



A consultation on moving the date of English Local Government elections to the date of the European Parliament Elections in 2009

**Summary of consultees' views and the Government's response**





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October 2008

Product Code: 08 LGSR 05579

ISBN: 978-1-4098-0579-3

## Introduction

- 1 Section 37A of the Representation of the People Act (RPA) 1983 (as inserted by the Local Government and Public Involvement in Health Act 2007) provides for the Secretary of State to make an Order to move the date of the local government elections to the date of the European Parliamentary elections. Any order must be approved by both Houses of Parliament and be made at least six months before the date of the local elections.
- 2 On 20 May 2008, the Government issued a 12 week consultation *Moving the date of English Local Government elections to the date of the European Parliament Elections in 2009*, seeking views on whether or not to hold both elections on the same day. The consultation launched on 20 May meets the statutory requirement for the Secretary of State to consult the Electoral Commission and such other persons as she considers appropriate before moving the date of local government elections in 2009.
- 3 Responses were requested by 11 August 2008 and this document provides a summary of those responses as well as setting out the Government's response to the issues raised by respondents.
- 4 A draft of the *Local Elections (Ordinary Day of Elections in 2009) Order 2008* was laid before Parliament on 7 October 2008. If Parliament approves the draft – no later than 7 November – the Order will be made moving the date of local elections in England in 2009 from Thursday 7 May to the date of the European Parliamentary elections, expected to be Thursday 4 June.

## The consultation

- 5 Following the 2004 elections, when the local elections were held on the same day as the European Parliamentary elections, the Electoral Commission stated:
 

*“Before the next European Parliamentary elections in 2009 further consideration will need to be given to the potential impact of the combination of elections. The balance of arguments in favour and against – including the potential impact on turnout – will need to be weighed by Government and others.”*
- 6 The consultation sought to draw out these arguments and invited the views of the public and other stakeholders, including local authorities, on where the balance lies. We specifically invited the views of the consultees listed at Annex A, although we received and welcomed comments from a wide range of groups and individuals. The Government has had regard to all representations received before deciding to exercise the powers under section 37A of the RPA 1983.

7 Consultees were asked to consider the following questions:

- A. Do you believe that Government should seek to move the date of the local elections in 2009 from 7 May to 4 June, so that they are held on the same day as the European Parliamentary elections?**
- B. If we move the elections to principal authorities (as listed at Annex B) should we also move the date of parish council elections where they are scheduled to take place on 7 May 2009?**
- C. What practical issues do you foresee in combining effectively local (and where applicable, parish) elections with the European Parliamentary elections?**
- D. What action do you think should be taken to address these practical issues (whether by local authorities, Government or the Electoral Commission)?**

## Overview of representations

8 The Government received 278 responses to this consultation.

### ***Number of representations received***

The Electoral Commission	1
National local government bodies	4
Local authorities with elections in 2009	29
Other local authorities in areas where elections are taking place in 2009*	138
Local authorities (other)	19
Councillors	15
Town and parish councils	20
Political Parties/Elected Representatives	19
Other public sector	8
Voluntary and community sector	7
Public responses	18
<b>Total</b>	<b>278</b>

\* District councils in a county where the county council has elections.

9 We are encouraged by the very strong response to this consultation, which has provided us with a range of evidence and views and has helped to inform the Government's consideration as to whether or not the date of the local elections should be moved.

## Summary of consultees' views and of the Government's response

### **A. Do you believe that Government should seek to move the date of the local elections in 2009 from 7 May to 4 June, so that they are held on the same day as the European Parliamentary elections?**

- 10 76 per cent of those that expressed a clear view were in favour, although some (22 per cent) placed conditions on their support (discussed below under practical issues – questions C and D).
- 11 Respondents argued that holding the two elections together would be more convenient for voters, thereby increasing turnout. It was also argued that holding the elections together would result in greater efficiency and savings. Annex C provides a breakdown of the total number of responses received which addressed this question.

### ***The Electoral Commission***

- 12 The Electoral Commission are in favour of the local government election date being changed to the date of the European election subject to certain provisions being made. It is of the opinion that, on balance, holding elections on the same date in 2009 is preferable to holding two elections only four weeks apart.
- 13 The Commission stated that any consideration of holding elections on the same day should begin with a consideration of the interests of the electorate. It felt that combining polls may minimise 'voter fatigue' and potentially improve turnout.
- 14 The Commission observed that its report on the 2004 European Parliamentary election did not find any problems of 'voter confusion' as a result of combining polls. It believes that provided separate ballot papers are used and effective local public awareness work is undertaken, then the risk of confusion as a result of using different voting systems on the same day in 2009 should be minimised.
- 15 The Commission stated that generally it wishes to see the combination of elections minimised as it believes the balance of argument is usually against combination. It also stated that decisions on whether or not elections should be held together should be made on a case by case basis.
- 16 The Electoral Commission made a number of further detailed comments which are set out at Annex D, along with the Government's response to the points raised by the Electoral Commission which are not covered in the main body of this response.

