

Summary: Intervention & Options

Department /Agency:

Ministry of Justice

Title: Impact Assessment of Publication of candidates' addresses at UK parliamentary elections

Stage: Royal Assent

Version: Final

Date: 20 July 2009

Related Publications: The "Publication of candidates' addresses at UK Parliamentary elections"

Available to view or download at: <http://www.ialibrary.berr.gov.uk>

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

Several Members of Parliament questioned whether the requirement for candidates' addresses to appear on nomination and ballot papers at UK Parliamentary elections may put at risk the safety and security of MPs, candidates and their families. In response, the Government consulted on whether the law should continue to require the publication of candidates' home addresses in this way; and, if not, whether some alternative information should be required in place of the full home address and what this should be. The consultation revealed strongly-held views on both sides. In light of this, when the Member for New Forest East tabled an amendment to remove the requirement for candidate's addresses to appear on nomination and ballot papers at UK Parliamentary elections the Government took the view that it was a matter for Parliament and not the Government to decide and provided a free vote on the issue. Ministry of Justice officials provided assistance to the Member for New Forest East to ensure that his amendment was both technically correct and capable of working in practice. The amendment was voted into the Political Parties and Elections Act 2009.

What are the policy objectives and the intended effects?

The objective is to safeguard the security of MPs, candidates and their families by allowing candidates to withhold their full home address from those electoral documents (including the ballot paper) which are open to public inspection at UK Parliamentary elections. However, where this is the case, in order to meet the needs of electors (for whom the candidate's home address might arguably be important in demonstrating a candidate's connection to the area he or she wishes to represent), should a candidate wish to withhold their address, the constituency in which their address is situated will instead be published.

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

If candidates were to be given the opportunity to withhold their address, there were options around what alternative information might meet the needs of the elector. These included the publication of some part of the postcode of the address; a statement as to whether the address was in the constituency; or some tier of local government in which the address was situated. It was for the MP moving the amendment to determine which of the options was preferred - however officials advised that the constituency in which the candidate's address is located should replace the full address where this is withheld. This has the advantage of simplicity for all concerned and clarity in establishing for the elector the link between the candidate and the area the candidate seeks to represent. The consultation asked for views as to whether, given that the candidate's address will not necessarily be open to public scrutiny, Returning Officers should be required to verify candidate's addresses at Parliamentary elections. However, representations from stakeholders, particularly the Association of Electoral Administrators and SOLACE (Society of Local Authority Chief Executives and Senior Managers), persuaded the MP moving the amendment against this proposal.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? The costs and benefits will be reviewed with stakeholders and other interested parties after the first Parliamentary election to which they apply.

Ministerial Sign-off

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

Signed by the responsible Minister:

..... Date: 20 July 2009

Summary: Analysis & Evidence

Policy Option:

Description: Publication of candidates' addresses at UK parliamentary elections

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' The impact on electoral administrators will be minimal. Candidate's addresses are already collected but this will now be on a simple separate form, the format of which is not prescribed. There is no additional duty on Returning Officers to verify the information provided. Storage and destruction requirements for the forms should also be de minimis.
	One-off (Transition)	Yrs	
	£ Nil		
	Average Annual Cost (excluding one-off)		
	£ Nil		
			Total Cost (PV) £
Other key non-monetised costs by 'main affected groups' N/A			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' These changes will not provide any monetised benefits.
	One-off	Yrs	
	£ Nil		
	Average Annual Benefit (excluding one-off)		
	£ Nil		
			Total Benefit (PV) £ Nil
Other key non-monetised benefits by 'main affected groups' N/A			

Key Assumptions/Sensitivities/Risks This amendment was put forward by Dr Lewis, Member for New Forest East, and accepted following a free vote in both houses. Therefore, we have not had opportunity to consult in detail on these proposals, though the consultation on the principles behind them has provided some useful information.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
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What is the geographic coverage of the policy/option?		Whole of UK			
On what date will the policy be implemented?		Two months after Royal Assent			
Which organisation(s) will enforce the policy?		Electoral administrators			
What is the total annual cost of enforcement for these organisations?		£ Nil			
Does enforcement comply with Hampton principles?		N/A			
Will implementation go beyond minimum EU requirements?		N/A			
What is the value of the proposed offsetting measure per year?		£ Nil			
What is the value of changes in greenhouse gas emissions?		£ Nil			
Will the proposal have a significant impact on competition?		No			
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
Are any of these organisations exempt?		Yes/No	Yes/No	N/A	N/A

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

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

Evidence Base (for summary sheets)

Background

This Impact Assessment is concerned with Section 22 of the Political Parties and Elections Act 2009 which removes the requirement for candidates' addresses to form part of certain publicly available documents as part of UK Parliamentary elections.

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

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

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

Public consultation

The Government took the view that it should not make any changes without formal consultation with the public and key stakeholders, including political parties and electoral administrators. The Government's consultation on this issue ran from 26 November 2008 to 28 January 2009. A full summary of the consultation and the Government response can be found on the MoJ website <http://www.justice.gov.uk/publications/candidate-addresses-consultation.htm>.

