

Report: How the 2016 Police and Crime Commissioner elections were run | Electoral Commission Search Report: How the 2016 Police and Crime Commissioner elections were run You are in the Police and Crime Commissioner elections section Home Police and Crime Commissioner elections On this page About the elections Registration and turnout The experience of voters The administration of the poll Campaigning Looking ahead Recommendations: Voter experience Recommendations: Candidates and campaigners Recommendations: Looking ahead to 2020 Download our full report First published: 25 June 2019 Last updated: 13 August 2019 About the elections

On 5 May 2016 elections for Police and Crime Commissioner (PCCs) were held across 40 police force areas in England and Wales (but not in London, where the Mayor of London carries out the functions of a PCC, or in Greater Manchester where a directly elected Mayor for the Greater Manchester is intended to assume the functions of a PCC after May 2017). There were also elections to local authorities across parts of England, and mayoral elections in Bristol, Liverpool and Salford. 1 This report looks specifically at the administration of the PCC elections across England and Wales, including the combination of the polls for the PCC elections with the National Assembly for Wales (NAW) elections and local government elections. Registration and turnout Almost 33.7 million people were registered to vote in the Police and Crime Commissioner elections on 5 May 2016: 31.4 million in England and 2.25 million in Wales. More than 5.5 million electors (representing 16.4% of the total electorate) were issued with postal votes for the PCC elections. Overall turnout at the May 2016 PCC elections was 27.3%, ranging from 18% in Durham to 52% in Dyfed Powys. Turnout at the 2012 PCC elections was 15.1%. By comparison, turnout at the May 2016 National Assembly for Wales elections was 45.6% 2 , and turnout at the local government elections in England was 33.9%. At the PCC elections, across England and Wales just over 61% of postal votes issued were returned compared with less than 21% of voters that cast their vote at a polling station. For the local government elections in England, more than two thirds of those voting by post (67.9%) returned their ballot compared with a turnout of 27.5% among those who voted in person. The experience of voters Our public opinion research suggests that most voters believed the elections were well-run, and they were satisfied with the process of registering to vote and voting. Nonetheless there is clear evidence to suggest that people did not feel informed about the PCC elections, with 72% reporting that they knew not very much or nothing at all about them. The majority of respondents to our research said that they did not have enough information to understand the role of the PCC in order to make an informed decision about the elections. Almost twice as many people said that they found it difficult to access information on the PCC candidates compared with local election candidates (44% compared with 23%). In Wales, only 12% of people said it was difficult to access information about candidates at the NAW elections. Candidates themselves were also overwhelmingly negative about the Government's arrangements for communicating the views of candidates to voters, with 96% of those who responded to our survey saying that they were dissatisfied with the arrangements. These findings underline a key concern, which we first highlighted in our report on November 2012 PCC elections – that the information needs of voters at PCC elections have not been adequately met. We are concerned that the UK Government has not yet made improvements in this important area. Evidence from our research suggests that sending a booklet including candidate addresses to all households in each PCC area (similar to the approach adopted for elections of the Mayor of London and directly elected mayor elections, and the UK Government's proposed approach to elections for mayors of Combined Authorities in 2017) would have a significant impact on people's levels of

