has been amended several times since it was passed, the provisions in Schedule 1 relating to candidates' addresses have not been changed in recent times. At UK Parliamentary elections, candidates' full home addresses must appear on the following documents:

- the nomination paper;
- the statement of persons nominated;
- the ballot paper;
- the enlarged version of the ballot paper displayed at polling stations.

There is currently no statutory requirement for candidates' home addresses to appear on their written consent to nomination. Candidates' nomination papers may be inspected at the Returning Officer's office after they are submitted. The statement of persons nominated is published by the Returning Officer after the close of nominations. The ballot papers and enlarged ballot papers are by definition available to the public in the polling station. Therefore all of the documents mentioned above are open to the public and may be inspected by them.

Practice does vary at other elections. At local government elections in England and Wales, in addition to appearing on nomination and ballot papers and the statement of persons nominated, each candidate's address must also appear on the candidate's consent to nomination. Importantly, at local elections, candidates must either live or work in the local authority area where they are standing. This is to ensure that local councillors have an interest in and a

connection with their local community.² There is no equivalent requirement for Parliamentary elections.

At European Parliamentary elections, which are conducted using a “party list” system, candidates' addresses do not appear on the ballot paper for the election, but must appear in the nomination papers submitted by a candidate or by a party, the statement of persons nominated, and the statement made by a relevant citizen of the European Union who stands for election.

Elections for the Scottish Parliament, National Assembly for Wales, Northern Ireland Assembly and the London Assembly use a combination of a party list system and constituency member system. In each case the addresses of candidates for the party list and constituency seats must be stated in the nomination papers and on the statement of persons nominated. However, only at the constituency member elections are the addresses of the candidates included on the ballot paper.

The background to the existing law

It has been a longstanding feature of Parliamentary elections for the names and home addresses of candidates to appear on nomination and ballot papers, which are open to inspection by the public, although there is no requirement at Parliamentary elections for candidates to live in the constituency where they are standing. This is done in the interests of openness and transparency. It also aids in the detection of electoral malpractice, allows challenges to be made to the identity of persons who are standing and so arguably ensures that elections are conducted openly and fairly, without information being withheld from those who may need it to make decisions about how to vote.

It is argued that the public availability of a candidate's address allows electors who may not be familiar with the candidates by name to reach a judgement about how well-qualified they are to represent their local interests. As a minimum, it ensures that the electors are informed at least about whether a candidate has any connection at all with the constituency in which he or she is standing. Electors can reach their own judgements about the ability of a candidate whose home address is in another part of the country to be aware of local concerns and issues.

² Under section 79 (1) of the Local Government Act 1972 (LGA 1972), to qualify as a candidate for election to a County or District level local authority a person must meet at least one of the following four qualifications on both the day they are nominated and on polling day: (a) they are registered as a local government elector for the local authority area in which they wish to stand or (b) they have been an owner or tenant of any land or premises in the local authority area during the whole of the twelve months before the day they are nominated or (c) their main or only place of work during the last twelve months has been in the local authority area or (d) they have lived in the local authority area during the whole of the last twelve months.

There is no legal requirement for candidates at a UK Parliamentary election to reside in the constituency where they are standing. At present, while a candidate is required to supply their address on their nomination paper for the election, the candidate's residence at that address is not "verified" by the Returning Officer, but is accepted at face value. A defect in the address given by a candidate might be raised on an election petition against a successful candidate, and an election can be petitioned if the nomination is defective.

The provisions also have a practical purpose in that they allow the Returning Officer to inform the correct authorities of the personal details of the successful candidate so that they can communicate with him or her and put in place pay and other arrangements. The writ to the Clerk of the Crown which is returned by the Returning Officer after a Parliamentary election contains the successful candidate's address which will be entered on the Parliamentary register and which can be used to assist with future communications

Previous discussion of this issue

In 1999, the Rt Hon Harriet Harman MP raised this issue with Home Office Ministers, who were then responsible for electoral policy and law. A short and informal consultation exercise involving the main political parties (that is, all those with representatives in the House of Commons) was subsequently undertaken to gauge the level of support for withholding candidates' addresses from publication at elections and specifically from appearing on ballot papers.

Responses to this consultation supported the current position. Parties were either inclined, on balance, not to change the arrangements, or were strongly opposed to doing so. The strongest opposition came from the Northern Ireland political parties, who were virtually unanimously opposed, despite several of their MPs and councillors having been subject to attacks at their homes in the past. They reasoned that their continued public presence, availability and openness served their communities and the causes of democracy better than attempting to withdraw from public life. Home Office Ministers therefore decided at that time that no change should be made to the law on this issue.

