

Silence in the Ranks

An analysis of factors inhibiting electoral participation by HM Forces personnel and their families in the General Election of May 2005, with recommendations on the way forward.

September 2005

FOREWORD

This paper is submitted to the Electoral Commission, the Ministry of Defence and the Department for Constitutional Affairs as a formal submission on behalf of the politically-neutral voter information campaign centred on the unofficial “Army Rumour Service” website. The paper is also being copied to the Association of Electoral Administrators, to Lord Garden and to a number of the Members of Parliament mentioned in the text.

In mid-January 2005 a member of the Army Rumour Service website started a new discussion in its Current Affairs forum, warning:

A broadsheet published an article last week suggesting that only 30% of members of HM Forces had registered themselves on electoral rolls....If you are not registered you cannot make a difference! Do it before it is too late!

Within the first hour this had attracted several replies, including comprehensive and accurate information about registration, and links to Electoral Commission information and registration forms.

On becoming aware of the discussion, my first reaction was that the concerns about under-registration might be based on a misunderstanding. While the number of voters registered by service declaration had clearly fallen dramatically since 2001, the same legislation¹ which had abolished indefinite registration for service voters had also given them the new option of registering as ordinary voters. This seemed at least a partial explanation of the downturn in registration by service declaration.

If there was a problem of under-registration, I felt that the solution would lie in the provision of accurate voter information, and in raising awareness of the pending election, in order to overcome voter apathy. With other Army Rumour Service users I began looking for electoral information provided by the Ministry of Defence (MoD) and the local authorities. The aim was to provide non-partisan information in order to help and encourage members of the armed forces community to exercise their own voting choice in the election; our motto was “responsible, constructive and non-partisan”.

Lord Garden told the House of Lords after the election:

There was one beacon of light in all this: there was an unofficial, if somewhat irreverent, website called the "Army Rumour Service", where volunteers posted information to encourage servicemen to register to vote and to get out and vote. This was done in a totally non-partisan way, and links were made to all the electoral registration offices so that registering could be done on a voluntary basis. That is the kind of thing that the MoD should have been doing.²

The unexpected result of our quest for useful information was the realisation that there were, indeed, significant disincentives to the exercise by service personnel and partners of their right to vote. We show in this paper how some of the information from official sources was either

¹ Representation of the People Act 2000 (2000 c. 2). The Act received Royal Assent on 9 March, 2000 and came into force in February 2001, giving ample time for official information to be updated in time for the June 2001 General Election – let alone the 2005 Election.

² HL Deb 26 May 2005, col 598-599.

inadequate, or positively misleading. I was astonished to realise that the source of much of the misinformation was to be found in Queen's Regulations.

So it was that the Army Rumour Service's constructive efforts had the unintended effect of exposing problems such as the late circulation of leaflets, and the late arrival or non-arrival of postal ballots. These problems, which rightly attracted much media and political interest, came to light only as a result of reports by service voters to the Army Rumour Service.

The Ministry of Defence has described the reported problems as anecdotal; the Defence Secretary has pointed out that the Ministry had not itself received complaints from service voters³; and a Labour MP suggested that the problems might amount to an "urban myth" to be "scotched once and for all".⁴

The reports were, I confirm, rigorously corroborated and the mere fact that they were placed on a popular and irreverent website meant that any inaccurate claims would have been subject to prompt challenge.

With MoD having in 2001 abandoned any effort to track electoral registration of their personnel, it would not be surprising if the number of "disenfranchised" voters had been overstated in some of the media coverage. (The coverage which I noted did, however, accurately reflect the basic facts reported by service voters.) It is quite possible that the service voters who actually attempted to vote by post from operational theatres were numbered in scores rather than hundreds. In view of the widespread pre-election advice to those overseas to consider voting by proxy rather than risk postal delays, it is also likely that a larger number of personnel and families never even attempted to vote from overseas, having no suitable proxy to appoint. Those who actually attempted to vote by post are only the tip of the iceberg.

Whatever the numbers were, the fact remains that all the problems already reported by the campaign are real and worrying. This paper also details another surprising contradiction in current official documentation for service voters, which has only recently come to light.

We include a number of actual, direct quotes from service and ex-service personnel and their partners. Their authentic voices deserve to be listened to.

All errors are mine, but I take this opportunity to thank all serving personnel and others who contributed to and inspired this paper. The paper itself has been the subject of a consultation process. Our campaign has been a joint effort from the start, but the many service voters who contributed cannot be identified. It is therefore my privilege to present this paper on their behalf.

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A pdf copy of this paper is available at <http://www.geocities.com/ukservicevoters/index.html>. Corrections to Douglas Young at hackle@hotmail.co.uk.

³ HC Deb 6 Jun 2005, col 975. The Secretary of State acknowledged in the same debate that he was aware that "some personnel were disappointed by the late arrival of postal ballots."

⁴ *Ibid*, Mr Andrew Miller MP (Lab, Ellesmere Port and Neston).

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AMENDMENTS

09.09.05 Corrected title of Dept for Constitutional Affairs

1. SUMMARY

We are grateful for the opportunity to submit this paper for consideration by the Ministry of Defence, the Electoral Commission and the Department for Constitutional Affairs. It examines the registration, information and absent voting problems which act as disincentives to electoral participation by British Forces personnel and their families. It reports the effects on service voting of the legislative changes introduced by the Representation of the People Act 2000 (“RPA 2000”), but also reminds that under-participation was a recognised problem long before 2000. Cultural and traditional factors play a part in discouraging electoral participation.

This paper candidly describes some of the shortcomings which became apparent in the months prior to the General Election of May, 2005. In so far as this report unavoidably mentions failures on the part of the Ministry of Defence, it is appreciated that the Ministry had other concerns to deal since 2000 – as had service personnel and their families. Shortcomings were by no means confined to the Ministry of Defence.

It is now obvious that the Ministry of Defence did not adequately review its support to service voters at the right time – on the enactment of RPA 2000. The information disseminated to service voters about the changes was inadequate and sometimes inaccurate. The fact that several Ministry of Defence documents did not correctly reflect the changes, and that even Ministers had on occasion been inaccurately briefed, suggests that the effects of the legislative changes were never properly examined. It also appears that the Ministry of Defence, which has a responsibility to represent the interests of its personnel in legislative matters, had not had any input into the work of the Howarth Working Party which recommended the changes.