### ***Political parties***

- 17 The Conservative Party have stated that they will not oppose the moving of the local government election date in 2009. In principle the Party opposes the combination of too many elections as they believe it causes voter confusion. Unlike in Scotland, where multiple electoral systems are being used, they accept that there would be reduced scope for confusion in 2009 if elections were held on the same date.
- 18 One branch Labour party and two local council Labour groups supported the proposal to combine the European and local polls, as it would provide increased turnout. Another branch Labour party opposed the proposals to change the date of the local government elections stating that combining the polls would lead to voter confusion, reduced turnout at local elections and local issues being overshadowed.
- 19 A number of the local and regional Liberal Democrat groups, mainly from those areas that have elections, have written to say they support elections being held together. One local group stated that they supported the elections being held together as it will reduce costs and improve efficiency and lead to higher turnout.
- 20 Of the other parties the British National Party, the Liberal Party and Mebyon Kernow (Cornwall) oppose any change to the local government election date. The UK Independence Party supports the change of date. No other political parties responded to the consultation.

### ***Local Government***

#### *National bodies*

- 21 The Local Government Association (LGA) are in favour of the local elections being held at the same time as the European election. They asked for certain provisions to be made to address issues such as the impact on the term of office of councillors.
- 22 The Association of Electoral Administrators (AEA) are in favour of the elections being held together on the basis that the European elections are administered on local government boundaries.
- 23 The Society of Local Authority Chief Executives and Senior Managers (SOLACE) view is that on balance elections should be combined and held on the same day and combined. Whilst they accept that this does create some practical problems, they believe that not holding elections together would also cause organisational difficulties (eg overlapping timetables) and that overall local authorities do have substantial experience of running combined polls.



### *Local authorities*

- 24 Twenty-nine of the 34 councils holding elections in 2009 responded. Of those that stated a position on the question of moving local elections, 82 per cent (18 out of 22) supported the local government election date being moved, although one council stated that their support was on the basis that parish elections were not held on the same date. Four councils that are holding elections in 2009 opposed the combination.
- 25 Of the other councils that responded (ie councils not holding elections in 2009), 83 per cent that stated a position were in support of moving the local government election date, although around 34 per cent supported conditionally – largely on the basis that the European elections take place on local government boundaries for ease of administration. Seventeen per cent of councils holding a stated position opposed combination on the basis that this would result in voter confusion and local issues being overshadowed.
- 26 In the seven county areas which are undergoing local government restructuring, the Implementation Executives and Shadow Councils for the new unitary authorities generally support, or do not object to, the elections being held together.
- 27 Three of the four councils that have Mayoral elections in 2009 responded to this consultation. One council supported the proposal and the other two did not oppose moving the ordinary day of elections outright although they did raise significant concerns. Their key concern was that for their areas there will be different voting systems which may confuse voters. However, they believe separate ballot papers and good awareness raising campaigns should minimise this risk.
- 28 In addition to the responses received from local authorities, 15 responses were received from individual councillors. Of those (14) who expressed a clear view, around 57 per cent opposed any change to the date of local government elections. These councillors and the small number of councils (see paragraph 25) who opposed the date of local elections being moved also had concerns around the administration of elections becoming increasingly complex (eg as a result of increases in postal voting), which these respondents argued would raise the risk of the local authorities not having the capacity to effectively administer the elections. However, it was argued by a number of councils responsible for running elections that there would be fewer administrative difficulties if elections could be run on local government boundaries.

### *Other respondents*

- 29 Tom Levitt, Member of Parliament for High Peak, opposed any change to the local government election date. He stated that turnout would not be improved by moving the ordinary day of elections, that local government issues would be overshadowed by European issues and that the risks of voter confusion would be increased. Glyn Ford MEP for the South West supported the elections being held together. We also received representations from members of the public opposing any change to the date of local government elections.

