

## **Responses to Consultation on Election Legislation Changes**

### **Voter Registration**

Question 1:

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

Response: Yes. But all people should be notified of the need to register.

Question 2:

Do you agree with lifelong registration, with the onus on the individual to update their details when their circumstances change?

Response: Yes. There should be an option to update details online.

Question 3:

Do you agree that any changes to the electoral register should be published every month?

Response: the current three-month period is sufficient.

Question 4:

Do you agree that it should be possible for electoral registration information to be verified using other data already held by the Government?

Response: Yes, but people providing information for other purposes should be made aware that it might be used in this way.

Question 5:

Do you agree that special voting arrangements should be introduced for people normally resident in the Isle of Man serving in the Armed Forces, public servants and students who are overseas?

Response: Yes.

Question 6:

Do you agree with the introduction of anonymous registration to help protect the identity of a person who is deemed to be at personal risk?

Response: Yes, subject to the circumstances in which an individual is so categorised being clearly set out.

Question 7:

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

Response: Yes.

Question 8:

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

Response: Yes.

Question 9:

Do you agree with the abolition of the edited version of the electoral register?

Response: Yes.

Question 10:

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

Response: No. The lists should be accurate and leave no scope for "error". If discretion were to be introduced, it is unclear who would take such a decision and what other ramifications there could be.

### Elections (Keys and Local Authorities) Bill

Question 11:

Do you agree that election rules should be consolidated into one piece of primary legislation?

Response: No. House of Keys Elections and Local Elections are different and different circumstances apply, though there are some common elements. Better to keep the two pieces of legislation separate but to reflect those common elements in both.

Question 12:

Do you agree that the minimum age requirement to be elected to either branch of Tynwald or to a Local Authority should be 18 years?

Response: Yes.

Question 13:

Do you agree that a person in receipt of an Isle of Man Government salary should be able to offer themselves for election to either branch of Tynwald without first having to resign or retire?

Response: Yes, but they should be required to resign or retire on acceptance of the office to which they are elected. And the same should apply to local government employees standing in local elections.

Question 14:

Do you agree that the six members of the Isle of Man Judiciary (First Deemster, Second Deemster, Judge of Appeal, Deemster, High Bailiff and Deputy High Bailiff) should be disqualified from serving as members?

Response: Yes. And include "Acting Deemster".

Question 15:

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

Response: The term of office of local authorities should be extended to five years, and elections to the House of Keys and local authorities take place on the same day, every five years, in September.

Question 16:

Should the Governor in Council have the power to extend parliament and Local Authorities in a state of emergency in order to align with the current rules governing Keys?

Response: Yes, unless this provision is covered elsewhere in an Emergency Powers Act.

Question 17:

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

Response: Yes, and in practice, that is what has been happening up to now.

Question 18:

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

Response: Yes, on the grounds that the 42 days deadline is achievable but can lead to processes being rushed. There should be a time limit, and 42 days is an ideal target, but extending the limit to 60 days (maximum) would enable the deadline to be met while giving officials and candidates more time to properly prepare.

Question 19:

Should a fine be imposed when political parties do not meet their registration requirements?

Response: Yes.

Question 20:

Should it be an offence with penalties imposed when a candidate in any election gives a false statement on their nomination papers such as failing to declare political party affiliation?

Response: Yes.

Question 21:

Should former MHKs be allowed to be appointed to the Electoral Commission?

Response: Yes; there is no real reason why they should be disbarred. Former Local Authority Members should also be eligible.

Question 22:

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

Response: No. There could be a single Returning Officer for all House of Keys Elections to provide consistency and overall governance. But there is no need for that individual also to oversee local authority elections, in fact there is greater electoral process experience within local authorities and the proposal amounts to a further erosion of Local Authorities' independence. They should each be free to appoint their own Returning Officer.

Question 23:

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

Response: Yes.

Question 24:

Do you agree that a Returning Officer must accept the appointment instead of declaring an oath of office?

Response: Yes, as long as that Acceptance of Office includes a declaration about acting in accordance with the law, etc.

Question 25:

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

Response: Yes. As long as “published” means “open to inspection” rather than direct publication.

Question 26:

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

Response: No; six months is sufficient.

Question 27:

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

Response: Yes.

Question 28:

Do you agree that candidates should be prohibited from accepting support or funding from parties or entities from outside the Isle of Man?

Response: Yes.

Question 29:

Do you agree that the elections legislation should govern donations/expenses made by candidates?

Response: Yes.

Question 30:

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

Response: Yes, the provision should be extended to enable a local authority Returning Officer and Election Staff at the Polling Station to request it. Suggest addition of line to polling card reminding that identification may be required.

Question 31:

Do you agree with replacing the system of advance voting with postal voting on demand together with use of proxy voting in particular situations and under close control?

Response: Yes.

Question 32:

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

Response: No; it should apply to local elections as well.

Question 33:

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

Response: No. There has to be a firm line drawn over what is permissible and what is not, and the only workable way to do that is to allow no hospitality.

Question 34:

Do you agree that guidance should be provided to candidates on the meaning of "treating" from the Cabinet Office?

Response: Yes.

Question 35:

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

Response: Yes, particularly in the area of polling stations. But care must be taken to allow freedom of expression in manifesto leaflets, etc.

Question 36:

Do you agree with the removal of the printer's details having to be displayed on any election publication?

Response: Yes.

Question 37:

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

Proposed Response: Yes.

Question 38:

Do you agree that the Returning Officer should be able to correct a procedural mistake in cases where it affects the result of an election?

Response: Yes, but every such case should be automatically referred to the Tynwald Commissioner for Administration for investigation.

Question 39:

Do you agree that candidates in an election should have the option to appoint an Election Agent?

Response: Yes.

Question 40:

Do you agree that a statutory code of conduct should be drawn up to govern the activities of tellers?

Response: Yes, and candidates should be responsible for the activities of tellers acting on their behalf.

Question 41:

Do you agree that Government should fund one pre-election public meeting per constituency for elections to the House of Keys?

Response: Yes, and the same should apply to local authority elections. But there should be a requirement still for a minimum number of voters to request such meeting.

Question 42:

Do you agree that electors should have the right to recall a Member of the House of Keys if the MHK is sentenced to custody or is suspended from parliament for a specified period?

Response: Yes.