The Electoral Commission has previously considered the issue in its work on ballot paper design. In its report published in June 2003, *Ballot Paper Design, Report and recommendations*, the Commission recognised the importance to some electors of having the candidates' addresses on the ballot paper and did not recommend their removal.

However, more recently (in correspondence with Dr Julian Lewis MP and in commenting on tabled amendments to the PPE Bill) the Commission has acknowledged that concerns have been expressed about the confidentiality of candidates' home addresses. It has consequently been indicated by the Commission that there is a case for considering again whether candidates' home addresses should continue to appear in full on nomination papers, the statement of persons nominated and ballot papers.

It has been suggested by Dr Julian Lewis MP, in the context of UK Parliamentary general elections, that address details on these documents might be abridged by publishing only the first three (or four) digits of a candidate's postcode. Dr Lewis has raised this suggestion with the Electoral Commission. The Commission has responded by suggesting that this may constitute an adequate level of information about a candidate's proximity or otherwise to a particular constituency for some electors, although it believes that further consideration would need to be given to the impact that any new requirement for checking home addresses would have on Returning Officers.

The concerns that have been raised relate to publication of candidates' addresses at UK Parliamentary elections and the consultation is primarily concerned with the current requirements at these elections. However, it is recognised that similar considerations may apply at other elections in the UK. Further, as highlighted above, it is recognised that there is some variation in the legal requirements concerning publication of candidates' addresses at other elections in the UK. Therefore, if any change to the requirements for publications of candidates' addresses at UK Parliamentary elections are made as a result of this consultation, consideration will be given to extending such change to other elections in the UK, and achieve, where appropriate, a consistent approach on this issue.

The Proposals

In the light of the decision made by Parliament that information relating to MPs and peers should be excluded from the provisions of the Freedom of Information Act in certain circumstances it has been argued that it is anachronistic to continue to allow home addresses to be publicly available at election time. Of course, upon the dissolution of Parliament there are no MPs, only candidates standing at the general election who are all on an equal footing with regards to the election. Any changes would have to cover all candidates standing at the election, not just any incumbent MP.

To address the concerns about the publication of candidates' home addresses in full, two broad alternatives have been suggested:

- i. it has been suggested by Dr Julian Lewis that, rather than a full home address appearing on the ballot paper and other documents open to inspection, a truncated version of an address could be substituted on those documents. It is suggested that the first part of a candidate's postcode could be used since that might be sufficient to give an indication of his or her connection (or not) with the area in question. It would appear that what is intended is that the postcode area and district – the “outward code” - would only be published, e.g. SO31, but not the “inward code”, which defines a neighbourhood within a district, and identifies groups of addresses within a neighbourhood, e.g. 4NG.³ Importantly, postcode areas and districts are not coterminous with the boundaries of Parliamentary constituencies and therefore this information alone would not necessarily confirm whether a candidate resided in a particular constituency, but only their residence or otherwise in a particular geographical area. There is also the possibility that this information would not be sufficient for all electors to enable them to identify the locality of the candidate's address, particularly if the postcode area was in another part of the country with which electors were not familiar. However, it can be argued that the first part of the postcode would be sufficient to establish if the candidate has a home address within or close to the constituency. Those proposing this change argue that it would provide sufficient information to enable electors to make a judgement about a local connection whilst allowing candidates sufficient security;
- ii. an alternative approach would be for candidates to disclose their address to the Returning Officer for the constituency and for the Returning Officer to make it known whether or not the address given is in the constituency being contested. A statement to this effect could appear on nomination papers and ballot papers. This could serve either as an alternative to the publication of the first part of a postcode, or as a complement to it.

³ This publication of the outward digits would not be practical for local elections due to the number of different wards within each local authority.

Under both of these options, the Returning Officer would continue to accept the address provided by the candidate at face value as at present.

Arguments for and against change

There are a number of arguments both for and against change to the existing requirements, either to put in place one of the alternatives above or a different approach.

Arguments in favour of change include:

- candidates, and those elected as MPs, may be discouraged from speaking freely on issues if they fear that they may be subject to harassment or interference or worse. They may also fear that their families could also be at risk from disturbed or fixated individuals who may track them down at home. We understand that MPs have experienced examples of such disturbance and harassment. Whilst there appears to be no evidence that individuals are being discouraged from standing for elected office for this reason, it can be argued that every effort should be made to avoid that risk;
- it is important that the nature of the electoral process should not itself act to discourage as wide a range of people as possible from putting their name forward;
- it should not be made easier for the malign and criminally inclined to target Members of Parliament who, by the nature of their work, will attract public criticism from some quarters.