understanding about future PCC elections and the candidates standing for election. It would also ensure consistency across the different types of elections covering large electoral areas which currently use the supplementary vote electoral system. Data from the May 2016 PCC elections shows that some voters continue to mark their ballot papers incorrectly, which means that their votes are not counted. This highlights the need for further improvements to be made to the design and wording of ballot papers for all elections which use the supplementary vote electoral system, and legislation should be amended to reflect the Commission's recommendations on ballot paper design which were submitted to the UK Government in 2015. The administration of the poll Overall the PCC elections were administered professionally and efficiently, although we have again highlighted the importance of ensuring that relevant legislation is in place in good time before the elections to allow for effective planning and the commitment of resources. Duplicate electoral registration applications (from electors who were already correctly registered) continued to be a significant issue at these elections, which led to additional unnecessary pressure on electoral registration staff resources. This reinforces the need for an online registration status check to be made available for voters, as we recommended following the May 2015 UK Parliamentary general election. The deposit and subscriber requirements for PCC candidates continue to represent a barrier for some potential candidates, particularly independent candidates. There is also a need to ensure that independent candidates have access to the electoral register on a more consistent basis with candidates representing political parties, to enable them to plan and deliver their campaigns effectively Campaigning Our post-election survey of candidates suggests that the majority of candidates agree that the rules on spending and donations are clear. However, access to information about candidate spending and donations could be improved by making candidates' election returns available for viewing online. Looking ahead The next scheduled PCC elections in May 2020 will be held on the same day as scheduled local government elections in England, which include local council elections and, in some areas, directly elected local authority mayoral elections and combined authority mayoral elections. In London, there will be elections for the Mayor of London and members of the London Assembly. In addition, the next UK Parliamentary general election is scheduled to be held on the same day, Thursday 7 May 2020. In our view, this potential combination of polls presents significant risks which need to be mitigated in order to give voters, campaigners and Returning Officers confidence that the elections can be well-run. While it may be possible to manage some of these issues by early planning by Returning Officers, suppliers, campaigners and the Commission, the most effective way to mitigate these significant risks would be to change polling day for one or more of these elections, so that they do not coincide with the next scheduled UK Parliamentary general election which will be held on Thursday 7 May 2020. Any change to the date of scheduled elections would be a significant proposal, and must be informed by appropriate consultation with political parties, the Electoral Commission, relevant Government departments, elected bodies, administrators and voters themselves to ensure that the interests of voters are put first. Recommendations: Voter experience Recommendation 1: Electors should have better access to information about candidates at future PCC elections We remain concerned that the UK Government did not accept and implement our recommendation following the 2012 PCC elections to ensure that electors are sent printed information about candidates at future PCC elections. It is clear from our research that voters at the 2016 elections found it less easy to access information on PCC candidates than those standing in other polls. We continue to recommend that electors should be sent

printed information about candidates at future PCC elections. This should take the form of a booklet containing information provided by each candidate, sent by the relevant Police Area Returning Officer to every household in the police area. The UK Government should ensure that any necessary amendments to the 2016 Order are made no later than November 2019, in line with the timescales set out in Recommendation 3 for improving planning and the management of legislation for the May 2020 PCC elections.

Recommendation 2: The design of ballot papers for elections using the supplementary vote system should be improved. We remain concerned that the UK Government did not accept and implement our recommendation to improve the design of ballot papers for elections using the supplementary vote system ahead of the May 2016 elections. In 2015, following user testing, we recommended to the UK Government that the supplementary vote ballot paper used at Police and Crime Commissioner and mayoral elections should be amended to: Ensure that the instructions draw voter's attention to key words to emphasise how voters should complete their ballot paper. This would include emboldening key words to make them more prominent on the ballot paper. Re-label Column 1 and Column 2 as Column A and Column B to avoid confusion. We also recommend that additional information for voters about how to complete a supplementary vote ballot paper should be provided, including highlighting that the voting system is different from a first-past-the-post election. This should include information explaining that voters can select two candidates, a first and a second choice, and that they cannot vote for the same candidate twice. This information should be prominent on all voter materials to guide, support and reassure voters in completing their ballot paper. In some areas in May 2020 the scheduled PCC elections will be combined with local authority mayoral elections, which also use the SV voting system. Combined Authority Mayoral elections may also be held in some areas in England in May 2020, and it is proposed that they will also use the SV voting system. We continue to recommend that the prescribed design and wording of ballot papers for PCC elections, local mayoral elections and Combined Authority Mayoral elections should be amended to reflect our 2015 recommendations, to ensure that voters at the May 2020 elections receive well-designed ballot papers.