A number of local authorities similarly failed adequately to review, in the light of the RPA 2000 changes, either their information for service voters or their arrangements for the issue of postal votes.

As early as February 2003, MPs were warning Ministers of potential problems resulting from the legislative changes. It is now clear that their concerns should have been taken more seriously at the time. The post-election review creates an opportunity for a fresh look at all aspects of electoral participation by the Armed Forces community.

This paper sets out our understanding of the problems, along with a number of recommendations. For convenience some of our recommendations refer to proposals in the Department for Constitutional Affairs (DCA) discussion paper of May 2005⁵. We have also noted recent papers from the Electoral Commission. Our own recommendations concentrate on matters which have either been raised with us, or which we think have a specific relevance to service voters.

We survey a number of issues relating to registration, voter information, absent voting methods (including electronic voting), and wider issues involving cultural factors and the relationship between the Armed Forces and democratic civil society. The paper includes historical context, and argues that an over-cautious approach to voter information for service personnel has its roots in the General Election of 1945.

⁵ Department for Constitutional Affairs, *Electoral Administration – A Policy Paper for Discussion*, 25 May 2005.

Action by several agencies is required. Our campaign's key messages for them are:

Ministry of Defence

We are encouraged by the work which has been commenced by the Ministry since the General Election, in conjunction with the Electoral Commission. We trust this is only the start of a well-planned, sustained campaign to reverse the long-standing democratic deficit amongst service personnel and their families. We would like to see the Ministry being much more proactive than in the past in addressing the interests of Service personnel in legislative proposals. While voting is a matter of personal choice, we would like to see the Ministry being less diffident than in recent years in encouraging personnel to participate in their country's democratic system. Service voters are entitled to expect in future a first-class standard of electoral information and administrative assistance.

Electoral Commission

The Commission is asked to note our above comments, and to continue to develop its liaison with the Ministry of Defence. We trust that the Commission will in future always take into account the specific needs of service voters, and to seek Ministry of Defence advice whenever appropriate, as well as initiating research. The Commission is also urged to work even more closely with local authorities to establish common standards, and to encourage best practice in their information and assistance to service voters, including local registration initiatives in conjunction with Service units.

Department for Constitutional Affairs

The Department is asked to ensure that the interests and circumstances of service voters are taken into account in the drafting of the Electoral Administration Bill, and to seek Ministry of Defence and Electoral Commission advice whenever appropriate.

Parliament

Recognising that many of the concerns examined in this paper were first raised by Opposition politicians in Parliament, we also note the more receptive line taken by the new Ministerial team since the General Election. We invite all parliamentarians and political parties to share our view that obstacles to electoral participation in the armed forces are unacceptable in a modern democracy, especially one which sends its servicemen and women to serve abroad on operations.

Local Authorities

We will be reviewing local authority website information again during the 2005 annual canvass. We encourage registration officers to consider, in conjunction with local army, navy or air force bases, conducting local registration initiatives for service personnel and families in their area. Postal ballot papers, especially those sent to addresses outwith the constituency, must in future be dispatched at the earliest moment permitted by law.

This paper also contains detailed recommendations which, for ease of reference, appear following the issues to which they relate. A consolidated list of recommendations is at Annex A. There are five Annexes, the last of which has been added in response to the Electoral Commission's latest research report "Understanding Electoral Registration" (Sep 2005).

2. REGISTRATION ISSUES

2.1 Effects of legislative changes

RPA 2000 made major changes to the rules on registration and absent voting by service voters. The main registration changes were (1) the abolition of the rule that members of the Regular Forces could only register by “service declaration”, and (2) the change from indefinite registration to annual “rolling registration”. The legislation, along with the Howarth Working Party report which recommended the changes, is more fully analysed at Annex B.

The consequences for service voters having apparently failed to attract much notice during the passage of RPA 2000 through Parliament, concerns began to be raised by Opposition Members as early as 8 September, 2003. In written answers to a series of questions from Mr Graham Brady (Con) the Under Secretary of State, Mr Caplin, made it clear that the Ministry of Defence did not share such concerns:

It is the individual responsibility of each member of the armed forces to register to vote annually. Service personnel overseas can choose to register as Service voters by means of a Service declaration, but they can then only vote by proxy. Those who choose to register on their local electoral register will be able to vote either by post or proxy if they are overseas or away from home during any election. Every effort is made by ships, units, and stations to give reasonable assistance to personnel overseas to register or vote in line with their individual electoral registration choice... Information on the number of registered Service voters is no longer held centrally.⁶

By contrast, Mr Caplin’s colleagues in the Northern Ireland Office had no difficulty in accepting that there had been a downward drift in registration in the Province due to changes in the registration rules, and brought forward legislation to restore the names of voters who had failed to register in the 2004 canvass.⁷

It is important to note that having previously been entitled to register on a career-long basis, personnel who register by service declaration are now in a significantly worse position than ordinary voters. For the name of a “service declarant” to remain on the electoral register, he or she must submit a fresh individual declaration every year and in the event of failure to do so, the Electoral Registration Officer has no option but to remove their name from the register.⁸ This does not apply to ordinary voters, for whom re-registration is usually a simple matter of a member of the household signing and returning a simple pre-printed form. We think that unless the ERO is aware of the voter having moved, the name of an ordinary voter is quite likely to remain on the electoral register even if the annual form is not returned.

Recommendation 1: There is a case for revisiting the decision in 2000 to require those who choose to register by service declaration to submit a fresh declaration every year. A possible compromise

⁶ HC 8 Sep 2003 col 40W. Series of written questions by Mr Graham Brady MP (Con) answered by the Under Secretary of State Mr Ivor Caplin MP. We refer later in this paper to an inadvertent error in one of Mr Caplin’s written answers.

⁷ NIO Media Centre release 30 November 2004, Web address: <http://www.nio.gov.uk/media-detail.htm?newsID=10594>. All website addresses quoted in footnotes were last accessed in July, 2005 or later.