- 30 Other respondents also argued that holding the two elections together would cause confusion for electors, especially in light of the two different electoral systems that are used. Opposition was also expressed on the basis that local issues would be overshadowed by the debate around Europe (our response to these issues is addressed below in relation to questions C and D).

**Government Response:**

The impact on the electorate was at the forefront of the Government's thinking when deciding that the date of the local elections should be moved as we have concluded it will be more convenient for voters.

The Government agrees with the assessment that combining polls may minimise voter fatigue and potentially improve turnout. The Government believes that measures exist, or can be taken, to minimise the risk of 'voter confusion' including the use of separate ballot papers (see paragraph 55). The Government also agrees that decisions on moving the date of local elections should be taken on a case by case basis and notes that a number of respondents have stated that they are not generally in favour of combining polls. Of course, given that there are local elections in England every year the issue of European elections being held in close proximity to local elections will arise every five years.

Having considered carefully all the representations received the Government has decided to lay a draft Order before Parliament which seeks to move the date of the local government elections in England to the date of the European elections in 2009. The Government has carefully considered all the evidence and arguments put forward and has made provisions in the Order to address particular issues which have been raised by respondents. The Government believes that the benefits to holding the local and European Parliamentary elections on the same day are:

- it will be more convenient for voters to have to visit the polling station once only, rather than twice within a four week period, meaning that more voters are likely to participate in the election
- it will result in the election periods for the local and European elections running together and avoid the start of the European election period overlapping with the end of the local election period which could cause voter confusion
- it will reduce costs incurred by local authorities, returning officers and political parties in distributing election material, contacting voters, canvassing and holding the polls themselves
- those responsible for voter awareness campaigns, particularly local authorities, will be able to concentrate their efforts on increasing the awareness of one single election day

**B. If we move the elections to principal authorities (as listed at Annex B) should we also move the date of parish council elections where they are scheduled to take place on 7 May 2009?**

- 31 We specifically asked a question in the consultation paper as to whether parish council election dates should also be moved. Around 90 per cent of those that responded to this question were in favour. In summary, the main reasons for support were that it would increase turnout at the parish council elections and also reduce costs if all elections were held on the same day. The opposition to the parish council elections being held on the same date centred around concerns that having a third election on one day would be too much, compounding administrative difficulties and voter confusion. (Our response to these issues is addressed below in relation to Questions C and D.)
- 32 The National Association of Local Councils (NALC) felt that, if the date of the elections to principal authorities were moved then neighbourhood, parish and town council elections should take place on the same day, as recommended by the Councillors Commission and the Commission for Rural Communities in their recent reports.
- 33 Twenty town and parish councils responded directly to the consultation. Of those, eight of the nine that expressed a view on this question supported moving parish council elections along with the elections for principal councils.
- 34 Annex C provides a breakdown of the total number of responses received which addressed this question.

**Government Response:**

Having considered carefully all of the representations received the Government has decided to make provision in the Order which will provide for the parish council elections to be held on the same date as the principal council and European elections. The Government believes that making this change will be more convenient for voters and will reduce costs at the parish level.

- C. What practical issues do you foresee in combining effectively local (and where applicable, parish) elections with the European Parliamentary elections?**
- D. What action do you think should be taken to address these practical issues (whether by local authorities, Government or the Electoral Commission)?**

- 35 A number of practical issues were identified during the consultation period. Respondents set out a number of practical arrangements which need to be put in place if the elections are to be held on the same date. At Annex D we have set out our response to a number of detailed points raised by the Electoral Commission.

### **Electoral areas on which elections are conducted**

- 36 At present legislation provides that European elections should be administered on the basis of parliamentary constituency boundaries. We received 120 representations (100 per cent of those commenting on this issue), including from the Electoral Commission, the AEA and SOLACE, stating that the European Parliamentary elections should be administered on local government boundaries rather than parliamentary constituency boundaries.
- 37 Concerns were raised that as the local elections will be administered on local government boundaries, administering the European Parliamentary elections on the basis of parliamentary constituency boundaries at a combined poll would significantly increase the complexity for electoral administrators.
- 38 The AEA stated that if the European elections are not administered on local government boundaries they would not support the local elections being held on the same date as the European election as this:

*“... would cause severe planning and operational difficulties for all Returning Officers... furthermore, many local authorities’ boundaries are not coterminous with UK parliamentary constituency boundaries and this would lead to considerable practical difficulties over the sharing of postal voting data (held on different software systems in many cases) between each Electoral Registration Officer and the relevant Acting Returning Officer.”*

#### **Government Response:**

Having decided to move the date of the local government elections to the date of European elections in 2009, the Government, having carefully considered the evidence received and having noted the overwhelming support for this change to be made, has made provision in the Order to provide that European Parliamentary elections in England will be administered by reference to local authority areas, and the local returning officer for those elections will be the person who administers local elections for that area.

