

Review of ballot paper design

Consultation paper
January 2003



The Electoral Commission

We are an independent body that was set up by the UK Parliament. We aim to gain public confidence and encourage people to take part in the democratic process within the United Kingdom by modernising of the electoral process, promoting public awareness of electoral matters, and regulating political parties.

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How to respond

Please send your response to this consultation paper by **Tuesday 4 March 2003** to:

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To assist respondents a consultation response form is enclosed as Appendix 2 which reproduces the question raised in the consultation paper.

The Electoral Commission may wish to publish or make available for inspection responses to this consultation paper. Please ensure that your response is marked clearly if you wish your response or your name to remain confidential.

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Executive summary

The Electoral Commission's report on the 2001 general election indicated that the design of ballot papers was an issue that the Commission wished to review, including whether there is any case for (and the practicalities of introducing) positive abstention. This review fulfils that commitment and considers whether the Commission should make recommendations to Government for legislative change to improve the current arrangements for ballot paper design. It also considers if it would be helpful or necessary for the Commission to introduce additional guidance to improve the design of ballot papers, making them more user-friendly for the voter and ease the task of counting undertaken by electoral administrators.

The ballot paper is one of the key components in the electoral process; its design and accompanying guidance is crucial to the success of elections. The review looks at ballot papers used in all statutory elections in the UK (except parish council elections), but does not consider ballot papers used for referendums. The consultation paper identifies a range of strategic and detailed points relating to ballot papers and the Commission wishes to encourage consultees to raise issues, even if this means proposing changes which might take some time to achieve, or ideas, which, if adopted, would mean significant changes and adaptations to the current system. The Commission is also aware that certain suggestions under discussion may not be practicable in certain parts of the UK or would need to be adapted, if introduced, to suit local circumstances.

The paper seeks views in relation to the following areas. A complete list of the questions raised in the paper is attached as Appendix 2.

Alphabetic listing

- Is there any evidence to support the argument that voting behaviour is influenced by the position of the candidate's name on the ballot paper?
- What issues would the Commission need to address in any guidance if a system involving the rotation of candidates' names on the ballot paper was introduced?
- If rotation was introduced what approach should be adopted in relation to the announcing of the results?

Numbers on ballot papers

- Is there any evidence to support the argument that voting behaviour is influenced by the use of numbers to the left of the candidate's name on the ballot paper?
- Should the use of numbers to the left of candidates' names be permitted?

Use of emblems

- Are the current rules relating to the use of emblems discriminatory?
- What changes would you support, if any, in the use of emblems?

'Commonly known as'

- The Commission is minded and would welcome comments on its proposal to favour the introduction of a provision allowing candidates to omit the use of their official

name from the ballot paper in favour of their 'common' name, provided the full official name is included on the nomination paper?

Election information

- Should the ballot paper include details of the election being held on the front of the ballot?
- Should the ballot paper include a statement highlighting the right to vote in secret? If so, should this warning be included on all ballot papers or only those issued for postal voting?
- Should the ballot paper include a description of the body for which the election is taking place? Would a suitable alternative be to include the body's crest or logo?

Explanatory notes

- Should there be more information on the ballot to explain how to vote?
- Could the objective of assisting the elector to vote be achieved by improved information in the polling station rather than inclusion on the ballot paper?
- Should information on how votes are counted be provided either on the ballot paper or in the polling station?

Information about parties and candidates

- Should information relating to the candidates and parties standing at an election be available to the voter either in the polling station or in an anteroom to it?

Production of ballot papers other than in English and Welsh

- Should ballot papers be produced in languages other than English and Welsh?
- If yes, should a threshold be introduced so that if the ethnic minority population in an electoral area exceeded it, then the ballot papers would be produced in that language? What threshold would you regard as appropriate?
- Are there any consequences for the design of ballot papers if they were produced in other languages and is guidance on such matters necessary?

Size, colour and printing of ballot papers

- Should the size of the ballots be increased in general?
- Should colours other than white be used for ballot papers?
- What are the implications of such a move from the perspective of being user-friendly to the voter, and cost in terms of financial and time during the administration of the election?

Photographs

- Should photographs of candidates be included on the ballot paper?
- What size, colour and style of photographs should be permissible?
- Who should verify that the photograph is a true likeness?
- Is there any potential equality, cultural or religious discrimination issues linked to the use of photographs on ballot papers that the Commission should consider?

Multi-ballot papers

- Should multi-ballot papers be introduced where elections to more than one office or institution take place on the same day and the elector would normally be given more than one ballot paper?

Information currently included

- Is there any information contained on ballot papers that could or should be removed?

Serial numbers

- Should the use of serial numbers on ballot papers be replaced with an alternative means of tracing, perhaps a barcode?
- If the use of serial numbers were to continue, is there merit in an educational initiative to explain why serial numbers are used to assist in the combating of personation?

Official marks

- On balance, at this time, the Commission is minded to favour the introduction of some form of alternative to the current official mark in order to eradicate the disenfranchisement of voters through human error in the polling station. In stating this view the Commission welcomes comment on its proposed view and on what should replace the current official mark, if anything?

Landscape or portrait

- Is it practical to impose a standard style for all ballot papers?

Proofing of ballot papers

- Should candidates or agents be given an opportunity to proof a copy of the ballot paper prior to printing?

Means of making a mark

- Should an alternative means of marking the voter's preference other than the current indelible pencil be considered, and if so, what?
- If concerns exist amongst the electorate should an educational programme address them?

Adjudication

- Should the Commission develop guidance on the adjudication of ballot papers or is this a matter best left to Returning Officers' judgement?

Electronic voting and counting

- Can the design of ballot papers for use in e-voting or counting be driven by the same factors as those affecting design of traditional paper ballot papers?
- What should be included in any proposed Commission guidelines on 'candidate selection' webpages?

Positive abstention

- In principle, do you support the introduction of a system of positive abstention? Please give your reasons.
- If positive abstention were to be introduced, what approach would you favour for deciding the final outcome of the ballot?

Candidates names on closed lists

- Should the names of candidates on lists be included on the ballot paper?
- Is there any evidence you to support the argument that voting behaviour is influenced by the inclusion of names on the list ballot paper?

Financial implications

- Comments and information in relation to the likely costs of the possible changes discussed in this paper are requested.

Timescale implications

- Comments in relation to the implications for the electoral timetable of some or all of the ideas in this paper are requested.

1 Introduction

Purpose

- 1.1 The purpose of this consultation paper is to seek views to assist The Electoral Commission during its review of the design of ballot papers.
- 1.2 Responses must be received by **Tuesday 4 March 2003**. Instructions for respondents are at the front of this paper.