⁸ Representation of the People Act 1983 (as amended), s. 15(3). A service declaration remains in force for twelve months. Section 10(3) of the Act excludes persons registered by service declaration from the annual canvass.

solution would be to allow all voters, once registered, to renew their registrations annually by simple means such as visiting a web page online, or returning a pre-printed form, which could eventually be incorporated in payslips. It would be undesirable to return to the previous situation whereby members of the regular armed forces could only register by service declaration, and not as ordinary voters. The option of registration by service declaration should, in any event, continue to be available.

2.2 Registration by service declaration - the qualifying address

What is most annoying to overseas servicemen and their families is where it says "You must register with an address where you have lived in the past or where you would live if you were not posted overseas". So after 11 years of marriage, do I still count Mummy's address as home? Or, can I covet my friends castle? 'Army wife'

A serviceman may quite genuinely retain throughout his service his connection with his original home constituency, and the intention of returning to it after discharge. In the initial years of his service, he may truthfully be able to declare that he would be living with his parents but for his service. Five or ten years later, he may have established a family of his own, so the prospect of his returning to live with his parents may only be notional. His parents may no longer be living at the same address or even in the same constituency, but the serviceman may still intend to return to the constituency and may reasonably wish to continue to participate in polls in that area where he feels that he has a personal stake.

No doubt EROs apply the residence rules liberally and with commonsense. EROs are required to treat a properly made out service declaration as valid "until the contrary is proved".⁹ It seems unlikely that they will consider individual circumstances unless the declarant seeks their advice. A service voter declaring that she would be resident at a particular address in her chosen constituency, whereas in fact but for a service posting she would be resident in the constituency but not at that actual address, could in theory be making a false declaration.

Recommendation 2: The existing commonsense approach to service declarations should be maintained, in accordance with the principle that service declarants should have the option of registering in a constituency where they have a genuine connection – even if they would not actually be resident at the specified address. Consideration should be given to amending electoral legislation to clarify this point. Any possibility of service voters being prosecuted as a result of declarations made in good faith must be avoided at all costs.

2.3 HM Forces Electoral Registration form

We have a similar but separate concern about the wording of the standard "Electoral registration form for a member of Her Majesty's armed forces (or spouse)". We think the form may not correctly reflect the current legislation. As set out in the form, the service declaration requires the declarant to specify:

the UK address where you are living or would be living **if you were not posted abroad** [Our emphasis].
If you cannot say where you would be living, give your last address before you took up your post.

⁹ RPA 1983, s. 17(2)

If these words are taken literally, unless the voter is abroad at the date of their service declaration they can only register in the constituency where they are resident at the time. This could have the absurd result of the voter having to change their home constituency at the beginning and end of every overseas posting. By extension, the words apply to spouses as to their serving partners.

The words “if you were not posted abroad” should read “if you were not in the Services”.¹⁰

It may be that electoral registration officers – if consulted – do not insist on the literal interpretation of the form. The declarant could, however, in theory be making a false declaration. Other declarants, having read the form, will believe they can only register where they are currently living. Some may decide not to register at all.

In any event there are no sensible grounds for differentiating between those service voters who actually are overseas at the date of their declaration, and those who are not currently overseas but are liable to be posted at any time overseas or to another part of the United Kingdom.

Recommendation 3: The wording of the “service declaration” registration form should be corrected. It should not be implied that a service voter who is not overseas may only register in the constituency where they are presently resident.

2.4 Anonymous registration

A few serving or retired personnel could be amongst the “vulnerable persons” who would benefit from so-called anonymous registration. While there is at present no statutory provision, we understand that in certain situations, some electoral registration officers (EROs) may be prepared to allow electoral registration under an assumed name.¹¹ We agree that there is a case for introducing more systematic arrangements as proposed in the DCA discussion paper.¹²

Any move towards stricter enforcement of registration, or even compulsory voting, would increase the importance of anonymous registration being available in all parts of the United Kingdom.

The security of the electoral register could be increased somewhat by discontinuing its use for other than electoral purposes.

Recommendation 4: We support the DCA proposal of “Setting up a system of anonymous registration for vulnerable people.” Care should be taken that the introduction of explicit rules does not result in a reduction of security, in comparison with the existing discreet arrangements.

¹⁰ Section 15 (1) of the 1983 Act (as amended) specifies that a service declaration shall be made only (a) by a person who has a service qualification, or (b) subject to any prescribed conditions, by a person about to leave the United Kingdom in such circumstances as to acquire a service qualification. These are alternative requirements: it is not necessary to be about to leave the United Kingdom in order to acquire a service qualification. See also sections 14 and 16 of the 1983 Act.

¹¹ Ronan McIvor, *Let Us Prey*, <http://www.studentbmj.com/issues/04/04/careers/152.php>

¹² Department for Constitutional Affairs, *op cit*. Anonymous registration has also been recommended in several Select Committee Reports.

2.5 Fraudulent registration

Because it often involves registering in respect of an address where the voter is not actually resident at the time, registration by service declaration is potentially open to personation and fraud. Before 2001 the involvement of the Service authorities in the processing of service declarations made it virtually impossible to register fraudulently as a service voter. The changes in legislation mean that service declarants from the armed forces (unlike FCO and British Council employees) now submit their registration forms direct to the local authority electoral registration officer.

The applicant has to give simple information supporting his or her service qualification¹³, but it is not difficult to invent plausible details. Since 2001 the risk has existed (in theory, at least) of the fraudulent use of service declarations either to register in the name of an imaginary member of HM Forces, or even (with knowledge of the correct details) in the name of a genuine serviceman who may or may not be registered in another constituency. The fact that service voters may have a choice of constituencies increases the risk. We are not suggesting that any large-scale attempt at fraudulent registration by service declaration for electoral motives is likely to succeed. Due to the part which electoral registration plays in credit referencing, fraudulent registration is more likely to take the form of identity theft for financial fraud. We are not aware of any actual cases. The risk did not exist before 2001.

We have no wish to recommend unnecessary additional complications to the registration application process for service voters.