Recommendations:

Administration of the poll

Recommendation 3: Legislation for elections should be clear in good time before it is required to be implemented or complied with. The Police and Crime Commissioner Elections Order 2016 was laid in Parliament on 17 December 2015, just under five months before polling day for the 2016 elections. Governments with legislative competence over elections within the UK should manage the development and approval of legislation so that it is clear (either by Royal Assent to primary legislation, or by laying secondary legislation for approval by Parliament) at least six months before it is required to be implemented or complied with by campaigners or electoral administrators. If a government has not been able to make legislation clear at least six months before the date of a scheduled poll, it should table a formal statement in the relevant legislature, explaining why it has not, and setting out its assessment of the likely impact of the late confirmation of legislation for campaigners, electoral administrators and electors.

Recommendation 4: Information and analysis of the costs of the 2012 and 2016 PCC elections should be made publicly available. Information about the costs of running elections will help governments and Returning Officers to secure the most efficient allocation of resources at future polls. The UK Government should publish as soon as possible full cost details for the 2012 and 2016 PCC elections, and make any recommendations for improvements in the way the process is administered at future elections.

Recommendation 5: Electors should be able to check online whether they are correctly

registered to vote Providing a way for electors to check their registration status at the beginning of the online registration application process would reduce the action required by voters to keep their register entry up to date, and would also reduce the impact on EROs of processing duplicate applications. The UK Government should develop an online service to allow people to check whether they are already correctly registered to vote before they complete a new application to register. Any such service would need to carefully manage and protect voters' personal information.

Recommendations: Candidates and campaigners Recommendation 6: The number of subscribers should be set as low as reasonably possible in order to promote candidate participation in elections To be validly nominated, candidates for the PCC elections were required to secure the signatures and elector numbers of 100 electors (known as subscribers) who are included in an electoral register within the relevant police area. This number of subscribers is irrespective of police force area size, and significantly more than that required for candidates at UK Parliamentary elections or local government elections (both ten). We reported that this had been an issue for some candidates, especially independent candidates, in the 2012 PCC elections and our evidence continues to suggest that the requirements to obtain subscriber signatures are a barrier to standing for election ad participation in elections. The UK

Government should set out its assessment of the impact of the requirement for such a large number of subscribers on participation by candidates at elections for PCCs. The UK Government should also explain why the proposed subscriber requirements are appropriate for these elections, and should also set out why it does not believe the number of subscribers required can be reduced. Recommendation 7: Candidates should not be required to pay a deposit in order to be able to stand for election Our evidence continues to suggest that deposits represent a significant financial hurdle for independent candidates and candidates from smaller parties and the ability to pay a deposit is not a relevant or appropriate criterion for determining access to the ballot paper. We continue to recommend that there should be no deposit requirement for candidates or political parties at all UK elections, as we consider that the ability to pay a deposit is not a relevant or appropriate criterion for determining

access to the ballot paper. Recommendation 8: Independent candidates should be given more equal access to the electoral register for electoral purposes We continue to recommend that the law is changed to allow all candidates to get earlier access to the register for electoral purposes. This would particularly enable independent candidates to campaign on a more equal basis with candidates from political parties.

Recommendation 9: Candidate spending returns should be published online To improve transparency and accessibility of candidate spending returns, we have previously recommended that Returning Officers and Police Area Returning Officers should be required to publish spending returns online as well as through the existing methods of public inspection. We recommend that spending returns of Police and Crime Commissioner candidates should be published online in future. We support recommendation 12-5 of the Law Commissions' review of Electoral Law which proposes a method for implementing this change through legislation. 3 Recommendation 10:

Legislation for the registration of party names and descriptions for use on ballot papers should be reformed We continue to recommend that where a candidate represents a political party on a ballot paper, it should be clear to voters which party the candidate represents. The legal provisions for registration of party descriptions present risks of confusion for voters and restrict the participation of political parties. The Governments of the UK should work with the Electoral Commission to reform the provisions on party descriptions. Recommendations: Looking ahead to 2020