Background

- 1.3 The Electoral Commission has a strong interest in the modernisation of our electoral services, and a statutory obligation (under section 6 of the Political Parties, Elections and Referendums Act 2000) to 'keep under review, and from time to time submit reports to the Secretary of State on ... such matters relating to elections to which this section applies as the Commission may determine'.
- 1.4 In The Electoral Commission's report on the 2001 general election, we indicated that the design of ballot papers was an issue which the Commission wished to review in the longer term, including whether there is any case for (and the practicalities of introducing) positive abstention. The report specifically commented:

At the most basic level, it is striking that the ballot paper does not explain how to cast a vote. There is often no indication as to where to place a mark or whether that mark should be a cross or a number. This information is, of course, conveyed on posters in the polling stations, but at every election there are small but significant numbers of ballot papers where it is evident that the elector has failed to understand what they are suppose to do. Whilst Returning Officers try to include such votes via adjudication some of these votes have to be treated as spoilt, when they were cast with every intention of registering a vote. The introduction of proportional representation in some elections has added a new diversity to the choices available to the voter and thereby increased the possibility of error amongst voters.

A further issue of concern to some voters is that ballot papers are issued in polling stations from 'books' of serial numbered ballot papers and the electoral number of each voter is written on the counterfoil in the issuing book. This raises concerns with some electors that it would be possible for electoral administrators to trace their vote and so undermine the secrecy of the ballot.

- 1.5 This review is intended to fulfil the commitment given in the report on the 2001 general election. It will consider whether the Commission should make recommendations to Government for legislative change to improve the current arrangements for ballot paper design. It will also consider if it would be helpful or necessary for the Commission to introduce additional guidance to improve the design of ballot papers, making them more user-friendly for the voter and make easier the task of counting undertaken by electoral administrators.

Scope of the review

- 1.6 The ballot paper is one of the key components in the electoral process; its design and accompanying guidance is crucial to the success of elections – from both an administrative and public perspective. The review is looking at ballot papers used in all statutory elections in the UK (except parish council elections), but does not consider ballot papers used for referendums. The review seeks to:
- consider current legislation and regulations relating to the design of ballot papers;
 - analyse concerns and issues regarding current ballot paper design that have been raised with the Commission or are identified through research or consultation;
 - identify areas of conflict, ambiguity or absence of regulation;
 - evaluate the case for introducing positive abstention and the practicalities of doing so;
 - propose changes to existing legislation, if appropriate;
 - consider the need for guidance on best practice for electoral administrators in addition to proposals for legislative change.
- 1.7 The aim of this review is to make the design of ballot papers more user-friendly for voters. However, if changes can also be identified which assist the administrator in counting votes or otherwise managing the electoral process efficiently and effectively, so much the better.

Review process

- 1.8 The review of ballot paper design is part of a wider programme of reviews being conducted by the Commission following our report on the 2001 general election. This paper discusses and presents a number of options for changing and improving the present arrangements for design of ballot papers. Most importantly, it invites comment on, and responses to, the options presented. We will take all comments received into account as we develop our final report and recommendations which will be submitted to Government and published.
- 1.9 It should, however, be noted that the Commission has no powers to impose any recommendations its report makes. In so far as the Commission's report makes recommendations for changes to the law, these recommendations will be submitted to the Government (and, if appropriate, the Scottish Executive, in relation to Scottish local government elections). Any good practice guidance identified through the review process will, however, be developed and disseminated by the Commission directly to electoral administrators.

Consultation

- 1.10 The consultation paper has been prepared by the staff of The Electoral Commission working with a Project Board chaired by Pamela Gordon, Electoral Commissioner, and involving SOLACE (Society of Local Authority Chief

Executives), AEA (Association of Electoral Administrators), SOLAR (Society of Local Authority Lawyers and Administrators in Scotland), the Plain English Society and Professor Patrick Dunleavy, LSE. However, any views expressed in the consultation paper are those of the Commission alone, and do not necessarily reflect the views of Project Board members.

- 1.11 In preparing this paper, the Commission has also been assisted by a large number of interested individuals and organisations. The analysis has particularly benefited from initial discussion with a Reference Group whose membership is listed at Appendix 1. In addition to the valuable input from the Reference Group and Project Board members, the paper also draws on the other research undertaken by Commission staff.
- 1.12 The consultation paper identifies a range of strategic and detailed points relating to ballot papers, which the Commission wishes to consider as part of the review. Through liaison with the Project Board and Reference Group members, and the wider public consultation processes, the Commission wishes to involve stakeholders in the review with the aim of ensuring its recommendations are soundly based and supported.
- 1.13 We are keen to approach this matter with a fresh eye and would encourage you to raise issues, even if this means proposing changes which might take some time to achieve, or ideas which, if adopted, would mean significant changes and adaptations to the current system. The Commission is also aware that certain suggestions under discussion may not be practicable in certain parts of the UK or would need to be adapted, if introduced, to suit local circumstances.
- 1.14 Equally, the Commission is interested to know about issues that could or should be addressed as soon as possible, especially matters of best practice or points of detail in existing legislation that cause practical problems.
- 1.15 Please feel free to raise or comment on other issues if you consider there are points to be addressed in the review that are not covered below. The paper is divided into four broad categories, however, the financial and timescale implications for the electoral process of the issues raised have not been assessed at this stage. In order to further assist consultees enclosed as Appendix 2 is a response form for those who wish to respond using this facility.

Sample ballot papers

- 1.16 In order to allow respondents to see what the implications of the suggestions in this paper would be in practice, the Commission has placed on its website at <http://www.electoralcommission.org.uk/about-us/consultationpapers.cfm> a number of mock-ups of ballot papers. Those commenting on the paper are encouraged to view the examples.
- 1.17 **The Commission wishes to emphasise that the inclusion in this paper of any issue does not in any way indicate any particular Commission policy or view.**

2 Candidate issues

The Commission would welcome your comments on the issues raised in the proposals summarised below and any suggestions for additional areas of review in relation to candidate issues.

Alphabetical listing

- 2.1 At present, the law requires that names appear on the ballot paper in the order dictated by the alphabetical listing of candidates' surnames and is adopted for all elections in the UK. However, it has been suggested to the Commission by some that this alphabet-based ballot paper order discriminates against those with surnames starting with letters towards the end of the alphabet because they generally appear lower down the ballot paper. The argument is that electors may be more inclined to vote for those nearer the top for no other reason than they read the names positioned near the top of the ballot paper first. The Commission is not, however, aware of any research in this country or overseas which attempts to assess the extent to which this theory is borne out in practice.