Arguments against change include:

- it would not sit well with the open and transparent character of the democratic process. Electors and other candidates and parties contesting elections are entitled to know about the life and character of those who are seeking the support of electors, and in this context a person's address is relevant information to be disclosed at an election;
- those seeking public office should be prepared to subject themselves to public scrutiny. Revealing the most basic of personal details about themselves such as their addresses, it is argued, goes with that territory: standing for elections is a voluntary activity;
- anyone who is determined to discover the address of a public figure such as an MP or a candidate can do so through other means. It can be argued that it would be difficult for any figure in the public eye to keep their address a complete secret.

Other relevant considerations

If a change were made to the law to provide that a candidate's full address is not to be included on ballot papers and other election documents open to inspection by the public, then a number of related issues would fall to be considered.

“Verification” of addresses

As noted above, there is no requirement at present for Returning Officers to verify whether or not the address that a candidate provides to them is genuine, although a defect in the address given by a candidate might be raised on an election petition against a successful candidate, and an election can be deemed defective if the nomination is defective. It has also been suggested that, if the existing requirement for the publication of candidates' full addresses was to be removed in favour of one of the alternatives canvassed in this consultation paper, a new requirement for returning officers to take steps to “verify” the address – for example, by checking the electoral register, or requiring proof of residence at the address – should be imposed to give some reassurance that the address given by the candidate was genuine, since it may no longer be possible for other candidates or members of the public to seek to do so.

This would present a very significant change to the current position where Returning Officers are entitled to take candidates' address details at face value. Any requirement for the Returning Officer to verify home addresses supplied by candidates raises a number of issues which would need careful consideration:

- should a Returning Officer simply have to confirm that an address existed, or whether or not it was genuinely a candidate's residence?
- if the candidate needed to demonstrate that they were resident at a given address, how should “resident” be defined? At present, residency requirements do not exist for Parliamentary elections, and requiring Returning Officers to verify residency would raise a range of issues. For example, the position of candidates who have a second home in the constituency might be a matter of some contention, as would be business addresses. Given that the close of nominations is 11 working days before polling day at a Parliamentary election, there is a risk that it could prove distracting for both candidates and Returning Officers during the busy election period to check candidates' addresses and deal with any disputes.
- If Returning Officers are to be required to verify addresses, should they be able to reject the nomination if they are not satisfied with the evidence presented? Should sanctions apply for candidates providing a false address?
- What documentary evidence would be sufficient as proof of residence? One approach would be to list in legislation the documents that would be acceptable. There would be a need to consider if any change would inadvertently create barriers for persons wishing to stand who may not have documents readily to hand that confirms their address, e.g. young people.
- Logistical issues might exist for candidates given that the candidate's agent may submit nomination papers to the Returning Officer on behalf of the candidate. Candidates would need to ensure that their proof of address was included with the nomination papers and safely reached the Returning Officer.

- Changes would be required to the nomination process, in particular the form of the nomination papers submitted by candidates.

Voluntary publication of home addresses

If the law was changed so that candidates would be able to withhold their full home address, the Government would need to consider whether candidates would still be able to choose to have their full home address published, if they wished to do so. This would allow candidates who do not oppose publication of their full home address to have it published at the election. There is a risk that this could result in confusion for electors as on the ballot paper some candidates would have their home address printed in full under their name, whilst for others, only the first part of the postcode of their address would appear. It might also make the nominations process more complex for electoral administrators as candidates would not all be subject to the same requirements and procedures. In addition, candidates who did not wish to disclose their full home address, and who may have a very good reason for this, might feel at a disadvantage to those candidates that disclosed their full home address.

Restricted access to full candidate addresses

If a candidate's full home address were not to be made available to the general public, there would be a need to consider if there should be any categories of persons who should be entitled to have this information disclosed to them. It can be argued that other candidates contesting the election and their agents fall into a special category and should be allowed to see the full home address of the candidate in the interests of openness and transparency. Similarly, there is an argument that election observers should have access to the full home addresses of candidates. However, given the concerns that have been raised about the risk that disclosure of addresses involves to the safety of candidates, it can be argued that the information should only be disclosed to the Returning Officer.