Recommendation 11: Analysis and consultation on the risks of holding polls on the same day The next scheduled PCC elections in May 2020 will be held on the same day as scheduled local government elections in England, which include local council elections, directly elected local authority mayoral elections and combined authority mayoral elections. In London, there will be elections for the Mayor of London and members of the London Assembly. In addition, the next UK Parliamentary general election is scheduled to be held on the same day, Thursday 7 May 2020. In our view, this potential combination of polls presents significant risks which need to be mitigated in order to give voters, campaigners and Returning Officers confidence that the elections can be well-run: There will be multiple sets of elections in different parts of the UK, incorporating up to four ballot papers and three methods of voting: UK Parliamentary elections use the 'first-past-the-post' system; elections for PCCs, directly elected local authority Mayors, Combined Authority Mayors and the Mayor of London use the supplementary vote system; elections for Constituency Members of the London Assembly use the 'first-past-the-post' system and elections for London-wide Members use the closed list system which is a form of proportional representation; local government elections use the 'first-past-the-post' system, in single- and multi-member wards. Clear and tailored information on how to complete their ballot papers will be essential to minimise confusion for voters. We will be communicating with voters about a range of issues across multiple contests: Given the political and media prominence of Parliamentary general elections, there is a significant risk that coverage of the May 2020 polls will be dominated by the UKPGGE. It is likely to be harder for candidates and campaigners at the other polls to get their messages across to voters, and it may mean that voters feel they have less information that they require to be able to participate in those elections. Regulated periods for campaigners will overlap: Under the Political parties, Elections and Referendums Act 2000, a regulated period will apply to the spending of political parties and non-party campaigners for a year prior to the UK Parliamentary general election scheduled in 2020. This will mean that spending by these campaigners on other elections taking place during that time period will also be regulated and count towards the UKPGGE spending limit. Careful consideration will therefore need to be given to the regulation of party, candidate and campaigner spending for the polls in 2020 to ensure that the relevant rules are understood and complied with. The voting areas for the different sets of elections may not be consistent: Constituency boundaries for the May 2020 UK Parliamentary elections are likely to change as a result of the current review being carried out by the UK's Boundary Commissions. The other elections scheduled to be held on in May 2020 have previously been administered on the basis of local government areas. While early planning can help to mitigate the risks for those administering the May 2020 elections, any significant differences to the boundaries of electoral areas will also present challenges – for example, in relation the administration of postal voting and the management and timing of the counts. The UK Government should immediately begin the necessary analysis and consultation on the risks of holding these polls on the same day, including giving consideration to the potential for changing the date of elections currently scheduled to be held in May 2020, so that they do not coincide with the next scheduled UK Parliamentary general election which will be held on Thursday 7 May 2020. The Government should publish its assessment and any proposals for change by September 2017, to allow sufficient time to make any changes to legislation which might be required, and to allow Returning Officers, suppliers, campaigners and the Commission time to prepare. Any change to the date of scheduled elections would be a significant

proposal, and must be informed by appropriate consultation with political parties, the Electoral Commission, relevant Government departments, elected bodies, administrators and voters themselves to ensure that the interests of voters are put first. Download our full report 2016 Police and Crime Commissioner (PCC) and local government elections report 1. There were also elections held to the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly, and the London Authority and Mayor of London. There were also UK parliamentary by elections in Ogmore (Wales) and Hillsborough and Brightside (England). ■ Back to content at footnote 1 2. Constituency turnout ■ Back to content at footnote 2 3. Law Commissions' Review of Electoral Law, Recommendation 12-3, page 161 ■ Back to content at footnote 3 Related content Results and turnout at the 2016 Police and Crime Commissioner elections View the results and turnout at the 2016 Police and Crime Commissioner elections Report: How the 2012 Police and Crime Commissioner elections were run Read our report about how the 2012 Police and Crime Commissioner elections were run Police and Crime Commissioners Past elections and referendums Read our reports and view data about past elections and referendums