Q1(a) *Do you think the question of alphabetical listing is a problem in practice?*

Q1(b) *Is there any evidence you could provide to support the argument that voting behaviour is influenced by the position of the candidate's name on the ballot paper?*

- 2.2 There appears to be a number of possible changes that could be made to avoid such a situation described above from occurring.

- Names on the ballot paper could be rotated to ensure that each candidate appears at the top, middle and bottom an equal number of times. Using rotating ballot positions would negate any positioning advantage. However, it would make ballot counts more complex and have cost implications for ballot materials printing and collation, ballot systems design, and, to some extent, voter education and election staffing. It would also require appropriate processes to ensure that equal numbers of each rotation's ballot papers were available in each polling station and maintained and available for public inspection.
- There could be drawing of lots for placement of candidates on the ballot paper. In this way all candidates would be exposed to the same possibility of being placed in the lower part of the ballot paper. The financial implications would not be any greater than at present, as only a single ballot paper would be designed and printed.
- List the candidates in the order that nominations were lodged with the Returning Officer. This has the further advantage of providing an incentive to submit nomination papers early, but could create a situation where candidates rushed to submit nominations in order to secure a high place on the ballot paper, and in so doing failed to give sufficient attention to the process possibly causing errors to be made. (The complexity of the current nominations process and recent court cases are discussed further in the Commission's separate consultation paper on the nominations process.)

- Candidates could be placed on the ballot paper according to the first letter of their parties' name. However, this would create an incentive for smaller parties to register a change of name designed to secure a place higher up the ballot paper listing than the major parties. It also raises the question of how to deal with candidates who stand as independents. Perhaps the word 'Independent' should be taken as the party name and then candidates listed alphabetically within that category using their name.

Q2(a) *Do you think any of the proposals outlined above should be implemented?*

Q2(b) *Are there other ways of tackling the issue?*

Q2(c) *What other issues should be considered in assessing the options outlined?*

- 2.3 Although a relatively minor consideration, the introduction of any rotation system for candidates on the ballot paper would necessitate consideration of the question of in what order the Returning Officer would declare the result. The immediate options appear to be either reverting to candidates' surnames for the purpose of the announcement, or announcing the results in order of the number of votes cast for each candidate. This is a question on which the Commission would expect to produce guidance if a rotation system were introduced.

Q3(a) *What other issues would the Commission need to address in any guidance if a system involving the rotation of candidates names on the ballot paper was introduced?*

Q3(b) *What approach would you favour in relation to the announcing of the results?*

Numbers on ballot papers

- 2.4 The question of placing numbers on the left hand side of the ballot paper has been raised with the Commission as one which might produce some sort of advantage to candidates who happened to be at the top of the ballot paper and therefore numbered one, two etc. Numbers often appear on local government ballot papers, especially where large numbers of candidates stand. The introduction of list elections for the devolved institutions has also seen a development of such practices. Whilst having no view currently on this matter, the Commission would welcome comment.

Q4(a) *Is there any evidence you could provide to support the argument that voting behaviour is influenced by the use of numbers to the left of the candidate's name on the ballot paper?*

Q4(b) *Should the use of numbers to the left of candidates names be permitted?*

Use of emblems

- 2.5 Currently, a candidate whose nomination is supported by a certificate of authorisation issued by, or on behalf of, a party's registered nomination officer can request, in writing, to have that party's emblem, or one of them, printed next to their name and other particulars on the ballot paper. In the case of a registered party's list of candidates, the registered nominating officer may

request the inclusion of the party's emblem, or one of them, on the ballot paper. Parties can choose to use any of the emblems they have registered (they can register up to three). Parties operating in Great Britain often register a Scottish, Welsh and English version of their emblem. Where a party has more than one registered emblem, the candidate must specify which emblem they wish to use. It has been suggested to the Commission that the current system disadvantages those who do not have a registered emblem and a number of potential changes to the current system have been proposed:

- Parties or individuals standing as a candidate who do not have an emblem should be allowed to use a photograph of the candidate instead. (This is further discussed in sections 3.13–3.14).
- Candidates who do not have an emblem should be permitted to adopt an unregistered emblem for use at that particular election. This proposal would raise a number of consequential issues, if implemented. Who should agree what the ad hoc emblem should be: the Commission, the local returning officer or another? It also raises practical problems as to what is achievable or permissible in a limited timeframe.
- If one of the candidates in any particular election does not have an emblem then those who do should not be allowed to use theirs as it gives them an unfair advantage.
- The use of colour in emblems should be permissible. (This issue is also discussed at section 3.11).

Q5(a) Do you agree with the suggestion made by some that the current rules relating to the use of emblems are discriminatory?

Q5(b) If you take this view, which of the above possible changes would you support, if any?

Q5(c) Are there any other changes in the use of emblems that are necessary or desirable?

‘Commonly known as’

- 2.6 There is an increasing tendency for candidates to include on the ballot paper their ‘commonly known as’ name in addition to their birth certificate name (e.g. Elizabeth Jones commonly known as Liz Jones). There is currently a standard format for including this information on the nomination form paper or ballot paper (or indeed express legal power to do so). This leads to extra wording appearing on the ballot paper, which is perhaps unnecessary, and potentially confusing for the electorate as to who is the candidate. It would perhaps be more appropriate that the candidate was allowed to use their commonly known as name only on the ballot paper itself, whilst having to include their full name on the nomination form submitted to the Returning Officer. This is something the Commission’s nominations review is currently looking at, but also has relevance for this review. Whilst not a major issue, it would seem worth considering a standardisation of the use of non-official names, perhaps by providing a box on the nomination form allowing candidates to indicate their ‘commonly known as’ name to appear on the ballot paper either with or without their ‘official’ name.

Q6 *On balance, the Commission is minded to favour the introduction of a provision allowing candidates to omit the use of their official name from the ballot paper in favour of their 'common' name, provided the full official name is provided on the nomination paper. The Commission would welcome comment on its proposal.*

3 Voter information issues

- 3.1 The ballot paper plays a crucial role in allowing the elector to understand the choice of candidates available, thereby ensuring the voter makes a valid choice. The ballot paper may, in some cases, provide the only information about the candidates that the voter has seen. Proposals have been made to the Commission in relation to improving voters' understanding of the process, suggesting the inclusion of more information on the ballot paper. Whilst seeing the benefit of providing useful information to voters, a balance has to be achieved to ensure that the provision of such information on the ballot paper does not make the paper more cluttered and difficult to read. The following issues have been proposed for consideration.