The consultation was timed so as to allow the responses to the consultation to inform consideration of this issue by Parliament during the passage of the Political Parties and Elections Bill. 65 responses were received, with the response from Dr Julian Lewis MP representing the views of 88 MPs. The responses revealed strongly-held views on both sides.

Parliament

The Government therefore retained an open mind on this matter, considering that ultimately, this issue was a matter for the House. A free vote was therefore agreed on an amendment moved by Dr Julian Lewis MP (though officials provided assistance with the drafting of this amendment to ensure that it was technically workable). Dr Julian Lewis's amendment was subsequently accepted by 235 votes to 176 on 2 March at Commons Report Stage following a free vote on the issue. An amendment was tabled at Report Stage in the House of Lords to remove the clause from the bill but was rejected, following a free vote, by 129 votes to 57.

At Lords Grand Committee, the Government moved a small number of consequential amendments to give effect to the policy. The consequential amendments were required to apply the provisions to the specimen form of ballot paper and the directions for printing. In practice, the changes allow for either the candidates address or constituency (or country if residing overseas) to appear on the ballot paper.

New arrangements

Broadly speaking the new arrangements are as follows

- The requirement for the candidate's full home address to appear on the nomination paper is removed
- A new 'Home Address Form' will require the candidate to provide their address to the Returning Officer, but allow the candidate to state that he or she requires the home address not to be made public. In this event, the candidate must provide on the Home Address Form the constituency within which their address is situated (or the country should the address be outside of the UK)

- Those who presently have access to the nomination form (other candidates, agents and official elections observers) will be able to inspect the home address form; but no other person (except in the event of a subsequent legal challenge)
- The same rules concerning the validity of the nomination paper, and offences where a false claim is made, will apply to the home address form
- Where a candidate has requested that the full address is not published, the Statement of Persons Nominated will record the constituency in which the candidate's address is situated (and this in turn will be reflected on the ballot paper)
- Returning Officers will have discretion, having consulted with the candidates where practicable and having regard to any guidance issued by the Electoral Commission, to amend a candidate's particulars on the ballot paper where confusion might otherwise arise (e.g. two identically-named independent candidates who both choose to withhold their address and whose address is in the same constituency)
- The home address forms must be destroyed after the deadline for a petition, unless a petition is called.

Potential Resource Implications

Under the new arrangements, electoral administrators will be required to handle a new "home address form" to capture the candidate's address (where this had previously been provided on the nomination form) in order that the candidate is given the opportunity to require that the full address is not made public on electoral documents.

There are unlikely to be significant cost implications. The candidate's home address is already collected, and while the requirement for the candidate to provide the constituency in which their address is situated is additional, this very minor and can be achieved easily and without cost using the postcode search facility of the Ordnance Survey's <http://www.election-maps.co.uk/index.jsp>

The impact on the time of electoral administrators of handling an additional simple form will be small since the form of the "home address form" will not be prescribed. Returning officers will likely produce a simple proforma to obtain this information.

The consultation asked for views as to whether, given that the candidate's address will not necessarily be open to public scrutiny, Returning Officers should be required to verify candidate's addresses at Parliamentary elections. This would have had a significant impact on the overall resources of Returning Officers; however, on this point the weight of consultation responses particularly from electoral administrators and SOLACE (Society of Local Authority Chief Executives and Senior Managers) were against this proposal. The measures referred to here do not alter the duties of the Returning Officer in this respect.

There is a new requirement that the home address form must be stored until the deadline for lodging an election petition has passed. There was an average of 5.5 candidates per constituency at the 2005 general election and there are no special requirements as to the manner in which the Home Address Form should be stored or destroyed. These arrangements therefore create negligible additional costs.

There may be a small transitional cost in learning about the new system. However, this can be incorporated within the standard training for administrators.

Since these new arrangements do not result from Government policy we have had limited opportunity to consult on the impact of the specific proposals. However with no additional duty to verify addresses placed on administrators, these proposals are very unlikely to place additional burdens of any significance on electoral administrators. The AEA agreed with this analysis in principle when they were informally consulted on these proposals by officials, though it must be noted that at the time this impact assessment was prepared, the AEA had not seen either Dr Lewis's amendments to the PPE Bill nor the full content of this impact assessment.

Small Firms Impact Test - Guidance for Policy Makers, published by the Department for Business, Enterprise and Regulatory Reform, states that any proposal that imposes or reduces the cost on business requires a Small Firms Impact Test. Small firms are often involved in the electoral process – particularly in the printing of ballot papers. Changes will be made to the information required on a ballot

paper, but this is a simple substitution of information which is in any case varies from candidate to candidate in some cases only and so these changes will not result in additional printing costs.

Questions:

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

- (1) Have we identified correctly the potential costs and burdens created for candidates and electoral administrators from amending the current requirements for candidates' addresses to be made public on the relevant forms?
- (2) Are there any other resource issues raised by the consultation document?

Specific Impact Tests: Checklist

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