- 39 In the longer term, the Political Parties and Elections Bill has now been introduced into Parliament which seeks to provide for the use of local government boundaries for the administration of all future European Parliamentary elections across Great Britain.

### **Impact on councillors and local authority business**

- 40 A number of representations were received identifying further administrative changes which are needed to enable the date of local elections to be changed. These related to the impact on terms of office of councillors, the need for by-elections and the dates by which annual meetings of joint authorities and parish meetings have to take place. These changes were all made when the local and European elections were held together in 2004. For example, the LGA stated that provision would be needed in relation to the dates of local authority annual meetings which usually take place in June following an election, the terms of office of councillors and Mayors and for a by-election where vacancies occur.
- 41 The Association of Police Authorities also requested that provision should be included in the relevant legislation enabling police authorities to extend the date of their annual meetings until the end of August 2009.

#### **Government Response:**

Having considered the evidence put forward the Government has made provision in the Order which will:

- extend the term of office for sitting councillors and Mayors until four days after the new local election date in 2009, and reduce the term of office of the new councillors and Mayors, so that their term comes to an end on the fourth day after the ordinary day of election in the year in which they are due to retire (in most cases this will be in 2013)
- provide that no by-elections will be required to fill casual vacancies from 7 November 2008. Section 89 of the Local Government Act 1972 provides that if a vacancy occurs six months before the ordinary day of elections a by-election will not be held. If this Order were not made, the ordinary day of elections would be 7 May 2009, meaning that by-elections need not be held for any vacancy arising after 7 November 2008. As Returning Officers are already working to this date, the Order ensures it is retained despite the change of local government election date
- provide for annual meetings of joint authorities, including police authorities, to take place before 31 August rather than 30 June, the date currently required by statute
- provide for the annual meetings of parish councils to take place by 1 July rather than 1 June, the date currently required by statute

## Complexities in the administration of elections

- 42 A number of respondents stated that administering elections has become increasingly complex (eg due to increases in postal voting) and this raises a risk of the local authorities not being prepared for two elections being held at the same time. The two main concerns expressed by respondents were about the capacity of suppliers of election products such as ballot papers, and the resources of the authority itself in terms of the number and skills set of the employees required to staff polling stations.
- 43 In its report on the 2008 elections the Electoral Commission observed that legislative change introduced for the first time at elections in 2007 had bedded down in 2008 and Returning Officers and Electoral Registration Officers clearly benefited from being able to draw upon their experiences in 2007. The Government expects this to continue to be the case in the 2009 elections.
- 44 Holding the elections together will result in electoral administrators only having to perform certain tasks once. For example polling cards could be sent out together. If the elections were not held on the same date the administration of the elections would be complicated by the fact that polling cards for the European election would have to be sent out shortly before polling day for the local elections. Therefore the proposal to move the date simplifies the process, avoids duplication and reduces risks of confusion.
- 45 The Government has also worked with suppliers and local government to seek to help them to address, and provide solutions to, issues which face electoral administrators. In particular, it has worked to ensure there are solutions to the issues of cross boundary postal vote identifiers and sufficient capacity in the market for printing services. For example, one print company that participates in meetings on supplier issues, led by the Ministry of Justice, suggests that holding both the local and the European elections on the same day would ease problems for printers on the basis that local government boundaries are used as this will eliminate the problems of transferring data across boundaries for use by another authority's suppliers.
- 46 We also received a number of representations from district councils in county areas where county council elections are due to take place in 2009. A number of these district councils, which play a key role in the administration of elections, stated that holding the two elections together will make the administration less complex than holding two elections separately in a short period of time. For example, Mole Valley District Council stated that 'based on past experience, the combined district and European elections in 2004 worked well' and Wychavon District Council stated that 'whilst combined elections do bring their own challenges we are well used to successfully running these'.