Election information

- 3.2 Often, ballot papers do not have any obvious indication as to what election they are concerned with or the specific electoral district to which they refer. Although this information is on the back of the ballot paper, not all voters are aware of its presence. It has been suggested to the Commission that ballot papers should be required on the top front of the ballot to state for which election they have been printed, perhaps including the name of the body for which the election is being held; the constituency or ward and the date of the election might also be included.
- 3.3 In addition, it has been suggested that a one-line description of the institution for which the election is being held should be included explaining what the body does, although agreeing a suitable text for each body might be difficult to achieve in practice. An alternative might be to include on the ballot paper the crest or logo of the institution for which the election is being held thereby seeking to place in the mind of the voter, by association via the image, what the institution is and its responsibilities.
- 3.4 With the increase in the uptake of postal voting and concerns over the potential increase in undue influence during the voting process on postal voters, it has also been suggested that in order to raise public awareness of the right to complete the ballot paper in secret, a statement to that effect should be included on the ballot paper. The warning might also highlight the electoral offences involved in any individual acting to unduly influence a voter's decision or infringe their privacy in casting their vote. This issue was also considered by the Commission's consultation paper on absent voting, which suggested that Returning Officers might also alert voters to the importance of the secrecy of the ballot through warnings on leaflets or the declarations of identity issued with postal ballot papers.

Q7(a) Should the ballot paper include details of the election being held on the front of the ballot?

Q7(b) Should the ballot paper include a statement highlighting the right to vote in secret? If so, should this warning be included on all ballot papers or only those issued for postal voting?

Q7(c) Should the ballot paper include a description of the body for which the election is taking place? Would a suitable alternative be to include the bodies crest or logo?

Explanatory notes

- 3.5 Apart from the phrase at the top of the ballot paper 'Vote for one candidate only', or a variation on that phrase where elections involve multi-preference voting, no explanatory notes are usually provided for the elector on the ballot paper as to how it should be completed. In almost all elections, there is a small number of ballot papers that are not counted because the paper has been completed incorrectly. Where possible, the Returning Officer will usually seek ways of identifying a voter's intention, but in some situations, the votes are simply not capable of clear interpretation or include marks that would identify the voter and so must be disqualified. Although information posters are situated in the polling station it has been suggested to the Commission that some form of additional explanatory note or symbol direction should be included. Perhaps even as little information as 'mark your X in a box' would suffice where preferences are made using an X. For elections involving proportional representation the instructions might need to be different.
- 3.6 It has also been proposed that information describing how those elected will be decided should also be given, either on the ballot paper itself where this may lead to clutter and too much information, or on posters prominently displayed in the polling station. However, in some elections (such as those using the d'Hondt system) it might be difficult to describe both succinctly and accurately the counting system even in the space available on a poster. It may be that it would be more appropriate for such information to be provided via public educational literature prior to polling day.

Q8(a) Should there be more information on the ballot paper to explain how to vote?

Q8(b) Could the objective of assisting the elector to vote be achieved by improved information in the polling station rather than inclusion on the ballot paper?

Q8(c) Should information on how votes are counted be provided either on the ballot paper or in the polling station?

Information about parties and candidates

- 3.7 It has been suggested to the Commission that information relating to the parties and/or the candidates standing at the election should be available to the voter either in the polling station or in an anteroom. The information provided might include the freepost leaflet issued by candidates at all elections other than local elections; it might also extend to other information provided specifically for the purpose. If so, it would clearly need to be subject to some standard rules in relation to format and volume to ensure fairness and avoid the provision of too much information. There would also be issues about whether any form of approval for the information made available in a polling station would need to be given, and by whom. Given the controls on other information and activities within polling stations, it seems necessary that information about candidates or parties should be similarly controlled. The freepost election leaflets are subject to some limited vetting for legal purposes by Royal Mail, and so would probably not require any additional approvals. Other information would, however, need to be checked to ensure it was not defamatory or otherwise in breach of the law. It might be for the parties or candidates themselves to undertake this process, and sign a declaration to this effect; alternatively, responsibility might fall to the Returning Officer.

- 3.8 Such a change could have implications for the positioning of polling stations and might also have an effect on the type of building that could be employed. It has been suggested that the provision of this information could lead to overcrowding in some stations and slow the voting process. Care would need to be taken in the positioning of such information to avoid accusations of bias being levied against Returning Officers by candidates or agents.

Q9(a) *In principle, should information relating to the candidates and parties standing at an election be available to the voter either in the polling station or in an anteroom?*

Q9(b) *If so, what type of information should be permitted?*

Q9(c) *Where should responsibility lie for ensuring that the information provided is not defamatory or otherwise unlawful?*

Production of ballot papers in other than English and Welsh

- 3.9 At present, the law does not permit ballot papers or other related explanatory material to be made available in languages other than English and Welsh. However, there are a number of parts of the country where there are significant populations for whom English or Welsh is not their first language; it is now standard practice for local authorities in such areas to produce information in the most commonly used local languages. It has, therefore, been suggested that ballot papers and related explanatory notes should be produced in languages other than English and Welsh. One option would be for a minimum population threshold of the electorate to operate, so that if the population of a particular minority ethnic community in a constituency or ward exceeded a threshold, ballots would be produced in that ethnic community language.
- 3.10 The use of languages other than English and Welsh may also lead to the necessity of differently designed ballot papers and/or the information posters which are currently provided because of the structure of the language when written. It would be helpful if comment could be provided, particularly if respondents felt guidance from the Commission were necessary.

Q10(a) *Should ballot papers be produced in languages other than English and Welsh?*

Q10(b) *If yes, should a threshold be introduced so that if the ethnic minority population in an electoral area exceeded it, then the ballot papers would be produced in that language? What threshold would you regard as appropriate?*

Q10(c) *Would there be any consequences for the design of ballot papers if they were produced in other languages and is guidance on such matters necessary?*

Size, colour and printing of ballot papers

- 3.11 Traditionally, ballot papers for first past the post elections have been, approximately 15 cm by 10 cm and coloured white. Size is of course dependent on the number of candidates standing and has increased dramatically with list elections such as those for the GLA, Scottish Parliament, Welsh National Assembly and European Parliament. It has been suggested to the Commission that:

- Colours other than white should be used with black ink as they can create greater contrasts and are more user-friendly to those with sight impairments.
- Coloured banding could be employed (i.e. each part of the ballot paper relating to a particular candidate) to differentiate between candidates. Whilst this may make candidates stand out on the ballot paper, it could be argued that some colours are more attractive to the eye than others and therefore give unfair advantage to one candidate. The question of what colour to use for independents or smaller parties with no specific colour linked to them would also need to be addressed. The implication of using certain colours for those with sight impairments is also a factor to be considered. Some party list ballot papers would need up to 20 colours, and whilst this is practicable from a technical printing perspective it would have cost implications and could cause colour fluctuations in the finished article.
- Average size of ballot papers should be increased. This would allow for more information to be included on the ballot paper, thereby assisting administrators in complying with RNIB guidelines on printing of forms to assist voters with sight impairments. The implications of such an increase would of course need to be considered on stationery for postal ballots and its impact on the constraints of the current voting compartments used in polling stations. The list ballot paper in some Scottish Parliament regions did cause problems in voting compartments because of its size. It would also be necessary to assess the practicalities of using the currently available devices for visually impaired voters with very large ballot papers.

