

Electoral observer scheme and code of practice consultation response | Electoral Commission Search Electoral observer scheme and code of practice consultation response You are in the Our consultations section Home Our consultations On this page Introduction Clarifying and modernising the application process Clarifying expectations about the role of observers Improving guidance and support on the practicalities of being an observer Establishing a voluntary feedback process for observers Updating the Code of Practice for electoral observers First published: 19 December 2018 Last updated: 19 December 2018 Summary On 9 August 2018 we launched a consultation on reviewing the UK's electoral observer scheme and a revised Code of Practice for electoral observers. We consulted many stakeholders on our proposed changes to the scheme and the Code of Practice. This is our response to the feedback we received during the consultation. Introduction We run an accreditation scheme for electoral observers across the UK and produce a Code of Practice setting out how observers should apply and what they must do. The Code of Practice also provides guidance to returning officers on working with observers. During the summer of 2018, we ran a consultation to review our electoral observer scheme and Code of Practice. The consultation closed on 31 October 2018. Many stakeholders responded, including: UK and Scottish governments Association of s (AEA) Office for Democratic Institutions and Human Rights (ODHIR) the police electoral administrators people who are or have been accredited electoral observers We are grateful to everyone who responded to our consultation and for the feedback they gave us. Overall, the responses were positive and welcomed the changes we have proposed making to the scheme and the Code of Practice. We also received a number of suggestions for other changes we could make, some of which are reflected in the revised scheme and Code of Practice. In other cases we haven't been able to take suggestions forward. For example, it was proposed that observers should have access to greater parts of the electoral process, including access to electoral registers and staff training, but we cannot provide for this without changes to the legal framework. We are now taking forward a number of actions to update the scheme. These include: launching a new online application process for individuals and organisations seeking accreditation as electoral observers from January 2019 redesigning the electoral observer ID badge which will be issued to all observers from January 2019 developing a programme of work to improve the guidance we make available to electoral observers, and those running elections introducing a voluntary feedback mechanism for electoral observers from the next scheduled elections in May 2019 updating our approach to how we handle applications for accreditation of electoral observers Clarifying and modernising the application process What we proposed Moving to an online application process for individuals and organisations seeking accreditation as an electoral observer, but with paper applications still available for those who are unable to access the process online. Consulted on the criteria and process we would use for assessing applications for accreditation and how our decisions could be challenged if we rejected or revoked accreditation. Clarifying and modernising the application process: More detail Summary of the consultation responses There was widespread support for our proposal to introduce an online application process. However, there were strong views that we should keep the paper application to ensure that the process is accessible to all, recognising that there may be some people who are unable to access online services. Respondents made clear that access to our staff for potential applicants should continue so that we can provide support and advice on completing the application process. We received various comments on how we proposed assessing and handling applications. One common theme was how long accreditation for

individuals would be valid for. In particular, a number of respondents asked whether it could last for longer than it does now, with accreditation for individuals no longer expiring at the end of each calendar year. What we are doing to clarify and modernise the application process From January 2019, individuals and organisations will be able to apply for accreditation online. We will also continue to offer a paper form to ensure that the application process is fully accessible. Staff across our offices will continue to provide advice and guidance to anyone who needs help with the application process. We have increased the period of accreditation for individual electoral observers from up to one year to up to three years. This will make the period of accreditation consistent for both individuals and organisations. Accreditation will therefore run from the date of issue to the 31 December of the third calendar year. However observers can choose to limit their period of accreditation to a shorter period, or end it at any time. In our revised Code of Practice we make it clear that all applicants will have their application processed by us and that we will do checks to ensure they meet the requirements set-out in it, including being politically impartial. Our privacy notice also highlights what we will do in terms of checks. However, we will publish our decision making process for accrediting electoral observers on our website, which will enhance transparency.

Clarifying expectations about the role of observers What we proposed Simplifying our Code of Practice. Providing a clearer explanation about the electoral proceedings observers are entitled to attend. Clarifying within the Code of Practice what the role of an electoral observer is. Simplifying and improving the guidance for returning officers and their staff to help facilitate electoral observation.