- 47 Accordingly, with effective management and planning, as promoted by the Electoral Commission, the AEA, SOLACE the Government believes that local authorities and suppliers should have the capacity to manage local and European elections held on the same date in June 2009.
- 48 Concerns were also raised about the distribution of material for postal votes. Where the European and local elections are held on the same date, postal ballots for each election can either be sent together or separately. If they are sent together then only one postal voting statement is required, whereas postal ballots dispatched separately would require a separate postal voting statement for each election. The Electoral Commission stated that, if two separate postal ballot packs were used, it is possible that these may not arrive on the same day which may result in confusion for electors.
- 49 At previous combined polls electors were able to complete both ballot papers together with only one, rather than two, postal voting statements having been sent out to electors. However, this resulted, in some areas, in difficulties with the supply of ballot packs on time and to the right quality and in some confusion because of the complexity of the task.
- 50 For that reason, the Government's view is that, for the 2009 elections, the decision as to whether a combined postal vote process is appropriate in any particular area should lie with the Returning Officers involved (including the Regional Returning Officer). This is particularly so since this is the first European (or national) election at which personal identifiers will need to be checked on the return of postal votes. Only those involved have the necessary local information to make this decision, bearing in mind the possibility of elector confusion, the complexity of the task, the number of postal voters, the supplier capacity, the logistics of issuing and returning postal ballots, the resources they have available for issue and checking of ballots, and the time they have at their disposal.
- 51 The Government does not want to restrict the options and flexibility available to Returning Officers, or risk the smooth and successful completion of the task. The Government is currently preparing regulations which will update the European Parliamentary Elections Regulations 2004. These regulations will apply to these elections the rules that are in place for the UK parliamentary elections which leaves the decision over whether to combine the administrative elements of the postal voting process to the discretion of the Returning Officers involved.

### **Voter confusion**

- 52 There were also concerns about 'voter confusion' in relation to understanding the difference between the different voting systems and ballot papers, in particular in areas where elections for Mayors use the second preference system. However, in its response, the Electoral Commission considered that provided separate ballot papers

are used, and that there is effective local public awareness work undertaken to explain that some voters will be able to vote for more than one candidate, then the risk of confusion would be minimised. This risk was also highlighted by the Equality and Human Rights Commission (EHRC) whose remit includes championing the rights of those with disabilities. They were concerned about the likelihood of confusion for some voters with learning disabilities and older people. They felt this could be minimised by ensuring separate ballot papers and awareness raising literature is available in different formats and to proxy voters.

- 53 As set out above the Government is currently preparing regulations which will update the European Parliamentary Elections Regulations 2004. These regulations will require instructions to voters to be prominently displayed in polling stations and in each voting compartment making it plain how many votes an elector has and precisely how to cast a vote. In addition, the European election ballot paper must have at the top a statement that the voter has one vote only. Similar legislation is already in place for local elections.
- 54 The design of the ballot paper for the European elections will be specified in the updated European Parliamentary Elections Regulations. They will provide that the names of all the candidates on each party list must appear on the ballot paper below the name or description of the party. The names of all the candidates must also appear on the statement of persons nominated which is required to be displayed in each polling station. The large version of the ballot paper, which is also required to be displayed in each polling station, will also contain all the names of the candidates, like the ballot paper. The names of candidates for any local elections, the polls for which are being combined with those for the European elections, must similarly appear on the statements of persons nominated and the ballot papers (and large versions) for those elections.
- 55 Current legislation covering the combination of polls provides that where two or more polls are combined, the ballot papers for each must be different colours – see paragraph 16(2) of Schedule 3 to the Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304). This approach was supported by a number of the affected councils who responded to this consultation.
- 56 Of course Returning Officers now not only have the power to, but must, undertake such steps as they think appropriate to encourage participation of electors in elections in their area (by virtue of section 69 of the Electoral Administration Act 2006). The Government is confident that these provisions provide a firm basis for sufficient public awareness work to take place which will reduce risks of voter confusion.



## **Overshadowing local issues**

- 57 Some consultees highlighted a risk that local issues would be conflated with debate relating to Europe, creating 'voter confusion', and argued that combining polls would boost turnout for the European poll rather than increasing turnout for the local elections. However, a number of respondents suggested that steps taken by local authorities and political parties to publicise and raise awareness on the elections should enable electors to clearly distinguish between the two elections and help to minimise this risk.
- 58 When the European and local elections were combined in 2004 there was no evidence to suggest voters were confused. The Government believes that voters will be able to distinguish between the local and European issues upon which they are being asked to vote.