Q11(a) Should the size of the ballots be increased in general

Q11(b) Should colours other than white used for ballot papers?

Q11(c) What are the implications of such a move from the perspective of being user-friendly to the voter, and cost in terms of financial and time during the administration of the election?

- 3.12 The Commission is particularly keen to receive views from those with technical skills on the implications of introducing some or all of the ideas detailed above. To that end, the Commission has placed on its website at <http://www.electoralcommission.org.uk/about-us/consultationpapers.cfm> a series of mock ballot papers together with a standard 'traditional' ballot for the attention of consultees. Respondents with printing expertise are particularly asked to give consideration to these mock-ups and provide an indication of any additional costs (both financial and time) involved in their production compared with a traditional ballot paper. The mock-ups include candidate photographs, which is an issue, discussed below.

Photographs

- 3.13 To assist voters in making their choice it has been proposed to the Commission that photographs of the candidate should be included on the ballot paper, either in colour or black and white. International examples of this include ballot papers for elections in South Africa and several of the new Balkan democracies. The Republic of Ireland is also considering the introduction of photographs on their electronic voting machines in polling stations. It would be necessary to fix a standard size of photograph and to establish rules or guidance about style to ensure some consistency (e.g. face only, plain backdrops). One option would

be for all photographs to be taken by a photographer employed for the purpose by the Returning Officer. If not, then the Returning Officer would need to verify the photograph as a true likeness in some way, or perhaps another agency or individual could undertake this task.

- 3.14 The cost implication of including photographs on ballot papers clearly needs to be assessed and the potential for the inclusion of photographs to increase the incidence of defacement of ballot papers and subsequent adjudication problems considered. It would also be necessary to consider whether the use of photographs could cause equality, cultural or religious discrimination.

Q12(a) Should photographs of candidates be included on the ballot paper?

Q12(b) What size, colour and style of photographs should be permissible?

Q12(c) Who should verify that the photograph is a true likeness?

Q12(d) Are there any potential equality, cultural or religious discrimination issues linked to the use of photographs on ballot papers that the Commission should consider?

Multi-ballot papers

- 3.15 Increasingly, elections to more than one office or institution take place on the same day and the elector is faced with more than one ballot paper. Should the elector be presented with a single ballot paper, which includes all of the elections on the same form? Such a form, if well designed, may help the elector to vote in all elections more easily and could be an alternative to the use of different coloured ballot papers to distinguish between the elections. A badly designed form may, however, lead to confusion amongst some voters and could prove difficult to use for those with sight impairment, particularly if such electors wished to use the blind voting device.
- 3.16 From the administrative point of view the use of such forms could also prove problematic in areas where the boundaries of the various offices up for election did not match and could lead to the necessity of cutting up such ballots in the count centres for part onward transfer to another count centre. In addition, some electors may not be eligible to vote at all elections contained on the one ballot paper thereby necessitating the production of single election ballot papers in small numbers to cover such instances.

Q13 Should multi-ballot papers be introduced where elections to more than one office or institution takes place on the same day and the elector would normally be given more than one ballot paper?

4 Administrative issues

The Commission would welcome your comments on the issues raised in the proposals summarised below, and any suggestions for additional areas of review in relation to administrative issues.

Information currently included

- 4.1 It has been suggested to the Commission that some of the information currently included on the ballot paper is unnecessary, for example the address of the candidate. Deleting some of the existing information would create more space to increase the font size or add other information. On the other hand, it may be difficult to reach a consensus about what constitutes unimportant or superfluous information. For example, it could be argued that the inclusion of the candidates' address is important as this allows electors to know which candidates live locally. Alternatively, the candidates' addresses might continue to appear on ballot papers for local elections but not included at other elections where a local connection might be regarded as less important, such as European Parliament elections. If addresses were removed from the ballot paper, it would be important that the information was still supplied on the nomination papers and available for public inspection via public notices.

Q14 *Is there any information currently contained on ballot papers which you think can or should be removed and in what circumstances should it be retained?*

Serial numbers

- 4.2 Anecdotal evidence suggests that at every election Returning Officers – and more often Presiding Officers – receive a number of complaints or concerns from electors over the use of serial numbers on ballot papers. Electors are often concerned that the number allows identification of how they have voted. Some have called for the use of serial numbers to be discontinued. In fact, serial numbers are used specifically to allow for the tracing of papers cast fraudulently, and are only checked where a claim of fraud is being investigated and a court order obtained to allow the identification of the ballot paper as being that of a particular person. Nevertheless, the regularity of such complaints is thought to have increased in recent years with the increased use of postal voting and this is an issue also being considered by the Commission's review of absent voting.
- 4.3 An alternative to the use of serial numbers, which may allay some of the concerns raised by the electorate, might be the use of barcodes. Although barcodes allow identification of a ballot paper they require the use of scanning equipment which increases the level of difficulty in the process of identification and thereby would restrict the potential for unauthorised identification of ballots taking place.

Q15(a) *Should the use of serial numbers on ballot papers be discontinued?*

Q15(b) *Do you think it would be helpful to replace the use of serial numbers on ballot papers with an alternative means of tracing, perhaps a barcode?*

Q15(c) If the use of serial numbers were to continue, might there be merit in an educational initiative to explain why serial numbers are used to assist in the combating of personation?

Official marks

- 4.4 At every election a number of votes cannot be counted because the Presiding Officer has not placed the official mark on the ballot paper. It has been suggested to the Commission that a watermark or half-tone mark replaces the current use of stamping instruments, which would virtually ensure that such disenfranchisement stopped. To balance this argument it can be said that the use of the current official mark does bring with it a different type of security as the addition of the official mark is undertaken, except in the case of postal votes, at the point immediately before use of the ballot paper by the elector, in the presence of officials. This needs to be weighed against the disenfranchisement which occurs at every election of a small number of electors through no fault of their own.
- 4.5 The use of anti-fraud devices to replace the official mark via the introduction of a security watermark has been tested in a number of pilot schemes.¹ Experience to date suggests that this is a practical and cost-effective alternative to the stamping instrument. However, a printed security device can pose problems, as preventing fraudulent copying may not be possible even if a special halftone mark was incorporated and printed on the ballot paper. A further issue is that a watermark needs to be introduced during the papermaking production process. This would need to be arranged well in advance of the election so that the paper can be made and supplied to the printing companies responsible for producing the ballot papers. Different colours of ballot papers might be required for those sent to postal voters. Security and storage of such paper would also be an issue. To avoid the timescales involved in producing watermarked paper in what is a time-limited situation, imitation watermarks or other security devices could be used to ensure that the design chosen was difficult to reproduce.
- 4.6 Alternative security measures, which could be adopted, are the introduction of a hologram on the ballot paper; however, it is possible that the cost of using such devices would deter their use. Other options available include special inks or papers in ballot paper production, or the use of heat sensitive dots all of which make the act of forgery more difficult to achieve.