Clarifying expectations about the role of observers: More detail Summary of the consultation responses Our proposal to provide further information and guidance for electoral observers, and for those who deliver elections, was widely welcomed. Those who have already observed at elections told us that having more information on the electoral process would help make observations more meaningful. Some acknowledged that a lot of the guidance materials we already produce are helpful, but that they are not easy to find. We received some suggestions about the type of guidance we could provide, such as handbooks, online tuition videos and training sessions. Some said it would be helpful if more guidance was provided to polling station staff who may not fully understand the role and purpose of electoral observation. Electoral administrators welcomed more guidance for electoral observers. They said that it would help to ensure that electoral observers had a clearer understanding of the electoral process. In particular, they welcomed our proposal to clarify the behaviours expected of electoral observers. They also supported more guidance on facilitating electoral observation. What we are doing to clarify expectations about the role of observers We are reviewing our guidance and considering how we can make it more accessible to electoral observers and to those running electoral events. In the short term, we will make initial improvements ahead of the scheduled local elections in England and Northern Ireland in May 2019. As part of our digital strategy, we are redeveloping our corporate website. Through this work we will ensure that electoral observers and administrators can easily access all of the information they need online. We will make updated guidance and resources available from the summer of 2019. We will email all electoral observers when they become accredited to help them to easily find the guidance they need. This will include a link to the Code of Practice for electoral observation, as well as signposting to information on the electoral process and details of how they can contact returning officers. Improving guidance and support on the practicalities of being an observer What we proposed

Strongly encouraging observers to tell electoral administrators in advance where they plan to visit this ensures that observers can get the most out of their visits.

Changing the design of the observer badges to draw a clearer distinction between Commission representatives and accredited observers. Supporting electoral observers by providing more information on personal safety. Improving advice and guidance to ensure that observers are aware of the standards expected of them and the sanctions for breaching those standard. Clarifying the powers electoral officials have when dealing with misconduct and ensure they can raise concerns directly with us.

Improving guidance and support on the practicalities of being an observer: More detail Summary of the consultation responses Changing the design of the observer badge Our proposal to change the design of the observers badge was welcomed. Many agreed that this would help to draw a clearer distinction between Commission representatives and accredited observers and avoid confusion for those running and working at electoral events. Providing advice and guidance on personal safety Our proposal to provide advice and guidance on personal safety was welcomed, with some respondents suggesting that this should be included in the Code of Practice.

Providing advance notification of observation visits Opinions were divided on the proposal that observers should give advance notice to those running elections in the area they wish to observe. While some observers did acknowledge that it would be a courtesy to do so, they thought it could undermine the purpose of independent electoral observation. There was a strong feeling from those who observed elections that making unannounced visits meant more effective observation and was in keeping with international standards. Unannounced observations would ensure that a true reflection of the voting process could be observed rather than one specifically prepared for independent observers. Many of those who run elections supported the proposal of advanced notice as it would assist in their planning and co-ordination of elections, particularly in relation to count venues. Supporting more meaningful observation could provide information in advance to help observers, such as polling station locations, postal vote opening times and count manuals. Clarifying the standards of behaviour expected of electoral observers A number of respondents welcomed having more information on the standards and behaviours expected of electoral observers, and some thought that this information should be circulated more widely amongst those running elections. Both observers and those running elections told us that such information would help create a better understanding of what is expected from electoral observation. A small number of those respondents who run elections expressed concerns about how they should handle issues relating to misconduct by electoral observers. For example, it was noted that they would be unable to prevent access to any accredited individuals who may have tried get accredited as an electoral observer with the objective of disrupting proceedings or showing partisan support for those contesting elections. One suggestion was that we should consult with the electoral community when processing applications to ensure the suitability of individuals to be accredited. What we are doing to improve guidance and support on the practicalities of being an observer Changing the design of the observer badge We are updating our electoral observer badges so that there is a clearer distinction between accredited electoral observers and Commission representatives. The new badges will also include additional security features to help improve the overall security and integrity of the scheme. The new badges will be issued to all observers from January 2019. Providing advice and guidance on personal safety We are reviewing the information we can provide to electoral observers to help with their own personal safety when observing electoral proceedings. We will provide

safety advice when we launch updated guidance for observers, which will be timed to coincide with the launch of our new website in June 2019.

Providing advance notification of observation visits We recognise that our proposal to encourage observers to give advance notification was met with strong views. In our experience, observers do benefit from notifying those running elections in the area they intend to observe. However, we recognise that unannounced and unscheduled visits are important to maintain confidence and integrity in the proceedings that are observed. Our Code of Practice makes clear that there is no requirement for electoral observers to notify electoral officials of their intention to observe proceedings. However it also advises that providing advance notification to electoral officials will mean they can provide accredited observers with relevant local information, such as the list of polling stations, which will help to maximise the value of their observation.

Clarifying the standards of behaviour expected of electoral observers The evidence we have seen over the last decade indicates that the overwhelming majority of accredited observers adhere to the Code of Practice, and there have been few reported cases of misconduct. However, we understand the concerns raised by those running elections, as any instances of misconduct have the potential to have a significant impact on the conduct of electoral proceedings. We will look further at the guidance we offer to those running elections to ensure it helps them handle any instances of misconduct. For example, we will publish our process for handling and revoking accreditation. We have already clarified in the Code of Practice the standards expected of electoral observers. We are developing further guidance for electoral observers which will also be clearer on the behaviours expected of them and what the consequences will be for failing to adhere to the Code of Practice and/or acting in misconduct. We encourage anyone who has evidence of breaches of the Code of Practice or misconduct by electoral observers to report it to us by emailing observers@electoralcommission.org.uk so that we can review their accreditation and take action if necessary.