## **New unitary authorities**

- 59 Some respondents in the areas where there are to be new unitary authorities by virtue of Orders made under Part 1 of the Local Government and Public Involvement in Health Act 2007 proposed that the local government election date should not be moved to June. They were concerned that, as the new unitaries will come into being on 1 April 2009, there will be a nine week period until the election on 4 June 2009, during which time the council will have an appointed Implementation Executive (made up of representatives of the new and former council) for longer than was originally anticipated. However, equally, some have pointed out the benefits of the new unitaries having additional time to prepare for the elections.
- 60 Moreover, the Government believes that the arrangements for these councils, including their Implementation Executives or shadow executives, will provide adequate and appropriate leadership for the extended period before the elections.

## Annex A

### **List of consultees**

All Principal Authorities  
The Electoral Commission  
The Conservative Party  
The Labour Party  
Liberal Democrats  
British National Party  
The Green Party  
The Liberal Party  
Mebyon Kernow – The Party of Cornwall  
Respect – The Unity Coalition  
Socialist Party  
UK Independence Party  
Local Government Association  
National Association of Local Councils  
Association of Police Authorities  
Association of Chief Police Officers  
Association of Electoral Administrators  
The Chief Fire Officers Association  
Confederation of British Industry  
County Councils Network  
England National Park Authorities Association  
Electoral Reform Society  
Equality and Human Rights Commission  
Institute of Directors  
National Association for Areas of Outstanding Natural Beauty  
Operation Black Vote  
Royal National Institute of the Blind  
SCOPE  
Society of Local Council Clerks  
Society of Local Authority Chief Executives

## Annex B

### **Elections to principal councils in 2009**

Bedford Borough Council (new unitary authority)  
Bristol City Council  
Buckinghamshire County Council  
Cambridgeshire County Council  
Central Bedfordshire Council (new unitary authority)  
Cornwall Council (new unitary authority)  
Cumbria County Council  
Derbyshire County Council  
Devon County Council  
Dorset County Council  
East Sussex County Council  
Essex County Council  
Gloucestershire County Council  
Hampshire County Council  
Hertfordshire County Council  
Isle of Wight Council  
Kent County Council  
Lancashire County Council  
Leicestershire County Council  
Lincolnshire County Council  
Norfolk County Council  
North Yorkshire County Council  
Northamptonshire County Council  
Nottinghamshire County Council  
Oxfordshire County Council  
Shropshire Council (new unitary authority)  
Somerset County Council  
Staffordshire County Council  
Suffolk County Council  
Surrey County Council  
Warwickshire County Council  
West Sussex County Council  
Wiltshire Council (new unitary authority)  
Worcestershire County Council

## **Elections for Mayors in 2009**

Doncaster

Hartlepool

North Tyneside

Stoke

## Annex C

### Breakdown of Responses on questions 1 and 2.

*A total of 278 responses were received.*

<b>Q1 – Should local elections be moved?</b>				
85 per cent (236) of the 278 stated a clear position regarding this question.				
<b>SECTOR</b>	<b>YES</b>	<b>CONDITIONAL</b>	<b>NO</b>	<b>TOTALS</b>
Local Authorities with elections in 2009	17	1	4	<b>22</b>
Other local authorities in areas where elections are taking place in 2009*	59	42	20	<b>121</b>
Local Authorities (Other)	8	4	3	<b>15</b>
Councillor	6	0	8	<b>14</b>
Town & Parish	10	0	5	<b>15</b>
Political Parties/Elected Representatives	14	0	4	<b>18</b>
Public Sector	6	4	0	<b>10</b>
Business	0	0	0	<b>0</b>
Voluntary & Community	3	0	3	<b>6</b>
Public	4	0	11	<b>15</b>
<b>TOTAL</b>	<b>127</b>	<b>51</b>	<b>58</b>	<b>236</b>
<b>As a percentage of those that responded to this question</b>	<b>54 per cent</b>	<b>22 per cent</b>	<b>24 per cent</b>	

<b>Q2 – Should parish council elections be moved?</b>			
40 per cent (112) of the 278 stated a clear position regarding this question.			
<b>SECTOR</b>	<b>YES</b>	<b>NO</b>	<b>TOTALS</b>
Local Authorities with elections in 2009	7	0	<b>7</b>
Other local authorities in areas where elections are taking place in 2009*	57	5	<b>62</b>
Local Authorities (Other)	8	2	<b>10</b>
Councillor	3	2	<b>5</b>
Town & Parish	8	1	<b>9</b>
Political Parties/Elected Representatives	7	1	<b>8</b>
Public Sector	6	0	<b>6</b>
Business	0	0	<b>0</b>
Voluntary & Community	3	0	<b>3</b>
Public	2	0	<b>2</b>
<b>TOTALS</b>	<b>101</b>	<b>11</b>	<b>112</b>
<b>As a percentage of those that responded to this question</b>	<b>90 per cent</b>	<b>10 per cent</b>	

\* Local authorities in areas where elections are taking place – for example district councils in a county where the county council has elections.