Conclusion

The Government looks forward to hearing your views on the issues raised in this paper. A questionnaire follows at the end of the document which asks a range of specific questions on which views would be welcome. However, the Government would also welcome views on any matters relating to the public availability of candidates' address details not specifically raised in the questionnaire.

Question 2

If a candidate's full home address is not open to the public, should the first part (or "outward" code) of the postcode of the candidate's address be included on ballot papers and other election documents instead? Would this be sufficient?

If not, do you favour the alternative approach of a statement of whether or not the candidate's address is within the constituency? Or do you favour another approach?

Please tell us the reasons for your answer.

Verification

Question 3

If a candidate's full home address is not included on ballot papers and other election documents, should Returning Officers be required to verify that an address supplied on a nomination paper is "correct", or should they continue to accept the information provided by candidates about their home address at face value?

Please tell us the reasons for your answer.

Question 4

Following on from your answer to question 3, if you consider that Returning Officers should have to “verify” address details if the full address was no longer to be made public, should a Returning Officer (a) simply have to verify that an address existed or (b) verify whether or not it was genuinely a candidate’s residence?

If you consider that a candidate’s residence should be established by a Returning Officer, how should “residence” be defined? What documentary evidence would be sufficient as proof of residence?

Question 5

If Returning Officers were to be required to verify a candidate's residence at an address, should they be able to reject the nomination if they are not satisfied with the evidence presented?

Please tell us the reasons for your answer.

Question 6

Electoral administrators are asked to comment on the practical, including resourcing, implications if they were required to verify candidates' home addresses at UK Parliamentary elections. What issues would arise?

Voluntary publication of home addresses

Question 7

If a change was made to the law to ensure that a candidate's full home address did not have to be made publicly available on ballot papers or other election documents, should candidates be able to choose to continue to have their full home address published if they wish?

Please tell us the reasons for your answer.

Restricted access to full candidate addresses

Question 8

If a candidate's full home address is not included on ballot papers and other election documents, should other specified persons, such as candidates and their agents, and election observers, be allowed to see the full home address of the candidate, or should this information only be disclosed to the Returning Officer?

Please tell us the reasons for your answer.

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 28 January to:

Paul Brunton
Ministry of Justice
Elections and Democracy Division
7.35
102 Petty France
London
SW1H 9AJ

Tel: 020 3334 3778
Fax: 0870 739 5841
Email: paul.brunton@justice.gsi.gov.uk

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>.

Alternative format versions of this publication can be requested from fred.davis@justice.gsi.gov.uk / 020 3334 3791 of Elections and Democracy Division.

Publication of response

A paper summarising the responses to this consultation will be published within three months of the closing date of the consultation. The response will be available online at: www.justice.gov.uk/index.htm.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Summary: Intervention & Options

Department /Agency: Ministry of Justice	Title: Impact Assessment of Publication of candidates' addresses at UK parliamentary elections	
Stage: Consultation	Version: 1	Date: 25 November 2008
Related Publications: The "Publication of candidates' addresses at UK Parliamentary elections" consultation paper.		

Available to view or download at:

<http://www.justice.gov.uk>

Contact for enquiries: Paul Brunton

Telephone: 020 3334 3778

What is the problem under consideration? Why is government intervention necessary?

The Government is considering whether candidates' addresses should continue to be disclosed automatically during UK Parliamentary elections. This follows concerns that the current requirements for candidates' addresses to appear on nomination and ballot papers at UK Parliamentary elections may put at risk the safety and security of MPs, candidates and their families.

What are the policy objectives and the intended effects?

The Government's objective is to seek views as to whether legislative changes are required to safeguard the security of MPs, candidates and their families by removing the current requirement for their full address to appear on electoral documents which are open to public inspection at UK Parliamentary elections. This will include looking at the best way to ensure that the security of MPs, candidates and their families is balanced against the need for the electoral process to continue to be open and transparent.

What policy options have been considered? Please justify any preferred option.

Option 1: No change – candidates to continue to have their full address published on the nomination and ballot papers;

Option2: An amendment to be made to the Political Parties and Elections Bill to provide for less specific information – for example, the "outward" code of the postcode of the candidate's address to be published in place of the current requirement for the full address to be provided;

Option 3: An amendment to be made to the Political Parties and Elections Bill to completely remove the requirement for a candidate's address to be published.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? We are unable to provide an implementation date at this stage. This will depend on the decision whether to proceed and when the Bill gains Royal Assent. If any changes are made, the costs and benefits will be reviewed with stakeholders and other interested parties after the first Parliamentary election to which they apply.