Q16 On balance, at this time, the Commission is minded to favour the introduction of some form of alternative to the current official mark in order to eradicate the disenfranchisement of voters through human error in the polling station. In stating this view the Commission would welcome comment on its proposed view and on what should replace the current official mark, if anything?

Landscape or portrait

- 4.7 Traditionally, ballot papers have tended to be portrait in layout – running from top to bottom. In recent years, however, the use of landscape style, running

¹ See The Electoral Commission, *Modernising elections*, August 2002

from left to right has been used in elections to, amongst others, the devolved legislatures (regional lists) and the European Parliament. Concerns have been raised with the Commission that this can pose difficulties for the electoral administrator in the counting centre, particularly in instances where a flick check of ballots is necessary. Voters unfamiliar with the landscape style might also find it confusing.

Q17(a) To what extent is landscape layout is a problem?

Q17(b) Would it be practical to impose a standard style for all ballot papers?

Q17(c) If so, should portrait style be made compulsory or recommended in all but exceptional circumstances?

Proofing of ballot papers

- 4.8 Concerns have been raised with the Commission by political parties that there are regular but minor problems with errors on ballot papers, such as names being wrongly spelt or the wrong emblem used. One solution would be for the candidate or agent to be given the right at a specified time and place to inspect a proof copy of the ballot paper before it is signed off to the printer. Alternatively, perhaps a PDF file containing the draft ballot paper could be sent electronically to agents for approval with a specified response deadline. Whilst the overall aim is to ensure accuracy of the information included in the ballot paper and whilst recognising the decision of the Returning Officer is final, views are invited on the practicalities and desirability of introducing an opportunity for candidates or agents to proof read the ballot paper prior to printing.

Q18 Should candidates or agents be given an opportunity to proof a copy of the ballot paper prior to printing?

Means of marking the ballot paper

- 4.9 Occasionally, some electors raise concerns with Returning Officers or their staff with regard to the use of the pencils provided in polling stations to make their mark on the ballot paper. Some have worried that persons unknown could afterwards rub out the X or other mark and replace it. In fact, the pencils generally used are indelible and therefore, in practice, it is very difficult, if not impossible, to alter a mark. However, the concern does raise a potential educational need to be addressed perhaps via training of polling station staff. Alternatively, consideration could be given to the introduction of a different means of marking a ballot paper than pencils.

Q19(a) Should consideration be given to the introduction of an alternative means of marking ballot papers with the voter's preference other than with the current indelible pencil, and if so what?

Q19(b) Alternatively should the concerns raised by the electorate be addressed by an educational programme?

Adjudication

- 4.10 Although the aim of good ballot paper design is to make it easy for the elector to complete the form, on occasion electors do not complete the ballot paper correctly by making their choice obvious. In such circumstances the need for

clear rules of adjudication are necessary. Inevitably, this is an area where the Returning Officer's judgement is paramount and all possible areas of uncertainty cannot be predicted in advance. There are, at present, no clear rules in either legislation or official guidance in relation to the adjudication of ballot papers. Experienced Returning Officers have, however, published a book on the subject,² available commercially but also recommended in Government advice to electoral administrators. Others have suggested that it would be useful for the Commission to develop guidance on the subject.

Q20 *Should the Commission develop guidance on the adjudication of ballot papers or is this a matter best left to Returning Officers' judgement?*

Electronic voting and counting

- 4.11 The design of ballot papers for use in electronic voting and electronic counting machines must be driven by the same objective as that for traditional polls and for use in postal voting, that is the need to consider the voter first and the administrator or machine second.
- 4.12 The use of electronic voting and counting has an impact on the possibilities for the design of the ballot paper. In the Commission's report on the May 2002 local government election pilots in England, *Modernising elections*, it was noted that no significant problems were encountered from the software and hardware employed in the electronic counting and voting pilots. The report stated:

One area that was prescribed in law was that the pilots had to have a replication of the ballot paper on the voting screen. In practice, this did not work very effectively as it was based on a paper design principle and it did not fit with the general design concepts used on the web. The Commission intends to develop good practice guidelines on the design of 'candidate selection' webpages as part of its review of ballot paper design.

- 4.13 The variety of design in ballot papers to be used in electronic voting mediums is large and range from 'ordinary' ballots designed to be scan counted after the close of poll, a template ballot placed on the electronic voting machine which resembles the traditional ballot paper; to an image of a ballot which is generated on a screen in a polling station, or a PC anywhere allowing internet voting. Visual images used in text voting also need to be considered. This voting medium also opens up the possibility of the talking ballot paper, which may have particular benefits to those with visual impairments.
- 4.14 Apart from the possibility of talking ballot papers, many of the ideas raised elsewhere in this paper are equally valid when considering ballot paper design for electronic voting and counting. In addition, thought needs to be given to the establishment of a simple set of guidelines on the type of navigation and the expressions used to move people through a site (e.g. 'proceed'; 'submit'); where interactive ballot papers are used. Some initial work in this area has been undertaken by the Commission with SCOPE (the disability charity) and the Office of the Deputy Prime Minister in setting accessibility standards for the electoral pilot schemes planned for May 2003. These standards are available to view at www.local-regions.odpm.gov.uk/elections/pdf/access.pdf.

² David Monks and George Smith (2001/2) *Dealing with doubtful ballot papers*. Shaw and Sons Ltd.

- 4.15 The Commission wishes to receive comments to inform its work on electronic voting and counting ballot paper design, both from those technically skilled in the design of such ballots and from those who administer the voting system and elections. In particular, views are invited on:

Q21(a) Can the design of ballot papers for the use in e-voting or counting situations be driven by the same factors as those affecting design of traditional paper ballot papers?

Q21(b) What should be included in any proposed Commission guidelines on 'candidate selection' webpages?