## Annex D

### Further Government Response to the Electoral Commission

The Government is grateful for the substantive and considered response provided by the Electoral Commission to the consultation.

In the main body of the Government's response we have addressed the points raised by the Electoral Commission and other respondents in relation to the electoral areas on which the elections will be administered, instructions to voters, ballot paper design and the postal voting process. However, this Annex provides a full response to a number of the more detailed points raised by the Electoral Commission in its response to the consultation.

**Q1. Do you believe that Government should seek to move the date of the local elections in 2009 from 7 May to 4 June, so that they are held on the same day as the European Parliamentary elections?**

The Government notes the Commission's view that the local government and European Parliament elections in 2009 should be held on the same date. We agree strongly with the Commission that holding two elections only four weeks apart could present more opportunities for voter confusion than if elections were held together.

The Government welcomes the Commission's position that any consideration of holding elections on the same day should begin with a consideration of the interests of the electorate. This was at the forefront of the Government's thinking when making its decision. The Government has concluded that moving the date of local elections to the date of European elections will be more convenient for voters.

In its response the Commission states:

*"it is difficult to see how holding two elections four weeks apart is in keeping with the Gould report's<sup>1</sup> overarching theme of putting the elector first, especially as Gould recommended that the de-coupled elections be held one year apart, fearing voter fatigue if the elections were any closer together. In addition, our research at the 2004 combined European Parliamentary and local elections showed that combination can result in improvements in turnout."*

The Government agrees that combining polls may minimise 'voter fatigue' and potentially improve turnout.

<sup>1</sup> Ron Gould's independent review of the Scottish Parliamentary and local government elections 3 May 2007. ([www.electoralcommission.org.uk/publications-and-research/election-reports](http://www.electoralcommission.org.uk/publications-and-research/election-reports))

We note that the Commission's report on the 2004 European Parliamentary election did not find any problems of 'voter confusion' as a result of combining polls. We also note that the Commission believes that provided separate ballot papers are used, and effective local public awareness work is undertaken to explain that some voters will be able to mark more than one candidate, the risk of confusion as a result of using different voting systems on the same day in 2009 should be minimised. The Government believes that measures exist, or can be taken, to minimise the risk of 'voter confusion'.

We also note the Commission wishes to see the combination of polls minimised as it believes the balance of argument is usually against combination because of the issues highlighted by Gould. However, the Government also notes that Ron Gould conceded that he was not opposed to the general principle of combining polls – his comments were to be interpreted only in the context of the Scottish elections upon which he had been asked to comment.

As the Chief Executive of the Commission set out when giving evidence to the Scottish Affairs Committee:

*"There are arguments for and against holding elections on the same day, and Gould goes into those, and it is quite clear from his analysis that they are finely balanced. In the Scottish context it is relatively easy to change the cycles so there is clear water between the local government elections and Scottish Parliament elections, and that seems to be what he is saying. That context does not exist in other parts of the UK and it may not exist in Scotland in certain years because there are Westminster and European elections to take into account."*

Indeed the fact that local government elections take place in England every year means that the question of whether or not the local government elections should be moved to the date of the European elections to prevent voters having to vote twice in a four to six week period will arise every five years. This was why the Government made provision as part of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) to enable these changes to be made, the general principle of which the Commission supported.

The Government is surprised that the Commission has returned to the issue of any Order moving the date of local government elections being made 12 months in advance of the 2009 elections. The Government set out during the passage of the 2007 Act that it did not believe anything more than a six month period was needed. In its report on Electoral Administration in the United Kingdom, August 2008, the Electoral Commission has supported this approach by recommending that legislation that has an impact on the administration of elections should not be applied to any election or electoral registration event held within six months of the new provision coming into force, other than in limited circumstances.



The Government agrees that decisions on whether or not elections should be held together should be made on a case by case basis. Of course, legislation already exists which deals with the combination of polls, where decisions have been taken to combine polls at parliamentary, European and local elections (see section 15 of the RPA 1985).

**Q2. If we move the elections to principal authorities should we also move the date of parish council elections where they are scheduled to take place on 7 May 2009?**

The overwhelming majority (90 per cent) of respondents who commented on this question believe that elections to town and parish councils should be held on the ordinary day of election in 2009, alongside other local elections.