Ministerial Sign-off For SELECT STAGE Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:



Michael Wills.....Date: 25 November 2008

Summary: Analysis & Evidence

Policy Option:	Description:
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups' Electoral administrators, local authorities and candidates. The biggest impact is likely to be on electoral administrators with the scale of the impact varying depending upon the number of candidates standing in each constituency. We are not yet able to calculate costs on a monetary basis.
	One-off (Transition) Yrs	
	£	
	Average Annual Cost (excluding one-off)	
£	Total Cost (PV)	£
Other key non-monetised costs by 'main affected groups' N/A		

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups' We are not able at this stage to calculate benefits on a monetary basis. However there are unlikely to be any on a large scale.
	One-off Yrs	
	£ Nil	
	Average Annual Benefit (excluding one-off)	
£ Nil	Total Benefit (PV)	£ Nil
Other key non-monetised benefits by 'main affected groups'		

Key Assumptions/Sensitivities/Risks The information is based on the provisional views of the Association of Electoral Administrators.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
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What is the geographic coverage of the policy/option?	Whole of UK			
On what date will the policy be implemented?	Not yet known			
Which organisation(s) will enforce the policy?	Electoral administrators			
What is the total annual cost of enforcement for these organisations?	£ not yet known			
Does enforcement comply with Hampton principles?	N/A			
Will implementation go beyond minimum EU requirements?	N/A			
What is the value of the proposed offsetting measure per year?	£ Nil			
What is the value of changes in greenhouse gas emissions?	£ Nil			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	Yes/No	Yes/No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)				(Increase - Decrease)
Increase	£	Decrease	£	Net £

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

Background

The Government is currently taking the Political Parties and Elections Bill through Parliament. It is considering an amendment to the Bill to remove or amend the need for candidates' full postal addresses to be published at UK Parliamentary elections.

It has been a longstanding feature of Parliamentary elections for the home addresses of candidates to appear on nomination and ballot papers. This is done in the interests of openness and transparency, given that at Parliamentary elections there is no requirement for candidates to live in the constituency where they are standing.

However, the proposal to change these arrangements is based on an argument that public figures and their families face risks to their safety, security and peace of mind and that special considerations should therefore apply to them.

A counter argument is that the electoral process should be open and transparent and that those putting themselves forward for public office in this way should be prepared to face those risks in the interests of accountability and the free expression of democracy.

Public consultation

The Government believes it should not make any changes without formal consultation with the public and key stakeholders, which will include the political parties and electoral administrators. It therefore has not decided at this stage which of the three options presented here it will take forward.

The consultation will be timed so as to allow the responses to the consultation to inform consideration of this issue by Parliament under the auspices of the Political Parties and Elections Bill. Should a clear view emerge following the outcome of the consultation then a suitable amendment could be added to the Bill.

Consultation carried out to date:

A previous informal consultation was carried out in 1999. We have more recently informally sought views of a number of key stakeholders on this issue.

The Association of Electoral Administrators (AEA) objects to the omission of candidates' addresses for Parliamentary elections on principled grounds. The AEA feels that elected representatives should be open about their address and that any threats should be dealt with on an individual basis by the Police and other authorities.

The Electoral Commission has acknowledged that some MPs are concerned about their home address being published, and has indicated its support for the intent behind the proposed amendment to display only the first part of the postcode for a candidate's home address on the ballot paper and statement of persons nominated. However, in practical terms, it believes that further consideration will need to be given to the impact that the new requirement for checking candidates' addresses will have on Returning Officers, particularly if they are required to verify the home addresses supplied by candidates.

Potential Resource Implications

There are unlikely to be any cost implications other than to the time of electoral administrators which is particularly pressured during Parliamentary elections. Whilst the impact is likely to be minimal, a change requiring Returning Officers to verify candidate's addresses at Parliamentary elections may have an impact on the overall resources of Returning Officers.

The AEA have provided the following initial views in relation to the resource implications which would arise if a new requirement were introduced for Returning Officers to verify candidate's addresses:

(A) A requirement for candidates to bring in a utility bill (or other form of identification) to confirm their address and the subsequent need for the relevant electoral officer to process this information before accepting the nomination form

In the AEA's preliminary view it would not be a very onerous task to check and copy a utility bill (or other form of documentation) for the number of candidates who stand at a Parliamentary election. However, there would be resource implications if the policy was extended to local elections due to the large number of candidates who usually stand.