Recommendation 5: We ask the relevant authorities to note the theoretical risk of fraudulent registration by service declaration. EROs may need additional powers to institute random checks of any registration, without grounds for suspicion. To this end, EROs must be given clear contact arrangements for cross-checking service declarations with the Service authorities.

3. INFORMATION ISSUES

3.1 General

<i>I didn't think that we were allowed to vote.</i>	<i>British soldier in Iraq.¹⁴</i>
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<i>I've been working with a cross section of Junior NCOs from across several units. Discussing electoral registration not one was aware of voting rights (half thought they were not eligible to vote), they had no idea how to register, and none had ever voted. Swimming in treacle springs to mind.</i>	<i>Army Instructor</i>
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If registration is the key to voting, information is the key to registration.

The Army Rumour Service revealed that the Electoral Commission leaflets which were intended to be distributed in early February did not reach any service personnel until the week beginning 4 March, 2005. Many personnel did not see it – if at all – until after the registration deadline on 11 March (10 March in Northern Ireland).

¹³ “Rank or rating, Service (British Army/Royal Navy/Royal Air Force), Service number, and Regiment or Corps (Army only).”

¹⁴ Quoted by Mr Andrew Robathan MP, HC Deb 17 May 2005 c131

3.2 Local authority website information

The Army Rumour Service began monitoring official websites in January, 2005.

We found that some Council websites contained out-of-date information, and others offered no specific information for service voters.¹⁵ This did not inspire confidence that the local authorities in question really thought that service voters were an issue for them. In general, metropolitan authorities seemed the least likely to offer specific website information for service voters.¹⁶ In some cases the quality of the information offered on Council websites improved significantly after monitoring began in late January 2005, but all Council websites should already have included specific information for service voters in time for the annual canvass in the autumn of 2004.

The requirement to provide information for service voters applies to all registration authorities, not only those with Service establishments or married quarters in their area.

We do not think it is acceptable for a Council website to fail to provide either specific information and forms for service voters, or links to the Electoral Commission's aboutmyvote.co.uk website.

Recommendation 6: Voter information provided on Council websites should meet minimum standards including specific information and forms for service voters, and/or prominent links to the Electoral Commission's aboutmyvote.co.uk website.

Recommendation 7: All relevant websites (local authority, MoD and the Electoral Commission) must contain appropriate registration information on a permanent basis, not merely during the annual canvass or when an election is pending. Some Council websites may need urgent improvement to support the 2005 annual canvass.

We understand that the Electoral Commission distributed to local authorities a pre-election advice pack about service voting issues. We are not aware of the contents, but it seems likely that it had an influence on the late improvement of local authority website information for service voters. The Association of Electoral Administrators (the professional association for UK election administrators) appeared to us to be both well-informed and sympathetic about service voting issues.

Recommendation 8: Consideration should be given to increasing formally the role of the Electoral Commission in working with the local authorities concerned in electoral registration and administration, so as to establish common standards and encourage best practice.

¹⁵ This paper follows a common usage of the term "service voters", which we would define as including all who are entitled to register by "service declaration", including those regular personnel and spouses who are actually registered as ordinary voters or are not registered at all. In official usage the term "service voter" tends to mean either (1) those having a service qualification as specified in section 14 of the Representation of the People Act, 1983, or (2) those who actually are registered by service declaration. Some of the problems which we identify also affect mobilised personnel, who are not in current circumstances entitled to register by service declaration; our concerns include mobilized personnel where applicable. Some of the issues also affect adult children, unmarried partners and others residing in Service households, as well as other Crown servants and employees of organisations which provide support to British Forces overseas.

¹⁶ One praiseworthy exception being Birmingham City Council, whose website included brief information for service voters as well as downloadable registration forms..

Recommendation 9: The MoD's liaison with the Electoral Commission and others should continue on a regular basis, beyond the completion of current projects. Consideration should be given to including in ongoing liaison an appropriate representative of elections professionals.

We have not been able to trace much published evidence of service voting issues having been considered in detail by individual local authorities. Salisbury District Council conducted a timely review of their electoral registration service following RPA 2000. Their review¹⁷ identified the following "Opportunity":

- The introduction of RPA 2000 particularly the introduction of rolling registration and changes to the registration of service voters...

and the following "Weaknesses":

- The low response rates to the annual canvass against the benchmarking Group. [Note: the review attributed low response rates partly to the military presence in the area.]
- The ability of the Elections Team to influence response rates given socioeconomic factors and the presence of the military.

We comment in passing that it would have repaid other stakeholders – including those in the Ministry of Defence – to conduct their own SWOT analysis after the passing of RPA 2000.

Recommendation 10: Electoral Registration Officers, in conjunction with service units, should be encouraged to develop local initiatives to promote electoral registration by service voters.

3.3 Electoral Commission website information

An Electoral Commission website www.aboutmyvote.co.uk contained clear, accessible information, including specific information for forces personnel, contact information for all relevant local Councils, and downloadable forms.

We did not find a downloadable proxy application form on the website mentioned.¹⁸

3.4 Electoral Commission "Register to Vote" leaflets distributed by Ministry of Defence

In December, 2004 Mr Andrew Tyrie MP secured a Westminster Hall debate on Electoral Registration (Service Personnel).¹⁹ Speaking in the debate, Mr Tyrie mentioned local registration initiatives, including an information leaflet, aimed at service personnel and spouses in his constituency. He urged that the Electoral Commission bring forward the production of a planned registration information leaflet for service voters, so that they could register in time for any election in May 2005.

¹⁷ Salisbury District Council, January 2001, *Best Value Service Review – Electoral Registration*, p.5 of pdf edition at http://www.salisbury.gov.uk/council/best-value-reviews/downloads/electoral_registration_bv_review.pdf.

¹⁸ The "service declaration" form incorporates an optional proxy application, but a standalone proxy application form should be available, and is downloadable from some but not all Council websites.

¹⁹ HC Deb 8 Dec 2004 col 117-125WH.