5 Strategic considerations

Positive abstention

- 5.1 It has been suggested to the Commission by some that voters should be offered the opportunity to register their preference for none of the candidates on the ballot paper – the so called ‘none-of-the-above’ option. Such an approach would involve the voter marking a box, usually situated at the bottom of the ballot paper, indicating they did not wish to vote for any of the nominated candidates. This would have the effect of registering in a positive way the number of electors who were not content with any of the parties or individual candidates standing. This can be seen as a more positive action than simply abstaining and could indicate how many voters opposed all candidates and differentiate them from those who simply were unable, for whatever reason, to vote at the election. However, concerns have been raised that introducing such an option could lead voters not to vote for independents or smaller parties and that it could undermine the democratic system – ultimately, one of the candidates must be elected.
- 5.2 Supporters of positive abstention argue that the current system does not allow electors to register in a positive manner their dissatisfaction with the candidates on offer and condemns such electors to having to be seen as apathetic in that they must choose simply not to vote or spoil their ballot paper. By introducing positive abstention it allows a distinction to be seen between those who wish to vote, but do not like any of the candidates on offer, and those who are simply apathetic or disinterested. In addition, research for the Hansard Society, funded by the Commission, suggests that there would be support for this approach amongst some current non-voters.³ If the views expressed in this research fed through to action, positive abstention could increase turnout and provide a barometer by which the parties can judge the electorate’s satisfaction with candidates and parties on offer. It could also reduce the number of ballots considered via adjudication during the count process.
- 5.3 Balanced against these suggestions is the view that electors, in reality, would not actually avail themselves of the opportunity to positively abstain, and certainly not all would do so at an election, thereby providing an unreliable reflection of the electorate’s views. Moreover, it could be argued that the concept of ‘positive abstention’ runs counter to the whole purpose of elections in that electors should choose who is to represent them, as a civic duty and to introduce positive abstention undermines the importance of the democratic process and encourages a flippant attitude to what is an important act. It could be argued that the ‘none-of-the-above’ option is only justifiable in a compulsory voting system.
- 5.4 There is reasonably widespread use of positive abstention in trade union and other non-statutory elections and ballots. There are fewer examples, however, of countries where forms of positive abstention are permitted in official elections or where legislation has been introduced to enable such a system – examples include a number of the new democracies in Eastern Europe and a small number of American states. Perhaps surprisingly, positive abstention is not explicitly provided for in some countries where voting is compulsory, including

³ The Hansard Society, *None of the above – Non voters and the 2001 election*, December 2001.

Australia. However, the Australians do have a system whereby voters can effectively spoil their ballot paper,⁴ referred to as the 'informal option' abstention.

5.5 A significant concern over the introduction of positive abstention is the question of what to do if 'none-of-the-above' (NOTA) wins. Two possible options are:

- the 'second-place' candidate is declared the victor;
- a re-run(s) of the election is (are) required until a 'real' candidate is victorious.

In Nevada and Washington non-binding positive abstention is practiced, meaning that even if NOTA 'wins' the election, it has no effect other than to undermine the legitimacy of the winning candidate, although it would send a salutary message to the parties. In Massachusetts, however, a binding form of NOTA exists whereby if NOTA is the 'winner' then a re-run of the election is organised (but only one election re-run is permissible, thereafter if NOTA 'wins' the second place candidate is declared the winner). This, of course, could lead to additional costs, and, unless the arrangement applied that the second election did not allow NOTA to 'win' as in Massachusetts, to perpetual re-runs of an election.

Q22(a) In principle, do you support the introduction of a system of positive abstention? Please give your reasons.

Q22(b) If a system of positive abstention were to be introduced, which of the two above suggested approaches would you favour for deciding the final outcome of the ballot?

Candidates' names on closed lists

5.6 During a review of the 1999 European Parliamentary elections undertaken by civil servants, electoral administrators and political parties expressed a number of views concerning the desirability of including the names of candidates on party lists on the ballot paper. Generally, electoral administrators favoured excluding such names because of the effect on the size of the ballot paper. They pointed out that the names of candidates on party lists could be included on notices posted in the polling station and in voting compartments.

5.7 Including the names on the ballot paper it was suggested might actually mislead voters and cause them to believe that they could in some way choose between or influence the order in which they were elected. Counter arguments were also advanced and it was suggested that the electorate had a right to know who was on a party's list and to whose election their vote might contribute. It was possible that people's decisions how to vote were influenced by the candidates on party lists. Notices in polling stations would not help postal voters.

5.8 It was also suggested that the electorate are attached to the notion of knowing whom they are voting for and that in an age when the vast majority of electors vote on party lines there is no more justification for including candidate names on a ballot paper for an election using first-past-the-post (which, as was pointed out during the passage of the European Parliamentary Elections Act, is a closed list of one) than for an election conducted using a closed list.

⁴ See sample ballot link: http://www.aec.gov.au/_content/what/voting/how_hor.htm

- 5.9 The report on the election concluded that the question of whether or not to include the names of candidates on lists on the ballot paper is essentially a political one which touches on the whole question of the nature of a closed list system. The authors of the report felt it was for politicians to take a view on the issue and that it was inappropriate for their report to make a recommendation on the issue. The Commission would welcome views on this issue in order to assist it in formulating a recommendation on the matter to Government. In raising this matter the Commission is aware that other elections take place in the UK which use closed lists (the devolved institutions) which, in its view, adds weight to the need to reach a conclusion on this issue.

Q23(a) Do you think the names of candidates on lists should be included on the ballot paper?

Q24(b) Is there any evidence you could provide to support or undermine the argument that voting behaviour is influenced by the inclusion of names on the list ballot paper?

Financial implications

Q24 The financial implications of the ideas raised in this paper have not been assessed. The Commission, however, would welcome comments and information in relation to the likely costs the possible changes discussed in this paper. Comment supported by evidence would be particularly helpful.

Timescale implications

Q25 The timescale implications of the ideas raised in this paper have not been assessed. The Commission, however, would welcome comments in relation to the implications for the electoral timetable of some or all of these ideas. Comment supported by evidence would be particularly helpful.