The Government notes the Commission's view that the decision as to whether parish elections should also be moved should be a local matter. As set out in our consultation document we consulted all local authorities where elections are scheduled to take place, and the National Association of Local Councils (NALC), who circulated the consultation document to all county associations seeking their comments. NALC stated that a small majority of their membership opposed the change in date of the local elections. However, NALC also stated that if the elections to principal authorities were moved then neighbourhood, parish and town council elections should take place on the same day, as recommended by the Councillors Commission and the Commission for Rural Communities in their recent reports.

**Q3. What practical issues do you foresee in combining effectively local (and where applicable, parish) elections with the European Parliamentary elections?**

and

**Q4. What action do you think should be taken to address these practical issues (whether by local authorities, Government or the Electoral Commission)?**

***Public awareness***

The Government believes it will be easier for candidates and local political groups to communicate with voters once rather than twice in a short period of time.

The Government has noted the Commission's previous recommendation that a booklet similar to that produced for the London mayoral elections should be produced in each region of the UK at European elections. The comparison with the London mayoral election is useful, although of course not directly comparable, as it is a unique event and a competition between individual candidates. European elections are party-dominated – no individual candidate has ever gained a seat under the current electoral system. The election

period for the Greater London Assembly (GLA) elections was extended from 25 to 30 days to enable the booklet to be produced, which would suggest the election period for European elections may also need to be extended.

Whilst the Government has considered the suggestion of requiring a booklet to be produced, we do not believe there is time to put in place the necessary arrangements. Such a significant change would require a full consultation, as changes to primary legislation would be required and there is not now time to develop and introduce this some eight months before the elections in June 2009.

There are a number of issues which would need to be settled before such an innovation could be introduced, not least the costs involved. It would be important to consult with the political parties and regional Returning Officers before such an approach were adopted. It would also be important to consider whether parties or individual candidates would still have access to a freepost facility if they chose not to be included in the booklet but wanted their own campaign material to be distributed independently. The consequences in terms of fairness and finance would need particular consideration.

The Government is not aware that the current arrangements for the distribution of election material are viewed as being unsatisfactory, and there has been no widespread call from other interested parties for the introduction of a booklet. In the absence of such pressure and until the issues identified above are settled, we would not want to propose such a major change which would inevitably add to the administrative complexity of running the elections, particularly if the polls are to be combined. However, we will consider this issue further ahead of the 2014 European elections.

Of course Returning Officers now not only have the power to, but must, take such steps as they think appropriate to encourage participation of electors in elections in their area. The Government is confident that these provisions, together with the Commission's own publicity activities, provide a firm basis for sufficient public awareness work to take place.

### ***Election timetable***

The timetable for European parliamentary elections is 25 working days from the notice of election to polling day – the same as that for all local elections (except those for the GLA the timetable for which has been extended to allow for the publication and distribution of the booklet referred to above). Milestone dates by which actions must be completed within that overall timetable may vary slightly, but some of these involve actions around the nomination process which carries on regardless of whether the polls are combined. The updated combination of polls regulations which the Government is currently preparing, will provide for dates to be harmonised in the event of combination, where this is necessary.

The Government agrees with the Commission that if the date of the local elections is not moved and local authorities dispatch European Parliamentary election poll cards about five weeks in advance of the election, they would arrive shortly before the currently scheduled polling day for the local elections and this could be confusing for voters and burdensome for administrators. Moving the date of the local government election removes this overlap as the election periods will run together.

The Government notes the Commission appears to have adopted a new position with regard to election timetables, having stated in its response that the current local elections timetable should be extended. In the Commission's report on the timetable for elections in 2003, the Commission recommended that all electoral timetables should be harmonised to the current local election timetable of 25 days. The Government continues to believe that a 25 day period for local elections is suitable but welcomes further evidence from the Commission setting out why it believes this is no longer the case.

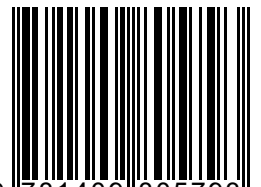
### ***Need for comprehensive research***

The Government has noted the Commission's recommendation, and that of the Gould report, that there should be research on the effect of the combination of polls. We would indeed welcome such research which could provide useful information to inform future decision-making. However, the Government's view is that the Government is not itself best placed to undertake such research.

There are a number of well-respected and competent independent authorities who have expertise in electoral matters and whose approach to such research might arguably command more support from stakeholders than the Government.

**ISBN: 978-1-4098-0579-3**

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