Following a meeting between Electoral Commission and MoD officials, it was announced that a leaflet was being produced and would be distributed to service voters “in early February”. The Army Rumour Service, while urging personnel to register and not wait for the leaflet, asked them to report sightings of the leaflet; the aim was to raise the profile of the leaflet but the result was to show that the leaflet did not reach units until the week beginning 4 March, close to the registration deadline. (10 March in Northern Ireland, 11 March elsewhere²⁰.) Few personnel or spouses can have seen the leaflet in time to influence registration. The print run was 100,000 for an estimated service voter population of some 300,000 including spouses.

When it became apparent that the leaflet distribution was not proceeding as planned, MoD could easily have posted a copy of the leaflet on their website, and asked units to print it off locally for display on unit noticeboards and in families centres. Perhaps they did not wish to draw attention to the problem, but campaigners would have strongly supported MoD if they had distributed the leaflet electronically. The leaflet was, in fact, published electronically on the Army Rumour Service website long before any personnel received the printed version.

We have heard that a new leaflet may be issued shortly.

Recommendation 11: An electoral leaflet for service voters should be distributed to every member of the Regular Forces and service wife or husband, preferably in conjunction with the next annual canvass in the autumn of 2005, and to every future recruit and new Service spouse.

3.5 Ministry of Defence information

3.5.1 MoD website information

Website information offered by MoD in January 2005 proved even more disappointing. At first it seemed that there was in fact no electoral information provided on the vast MoD website. A peer told the House of Lords that:

I despair that, while the MoD website has a very good section on its art collection, it has nothing to say about service voting.²¹

It later came to light that there were a number of pages about electoral matters in the MoD’s subsidiary single-service websites. There was a statement that registration forms had to be submitted through the Service authorities. There were also several statements that service personnel could only vote by proxy if overseas: indeed, at the time of writing there is still such a statement on a subsidiary welfare document on the MoD website.

Speaking for the Ministry of Defence on 24 March 2005²², Baroness Crawley conceded that

Yes, there was an inaccurate website in December, and the inaccuracy was rectified within hours of it being brought to the MoD's attention. It was not one of the main websites; it was a small, linked website.

²⁰ It is appreciated that there are separate regulations for Northern Ireland but if the legislative opportunity arises, consideration could be given to harmonising the registration deadlines to remove a possible source of confusion.

²¹ Lord Garden (Lib Dem), HL Deb 17 Jan 2005 col 555.

²² HL Deb 24 Mar 2005 col 357.

Baroness Crawley's brief was presumably correct in stating that "there was an inaccurate website in December", but it seems disingenuous not to have informed her that the relevant page²³ was actually removed on the afternoon of 4 February 2005, after prompting. There were, in fact, several incorrect webpages in the areas of general welfare information for service personnel and their families, which can hardly be described as "small, linked" websites; many of the corrected web pages which started to appear from late January onwards were in the same website areas. Nor were any of the erroneous web pages simply out-of-date; in different ways they all took some account of the legislative changes in 2000. As the webpage authors were unable to obtain the correct information about registration and voting, it is hard to say that adequate information was readily available to individual personnel or their families.

Updated electoral information began to appear on the MoD main website in late January, 2005, following the publication of the updated Defence Council Instruction DCI(JS) 01/05 "Electoral Registration – Members of the Armed Forces and their Spouses". Except for the minor matter of two out-of-date website links which were then repeated in the MoD's own website information, the Defence Council Instruction (DCI) gave a clear and we believe correct summary of the main registration and absent voting options. DCIs are not issued to individuals or (generally) displayed on noticeboards, but a copy would have been available in every unit administration office to every serviceman or woman or spouse who asked to see it.

In response to criticisms, the Ministry issued in late April 2005 a defensive press release under the title "HM Forces Electoral Registration". The press release was also published in the "Serving Soldier" area of the MoD Army website.²⁴ It argued that

Members of the Armed Forces have been given the same opportunity to register to vote as have their civilian counterparts. The MoD conducted an information campaign to tell members of the Armed Forces that they needed to be on the electoral register to vote. The campaign started in January 2005 and coincided with the Electoral Commission's campaign to raise awareness on voter registration. This included articles in in-house publications, articles on the internet and intranet, military signals, an awareness campaign on British Forces Broadcasting and Garrison Radio and leaflets.

The press release also stated that the Ministry were "satisfied that we have taken appropriate steps to inform service personnel of their rights." Our position is that the steps taken were indeed broadly appropriate but for one reason or another were neither sufficient, nor timely.

Service payslips include a printed "message of the month" on a range of subjects such as compulsory drugs testing. It is most surprising that this means has not yet been used for issuing voter information. (Incidentally the current format of automated payslips for the Army is probably not suitable for inserting separate enclosures, such as leaflets or registration forms.)

Recommendation 12: MoD is invited to consider including short voter information messages in monthly payslips from time to time, commencing in the 2005 annual canvass period.

The improved "Fact Sheet Elections" which is now available in the welfare section of the MoD Army website since the May election is based on the DCI.²⁵

²³ Soldier Welfare & Family - Army Families Advice Bureau - Fact Sheet 7/1.

²⁴ http://www.army.mod.uk/servingsoldier/whatsgoingon/hm_forces_electoral_registration.htm

²⁵ http://www.army.mod.uk/soldierwelfare/supportagencies/aws/afabsheets/fact_sheet_elections_.htm. The fact sheet is in the same area which Baroness Crawley described in the House of Lords as "a small, linked website".

3.5.2 MoD information for new entrants to the forces

I was an Army brat and seemed to spend much of my childhood on the move between Germany, mainland UK, the Hebrides and the Far East. I joined the Army in the late sixties and am absolutely certain that we were not given any information at Depot about voting. There was a General Election while I was serving in Germany but I doubt that it ever came up in conversation. We did not have a television in our small Mess nor was there any regular supply of newspapers. If I had tried to vote, I would have had no suitable relative to be my proxy because I am an only child and at the time my father was serving in Berlin. I would have been hard put to choose a constituency to register in because I had no home in the UK and no way of knowing where I would live when I left the Army.