Appendix 1

Reference Group

The Association of Electoral Administrators
HS Chapman Society
Capability Scotland
The Electoral Office for Northern Ireland
Commission for Racial Equality
Disability Rights Commission
Hansard Society
Local Government Association (LGA)
COSLA
Welsh Local Government Association (WLGA)
Northern Ireland Local Government Association (NILGA)
National Assembly for Wales
Astron Document Services Ltd
SCOPE
SOLACE
SOLAR
British Printing Industries Federation

Appendix 2

Consultation response form: Review of ballot paper design

	Yes*	No*	Not sure	Other comment
Question 1 a. Do you think the question of alphabetical listing is a problem in practice? b. Is there any evidence you could provide to support the argument that voting behaviour is influenced by the position of the candidate's name on the ballot paper?	☐	☐	☐	
Question 2 a. Do you think any of the proposals outlined above should be implemented? b. Are there other ways of tackling the issue? c. What other issues should be considered in assessing the options outlined?	☐	☐	☐	
Question 3 a. What other issues would the Commission need to address in any guidance if a system involving the rotation of candidates' names on the ballot paper was introduced? b. What approach would you favour in relation to the announcing of the results?	☐	☐	☐	

	Yes*	No*	Not sure	Other comment
Question 4 a. Is there any evidence you could provide to support the argument that voting behaviour is influenced by the use of numbers to the left of the candidate's name on the ballot paper? b. Should the use of numbers to the left of candidates' names be permitted?	☐	☐	☐	
Question 5 a. Do you agree with the suggestion made by some that the current rules relating to the use of emblems are discriminatory? b. If you take this view, which of the above possible changes would you support, if any? c. Are there any other changes in the use of emblems that are necessary or desirable?	☐	☐	☐	
Question 6 On balance, the Commission is minded to favour the introduction of a provision allowing candidates to omit the use of their official name from the ballot paper in favour of their 'common' name, provided the full official name is provided on the nomination paper. The Commission would welcome comment on its proposal.	☐	☐	☐	

	Yes*	No*	Not sure	Other comment
Question 7 The Commission would welcome views on the following proposals: a. Should the ballot paper include details of the election being held on the front of the ballot? b. Should the ballot paper include a statement highlighting the right to vote in secret? If so, should this warning be included on all ballot papers or only those issued for postal voting? c. Should the ballot paper include a description of the body for which the election is taking place? Would a suitable alternative be to include the body's crest or logo?	☐	☐	☐	
Question 8 a. Should there be more information on the ballot paper to explain how to vote? b. Could the objective of assisting the elector to vote be achieved by improved information in the polling station rather than inclusion on the ballot paper? c. Should information on how votes are counted be provided either on the ballot paper or in the polling station?	☐	☐	☐	

	Yes*	No*	Not sure	Other comment
Question 9 a. In principle, should information relating to the candidates and parties standing at an election be available to the voter either in the polling station or in an anteroom? b. If so, what type of information should be permitted? c. Where should responsibility lie for ensuring that the information provided is not defamatory or otherwise unlawful?	☐	☐	☐	
Question 10 a. Should ballot papers be produced in languages other than English and Welsh? b. If yes, should a threshold be introduced so that if the ethnic minority population in an electoral area exceeded it, then the ballot papers would be produced in that language? What threshold would you regard as appropriate? c. Would there be any consequences for the design of ballot papers if they were produced in other languages and is guidance on such matters necessary?	☐	☐	☐	

	Yes*	No*	Not sure	Other comment
Question 11 a. Should the size of the ballots be increased in general? b. Should colours other than white used for ballot papers? c. What are the implications of such a move from the perspective of being user-friendly to the voter, and cost in terms of financial and time during the administration of the election?	☐	☐	☐	
Question 12 a. Should photographs of candidates be included on the ballot paper? b. What size, colour and style of photographs should be permissible? c. Who should verify that the photograph is a true likeness? d. Are there any potential equality, cultural or religious discrimination issues linked to the use of photographs on ballot papers that the Commission should consider?	☐	☐	☐	
Question 13 Should multi-ballot papers be introduced where elections to more than one office or institution takes place on the same day and the elector would normally be given more than one ballot paper?	☐	☐	☐	

	Yes*	No*	Not sure	Other comment
Question 14 Is there any information currently contained on ballot papers which you think can or should be removed and in what circumstances should it be retained?	☐	☐	☐	
Question 15 a. Should the use of serial numbers on ballot papers be discontinued? b. Do you think it would be helpful to replace the use of serial numbers on ballot papers with an alternative means of tracing, perhaps a barcode? c. If the use of serial numbers were to continue, might there be merit in an educational initiative to explain why serial numbers are used to assist in the combating of personation?	☐	☐	☐	
Question 16 – On balance, at this time, the Commission is minded to favour the introduction of some form of alternative to the current official mark in order to eradicate the disenfranchisement of voters through human error in the polling station. In stating this view the Commission would welcome comment on its proposed view and on what should replace the current official mark, if anything?	☐	☐	☐	

	Yes*	No*	Not sure	Other comment
Question 17 a. To what extent is landscape layout is a problem? b. Would it be practical to impose a standard style for all ballot papers? c. If so, should portrait style be made compulsory or recommended in all but exceptional circumstances?	☐	☐	☐	
Question 18 Should candidates or agents be given an opportunity to proof a copy of the ballot paper prior to printing?	☐	☐	☐	
Question 19 a. Should consideration be given to the introduction of an alternative means of marking ballot papers with the voter's preference other than with the current indelible pencil, and if so what? b. Alternatively, should the concerns raised by the electorate be addressed by an educational programme?	☐	☐	☐	
Question 20 Should the Commission develop guidance on the adjudication of ballot papers or is this a matter best left to Returning Officers' judgement?	☐	☐	☐	

	Yes*	No*	Not sure	Other comment
Question 21 The Commission wishes to receive comments to inform its work on electronic voting and counting ballot paper design, both from those technically skilled in the design of such ballots and from those who administer the voting system and elections. In particular, views are invited on: • can the design of ballot papers for the use in e-voting or counting situations be driven by the same factors as those affecting design of traditional paper ballot papers? • what should be included in any proposed Commission guidelines on 'candidate selection' webpages?	☐	☐	☐	
Question 22 a. In principle, do you support the introduction of a system of positive abstention? Please give your reasons. b. If a system of positive abstention were to be introduced, which of the two above suggested approaches would you favour for deciding the final outcome of the ballot?	☐	☐	☐	

	Yes*	No*	Not sure	Other comment
Question 23 a. Do you think the names of candidates on lists should be included on the ballot paper? b. Is there any evidence you could provide to support or undermine the argument that voting behaviour is influenced by the inclusion of names on the list ballot paper?	☐	☐	☐	
Question 24 The financial implications of the ideas raised in this paper have not been assessed. The Commission, however, would welcome comments and information in relation to the likely costs the possible changes discussed in this paper. Comment supported by evidence would be particularly helpful.	☐	☐	☐	
Question 25 The timescale implications of the ideas raised in this paper have not been assessed. The Commission, however, would welcome comments in relation to the implications for the electoral timetable of some or all of these ideas. Comment supported by evidence would be particularly helpful.	☐	☐	☐	

* Unless otherwise indicated