The change would place a requirement for Returning Officers to ask for proof of address at the nomination stage which is in contrast to the current position where nomination papers are accepted at face value.

The change would also have an impact for candidates as they would have to provide proof of their address to the Returning Officer. In cases where the Returning Officer is not satisfied by the proof of address, the candidates would be sent away to find more proof of residence. This would draw out the process and have time implications for both agents, candidates and Returning Officers.

(B) a requirement for the relevant electoral officer to take copies of the utility bill (or other form of identification) and to store it safely (in compliance with data handling standards)

The AEA's preliminary view is that there would be no problem in taking a photocopy of the form and keeping it safe and then destroying it after 12 months (as per usual practice with elections documents) with the nomination paper. Whilst this is a simple process it would have a slight impact on resources (staff time).

(C) The extra resource implications for local authorities if relevant electoral officers are required to validate the address provided by the candidate with other records i.e. the electoral register;

The AEA's preliminary view is that there would no problem with validating the address with other records as electoral administrators already process nomination papers with a hard copy of the register to hand as well as having easy access to the register on-line and Council Tax records. This would, however, take administrators extra time – particularly if there are more than half a dozen candidates. There may be further resource (staff time) implications if the Electoral Registration Officer (ERO) has to validate records for someone who is not a bill payer, is not on the local electoral register or does not live in the area. This may require an ERO to obtain the information from the ERO from a different area.

Policy Options

The Government is considering the following options:

Option 1: No changes to the Political Parties and Elections Bill - candidates to continue to have to have their full address published on the nomination and ballot papers

This option would maintain the status quo and would not present any additional resource burdens for electoral administrators. Whilst the principles of open and transparent electoral processes would be preserved, there would be a need to ensure that maintaining the status quo would not expose a candidate to unnecessary risk nor place an undue burden on the Police and security services. **Views from the Police on this point would be welcomed.**

Option 2: An amendment to be made to the Political Parties and Elections Bill to provide for the provision of partial address details, for example for the "outward" code of the postcode of the candidate's address should be published in place of the current requirement for the full address to be provided

As the consultation document explains, if this option were taken consideration would need to be given as to whether the Returning Officer would need to verify the candidate's address. If verification is required, the impact would vary in accordance with the number of candidates standing in each constituency. **It is difficult to estimate the potential costs and we would be grateful for stakeholders to provide any information on this point they think relevant.**

We believe the resource and costs issues might centre on:

- Electoral Officers needing to check candidate's addresses and finding a suitable form of identification;
- Associated costs with photocopying and storage of records including chasing candidates who do not supply the relevant details;
- A potential increase in costs for local authorities if workload increases.

There may also be potential costs for candidates and their parties in supplying any form of identification required.

Option 3: An amendment to be made to the Political Parties and Elections Bill to completely remove the requirement for a candidate's address to be published but for the Returning Officer to provide a statement as to whether or not someone has provided an address which is in the constituency they are contesting

This would address concerns over security particularly for the families of candidates. This would not mean that the public could not find out the home address of individual candidates from election materials. We believe that the same potential resource issues are raised as those highlighted under option 2 above.

Questions:

We would be grateful if stakeholders could comment on this Impact Assessment and in particular on the following:

- (1) What might be the potential costs and burdens created for candidates, political parties and electoral administrators from amending or removing altogether the current requirements for candidates' addresses to be made public on the relevant forms, in particular if a change in the law along the lines of options 2 or 3 above was accompanied by a requirement for addresses provided to be "verified" by Returning Officers?
- (2) Any other resource issues raised by the consultation document.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	No	No

Annexes

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

These criteria must be reproduced within all consultation documents.

Consultation Co-ordinator contact details

If you have any complaints or comments about the consultation **process** rather than about the topic covered by this paper, you should contact Gabrielle Kann, Ministry of Justice Consultation Co-ordinator, on 020 7210 1326 (or from **12 December 2008** on 020 3334 4496), or email her at consultation@justice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

**Gabrielle Kann
Consultation Co-ordinator
Ministry of Justice
5th Floor Selborne House
54-60 Victoria Street
London SW1E 6QW**

From **12 December 2008** the address changes to:

**Gabrielle Kann
Consultation Co-ordinator
Ministry of Justice
7th Floor
102 Petty France
London SW1H 9AJ**

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given under **the How to respond** section of this paper at page 25.

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Elections and Democracy Division who can be contacted on 020 3334 3791
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