Former Q/Sgt Nurse, QARANC

Some things have improved since the above respondent joined the Forces, but her experience suggests that some of the current problems are of long standing. Other reports which have reached us suggest that, over the years, not all training establishments have met the requirement in Queen's Regulations for the Army that:

All new entrants to the Armed Forces are to be made aware of the procedures and options for registering as voters.

It is not impossible that some of our informants are mistaken in their recollection that no such information was provided, but if they do not recall receiving it, it clearly made no impression.

We assume that the forthcoming new electoral information leaflet for HM forces will be issued to all new entrants on an ongoing basis.

It would be useful to know whether any briefings are given to supplement the written information issued to recruits. It is appreciated that they receive a great deal of other documentation on joining – at present, 16 separate forms have to be completed at the selection stage.²⁶ It should be borne in mind that the right time for new entrants to register to vote may be on posting to their first unit – not during initial training. It is, therefore, not sufficient to simply issue a leaflet and fail to follow up the question of electoral registration after the individual has joined their ship or Regiment.

Voter information campaigns aimed at younger servicemen and women could be seen as patronising, thus being counter-productive, but they should be treated as a priority target audience for general campaigns. Thought needs to be given also to opportunities for follow up at subsequent stages of training, including CLM (Command, Leadership and Management) training. The research currently being scoped by MoD and the Electoral Commission should help to guide thinking on these issues.

3.5.3 MoD information for Commonwealth and Irish citizens

Commonwealth citizens serving in the British forces reported that they had not, until seeing information on the Army Rumour Service website, been aware of their entitlement to vote in UK elections. We ask MoD not only to review their information for new entrants from the Commonwealth, but also to reinforce the electoral message for those already serving. The same

²⁶ The Daily Telegraph 18 July 2005, *Army faces crisis over shortage of infantry recruits*, from telegraph.co.uk website.

applies to recruits from the Republic of Ireland, although they are less likely to be unaware of their right to vote in the United Kingdom.

Recommendation 13: Specific efforts are required to ensure that all personnel who are Commonwealth or Republic of Ireland citizens, including personnel presently serving, are made aware of their right to register and vote in the UK.

3.5.4 MoD information for mobilised personnel

We were told that standard information sheets for personnel who had been mobilised included the injunction “review your electoral arrangements”. After the election we received two reports from reservists who had been serving on operations during the election period, but stated that they had received no information or support relating to their electoral rights as reservists.

The DCI contained no information for mobilised personnel (members of the reserve forces and individual ex-Regular reservists called up for full-time service). Most of these personnel should already have been on the electoral register at home prior to mobilisation, but would have had to make absent voting arrangements for the election. As they were not entitled to register by service declaration²⁷, they had no automatic right to a proxy vote and would have had to arrange for their military employer to sign part of their proxy voting application form. This was not covered in the MoD’s information for voters and units, nor have we had any reports of either units or the Reserves Training and Mobilisation Centre at Chilwell taking any proactive action to brief their mobilised personnel and offer them signed-off proxy application forms.

Recommendation 14: Specific efforts are required to ensure that all mobilised personnel likely to be away from home during an election are made aware of their absent voting options and the assistance available from their units.

3.5.5 Queen’s Regulations – Effect of errors

Errors in Queen’s Regulations in regard to electoral procedures are briefly listed at Annex C to this paper. Most of the errors seem to be due to incomplete revision which was intended to reflect the changes under RPA 2000: the Regulations are not simply out-of-date. The errors in QRs correspond closely to those in the faulty MoD website information and in a Ministerial Parliamentary Answer. It seems likely that the faulty revision of Queen’s Regulations contributed significantly to confusion over the electoral rights of service voters.

3.5.6 Timeliness of the information campaign for service voters

In the 2003-2004 Session the Commons Select Committee on the Office of the Deputy Prime Minister conducted an important inquiry into many aspects of postal voting, including postal voting for armed forces personnel. Evidence was taken from Ministry of Defence witnesses. In addition

²⁷ This seems reasonable, given the relatively short length of current operational tours (typically about 6 months in theatre). Electoral legislation takes account of the possibility that registration by service declaration could be extended to mobilised personnel in different circumstances.

to postal voting, the Select Committee's Report²⁸ casts light on wider aspects of electoral participation in the Services.

Although the Select Committee may have overlooked the fact that the Ministry of Defence were working on a false assumption about the electoral timetable for postal voting, we recommend a reading of Section 10 of the Committee's Report of which this is the final paragraph:

121. The Ministry of Defence suspect electoral participation rates among service personnel are low; considering that the Government is trying to increase electoral participation, we are surprised that there appears to be little attempt made to encourage service personnel to vote. Every effort must be made to ensure all who wish to vote are able. We are pleased that the Ministry of Defence, when it issues its guidance, intends to encourage greater use of proxies and we hope to see a copy of this guidance in the response to this report. The Ministry of Defence and Armed Services must offer more help to personnel who wish to apply for a proxy vote; we recommend all new personnel are given forms and guidance during their initial training period. We also recommend that the Government, Ministry of Defence and Electoral Commission consider the results of the electronic voting trial for military personnel in the United States of America.

The Select Committee's report also sets out the MoD evidence in full. A witness stated that it had just been learned, as a result of a meeting with the Electoral Commission, that service voters overseas were not confined to a proxy vote but could alternatively vote by post; "if that is confirmed, we will amend our guidance." It is appreciated that MoD had decided to lean towards proxy voting in their future guidance, but we do not believe it was right to continue advising for so long that postal voting from overseas was not allowed.

The choice of voting methods has a bearing on the voter's decision whether to register by service declaration or as an ordinary voter, or whether to register at all.

Whilst it would have been right to run an intensified information campaign for service voters during the period from January until polling day (in tandem with the Electoral Commission's campaign for the general population), it is hard to understand why MoD did not find it necessary to promote registration and to make correct information much earlier than the beginning of 2005.

Whatever the true registration figures amongst the armed forces community may have been, it is beyond dispute that a lower percentage were registered than amongst the general population. It follows that the information campaign should not only have been much better, but should have started earlier.

We refer below to short "Action Messages" carried on BFBS Forces Radio in support of the annual canvass in the autumn of 2004. Unfortunately any individual inspired by these messages to ask about registration would not have been able to obtain completely correct information at that time from Service sources.