Establishing a voluntary feedback process for observers What we proposed Giving electoral observers the option to feed back. Sharing any feedback we receive with those responsible for administering the polls.

Establishing a voluntary feedback process for observers: More detail Summary of the consultation responses The feedback we received on this proposal was positive, with many respondents explicitly welcoming the introduction of an option to feed back. They thought it will contribute to more effective and meaningful electoral observation. However, some respondents stressed that this should always be voluntary and that we shouldn't be prescriptive about how observers should provide feedback. What we are doing about establishing a voluntary feedback process for observers We will pilot a feedback option at the scheduled local government elections in England and Northern Ireland in May 2019. Feedback from observers will be an important part of the wider information we collect at electoral events, and will complement the electoral data and information we already collect from returning officers. We will make online tools available for observers to give feedback. However, we will not make it compulsory to do so and will accept reports in any format. We will also share specific and localised observer reports with those responsible for the administration of electoral events to help with their evaluation and future planning.

Updating the Code of Practice for electoral observers What we proposed Prior to the consultation, we: amended the Code of Practice for electoral observers to ensure that it is easily accessible for anyone who is interested in observing and for electoral officials simplified the layout and language of the Code of Practice to make it easier to understand strengthened information within the Code of Practice to ensure that

observers are aware of their obligation to remain impartial at all times. We presented the simplified layout as part of the wider consultation in summer 2018. Updating the Code of Practice for electoral observers: More detail Summary of the consultation responses Overall, the changes we proposed making to the Code of Practice were welcomed. We were told that the Code was clear, concise and easy to understand, and would be a practical tool to help with effective electoral observation. We received a number of suggestions about additional supporting materials that could be used to promote and support the Code of Practice, such as fact sheets and a list of 'do's and don'ts' of electoral observation that would work alongside the Code. A number of respondents raised concerns about the requirement for electoral observers to be politically impartial. Some felt observers could apply for accreditation and knowingly disregard this requirement, while others thought it could be a barrier to legitimate observers, particularly international observers who may be politically active outside of the UK. Some suggested that political impartiality should only apply during an election period, rather than for the full length of the accreditation. What we have updated in the Code of Practice for electoral observers We have reviewed the Code of Practice to reflect the feedback we received. The revised Code has now been laid before the UK and Scottish Parliaments. All observers will be required to comply with this Code from January 2019. We are developing supporting materials which will promote and support the Code of Practice. These will include fact sheets explaining electoral processes and safety advice for observers. They will be available when our new website launches in June 2019. We believe political impartiality is an important part of independent and non-biased electoral observation. We expect observers to fully meet this requirement. Being affiliated to a UK registered political party, or a non-party campaign group, does not automatically disqualify a person from being accredited as an electoral observer. However, members, officers or employees of a UK registered political party who would be, or are likely to be, politically active during their accreditation period must not apply for accreditation. If we find evidence that an applicant has previously campaigned, or has been politically active, we will contact the applicant to make sure they are aware of and can meet the requirement for political impartiality during their period of accreditation. We believe this is essential to maintain integrity and confidence in the independence of the electoral observer scheme. If we find evidence that an accredited observer has actively campaigned or shown partisan support at electoral proceedings, we will revoke their accreditation. An observer can also request for their accreditation to be ended if they choose to become politically active. To further enhance the integrity of our observer scheme, we have reviewed how we reject and revoke accreditation. In our revised Code of Practice we make clear that all applicants will have their application processed by us and that we will do checks to ensure they meet the requirements set out in it, including being politically impartial. Our privacy notice also highlights what we will do in terms of checks. However, we will publish our decision making process for accrediting electoral observers on our website, which will enhance transparency. Appendix Appendix A: List of respondents Accredited observer (8) Association of s (AEA) Bromsgrove District Council and Redditch Borough Council Cabinet Office (Elections Division) Carmarthenshire County Council Democracy Volunteers Electoral Management Board Scotland (EMB) Kings College London Knowsley Metropolitan Borough Council Lancaster City Council Manchester City Council, Salford City Council and Wigan Metropolitan Borough Council Newcastle University Northern Ireland Office (Elections Policy Division) Office for Democratic Institutions and Human Rights (OSCE)

Pembrokeshire County Council/AEA Wales Scottish Government (Elections and Constitution Division) Shaws Society of Local Authority Chief Executives (SOLACE) Single Police Point of Contact (SPOC) (3) UK Parliament (Minister for the Constitution) University of Edinburgh Business School