In the event, correct information was available for only six weeks between the end of January and the registration deadline on 11 March. It is difficult to accept that this was adequate, when under-registration was already known to be a problem. When the "intensified" campaign began at the end of January, there were several signs that it (especially the leaflet) had not been planned or prepared sufficiently in advance.

²⁸ House of Commons Select Committee on Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions - Seventh Report, ordered to be printed 11 May 2004. See in particular Section 10 "Armed Forces Personnel", and Minutes of Evidence on 16 Mar 2004 (Q223-240).

3.6 Other Information Issues

3.6.1 Queen's Regulations – Prohibition of “Political Activity”

Lord Garden told the Upper House on 26 May 2005 that:

It seems to me that the Ministry of Defence needs some guidance about its role in this matter. Many of the regulations appear to be directed at ensuring that the Armed Forces will not receive information about political parties. Canvassing and hustings are prohibited on units. Now that we have a wider security barrier because of the security situation, that often includes married quarters, and one cannot canvass if the married quarters are within the security barrier.²⁹

Lord Garden was referring to the extensive provisions in paragraphs JS.581-586 of Queen's Regulations for the Army. Amongst other things, the regulations have the effect that candidates and canvassers cannot (in those capacities) visit any Service establishment. No political information of any kind can be made available. We understand the reasoning behind the restrictions, but as they are not widely known we think it is timely to draw them to wider attention.

Political election communications individually addressed to service personnel will be delivered, like any other personal mail. There is however effectively no means for political parties or candidates or prospective candidates to provide information about their policies to personnel who are not on the local electoral register.

It should be mentioned that Queen's Regulations specifically order that other than in Service establishments, no restriction is to be placed upon the attendance of Regular personnel at political meetings, “provided that uniform is not worn, Service duties are not impeded, and no action is taken which would bring the Service into disrepute.”³⁰

Whilst it is clear that the Regulations prohibit Regular personnel from taking “any active part in the affairs of any political organisation, party or movement”,³¹ they do not state that personnel may be members of political parties. As far as we know, they can. Personnel are entitled to clear information on this point: this could be clarified in future Regulations.

Queen's Regulations affect the political rights of the civilian spouses of personnel, as well as the personnel themselves. Community facilities for Army families are normally in premises provided by the Ministry of Defence, and are likely to be treated as “Service establishments”, even if they are not physically “behind the wire”. The Regulations do make it clear that canvassers are entitled to call on married quarters to canvass the occupants (whether serving or civilian). A serving individual can apply for permission to be a candidate and serve as an independent member of a local authority³²; there is of course no restriction on a civilian Service spouse serving as a politically-affiliated Councillor, but they might well feel constrained in conducting their duties from a married quarter.

²⁹ HL Deb 26 May 2005 : Col 599.

³⁰ Queen's Regulations for the Army 1975 (to Amdt 26, as published on MoD Army website), Part 14 - Political Activities And Electoral Registration, para JS.581.

³¹ *Ibid*, para JS.581.

³² *Ibid*, para 586.

As the relevant paragraphs are “Joint” (tri-Service), the corresponding Queen’s Regulations for the other two Services are assumed to contain identical provisions. The Armed Forces Bill announced in the Queen’s Speech of 17 May 2005 will replace the existing separate primary legislation for each of the Services with one Act establishing a unified system of Service law. It is assumed that new unified Queen’s Regulations will be adopted, creating the opportunity for a fresh look at the rules. This would need a political (Parliamentary) lead.

Recommendation 15: We invite political representatives and parties to note the restrictions under Queen’s Regulations upon canvassing and the distribution of election material within Service establishments, and to consider whether any changes would be appropriate.

3.6.2 Access to current affairs and election news

Our quote from an ex-Army nurse touched on another issue – the availability of current affairs news, without which it is difficult to make an informed electoral choice.

Access to news has in many ways improved in the past decade, with satellite TV and internet access now often available at base locations, even on operational deployments. The British Forces Broadcasting Service (BFBS) offers two TV channels and two main radio channels. BFBS Radio 2 offers a schedule not unlike BBC Radio 4. BFBS radio carried one-minute “Action Messages” during the autumn 2004 annual electoral canvass, and prior to the 2005 election. During the 2005 pre-election period BFBS also carried two interviews with the Under-Secretary of State (presumably on a non-partisan basis), and a successful panel programme in which listeners were able to put questions to Defence spokesmen from the main political parties.

While the individual may often have a choice of television channels in peacetime locations, in operational locations she is more likely to find a single TV showing sport or a video. BFBS radio and TV coverage is limited to garrison areas. (BFBS radio channels are theoretically available over the internet, but BFBS Radio 2 is reportedly difficult to access by this means.)

Welfare internet access can involve slow computers and slow connections. There is usually a queue and a time limit. Internet access is not a serious proposition for keeping abreast of current affairs and party policies.

Apparently some company had the contract for supplying packs of UK newspapers for deployed forces. I was told that if the flight was cancelled or the newspapers were bumped off the manifest by some higher priority cargo, the papers would continue to be put forward for an agreed number of days, after which if they had still not been delivered they would be binned. The result was that weeks went by without any newspapers.

Staff Officer, Kosovo Force 2001-02

Print media still provide the most comprehensive sources of news analysis and opinion. One of the advantages of belonging to a Mess is that, when not deployed, mess members typically have access to a much wider range of newspapers (paid for through mess subscriptions) than they could expect at home. During exercise or operational deployments, newspapers may still arrive but (understandably) on a more intermittent basis. Personnel were used to “catching up” with the papers in less busy periods. The increased availability of “instant news” through electronic media has tended to reduce the shelf life of newspapers with, according to the informant quoted above, the result that they are sometimes not delivered at all.

Access to newspapers when time permits helps to increase general electoral and political awareness, as well as helping electors to form their voting choices by providing different perspectives on the parties and their policies.

If they were in the United Kingdom during the three months prior to the May election, most voters would have been exposed not only to election news but also to the Electoral Commission's "I Don't Do Politics" information campaign which actively advocated voting. The corresponding Ministry of Defence information campaign was notably restrained and diffident in comparison, reminding individuals to register ("Don't Lose the Right to Vote") but without any attempt to put forward the benefits of voting.

As a result, deployed personnel in particular were not exposed to the same extent as other citizens to either the same range of political and election news, or to appropriate messages emanating from the Electoral Commission and others encouraging them to vote.

4. VOTING ISSUES

4.1 Proxy voting

It is likely that most service voters who succeeded in voting from overseas did so by proxy vote.

Proxy voting is relatively rare in other electoral systems, but is allowed in the electoral systems of the United Kingdom, Canada, Belgium, and India, where proxy voting was introduced in 2003 specifically for service voters.³³

Proxy voting is a very satisfactory method of absent voting if the voter has a suitable person to appoint as their proxy – a friend or relative who can be relied upon to carry out the voter's instructions correctly and confidentially. The proxy must be capable of making the necessary arrangements, including arranging a postal vote if they are not able to attend the polling station. Naturally the proxy must also be someone with whom the voter is happy to share the secret of their voting decision.

The obvious disadvantage of proxy voting is that it compromises the principle of the secrecy of the ballot. The involvement of a proxy means that at best the voting choice is not secret and, at worst, the voter is potentially open to pressure, intimidation or bribery in whatever form.

The more extreme risks are unlikely to affect service voters. Individuals have, however, reported to us a range of concerns which stand in the way of appointing a proxy in their particular circumstances. Aside from confidentiality concerns, some individuals simply have no suitable person to appoint as their proxy.

The voter may not wish to put an infirm or busy relative, however trusted, to the trouble of acting as a proxy. Voters who come from service families, in particular, may have no network of close relatives in the constituency. Many Commonwealth citizens serving in the British Forces are unaccompanied by their families; on operations, their serving friends are likely to be serving alongside them and unavailable to act as their proxies.

Many service voters, however, have no major objection to entrusting their vote to a wife, husband, parent or friend. Proxy voting is the only absent voting method available to, for example, those serving in submarines.

³³ More details of the Canadian and Indian systems can be found at Annex D.

Recommendation 16: The option of proxy voting must continue to be available, even if other voting options are introduced or improved. All-postal voting is clearly not practicable for many service voters.

4.2 Postal voting

4.2.1 History of postal voting by service personnel overseas

Both postal voting and proxy voting were originally introduced for servicemen. The Representation of the People Act 1918 allowed postal voting by naval and military voters on a temporary basis, and also introduced proxy voting on a permanent basis. At the end of the Second World War, the Representation of the People Act 1945 again made temporary provision for postal voting by service voters. Postal voting was not extended to civilians until the Representation of the People Act 1948 granted postal voting facilities to both service personnel and to certain groups of civilians. All had to provide an address in the UK to which ballot papers could be sent: service voters could vote by post from overseas, but only by arranging for their ballot papers to be forwarded via a UK address.³⁴

Changes to postal voting under the Representation of the People Act 1985, however, had the apparently unintended effect of completely prohibiting service personnel from voting by post from overseas. This was noted by the Defence Select Committee in their First Report of Session 1997-98. The Ministry of Defence responded that:

10. The Government notes the Committee's recommendation. The Government accepts the importance of Service personnel overseas being able to exercise their voting rights whenever possible. They are in the same position as other UK citizens who are required to work abroad in that they can not vote by post; they must vote by proxy. Service personnel and their spouses are encouraged to register to vote in UK elections... Under the Representation of the People Act 1985, electors registered as postal voters must provide an address in the UK to which the ballot paper is sent. Primary legislation would therefore be needed to allow Service voters overseas to vote by post.

11. In accordance with their normal procedures, the Home Office will be undertaking a review of the 1997 election and they will be consulting widely. They have undertaken to consider the possibility of treating Service voters as a separate category and allowing them a postal vote from abroad. The Ministry of Defence will be closely involved in this aspect of the review.³⁵

As we have seen, the right of service voters to vote by post from overseas was duly restored by RPA 2000.

Remarkably, despite having said they would be closely involved in this aspect of the review which led to the new legislation, the Ministry of Defence remained unaware until 2004 that the desired change had been granted.

³⁴ Sources include ISOBEL WHITE: *Postal Voting and Electoral Fraud*, House of Commons Parliament and Constitution Centre, Standard Note SN/PC/03667, last updated 7 June 2005.

³⁵ Ministry of Defence memorandum submitted 3 February 1998, reproduced in Defence Committee Second Special Report of Session 1997-98. See also footnote at Annex B of this paper.

4.2.2 Postal voting problems in the 2005 General Election

The Prime Minister himself on several occasions gave personal assurances about service voting. A press release issued in his name shortly before polling day stated that:

We have ensured that postal votes will reach members of the armed services who have registered for a postal vote in good time for them to vote and return their ballots.³⁶

Our campaign received several complaints about the late arrival of postal ballot papers in locations such as Iraq, Cyprus, and even Northern Ireland. As a result, several of the complainants were not able to vote despite making every effort to do so. Others who did receive their papers close to polling day decided – rather than entrust their votes to the BFPO mail system – to send them in the hands of colleagues returning by air to the UK.³⁷

It was no surprise to our campaign that there should be problems with postal voting; we had issued several reminders to those overseas to consider voting by proxy rather than by post, if at all possible; but the situation turned out to be worse than expected.

These are a few of the reports received from would-be postal voters:

Unable to report whether anyone else's ballot papers have arrived here, as the post room was closed all day – not that they'd be able to return their votes in time, in any case.
BFPO address, Iraq

Still waiting!! Rang up the electoral office and they assured me mine was sent on the 22nd (with extra postage because they thought N Ireland was out of area!) which means it has been stuck in BFPO-NI mail for 5 days!!
BFPO address, Northern Ireland

Those ballot papers arrived on Friday [6 May]. Maybe I could sell them on eBay. "Genuine SAS issued too late Ballot Papers"
BFPO address, Northern Ireland

Got mine through on the 28th. It arrived in the post room (HQ) on the 22nd and only took 6 days to get to the accommodation post room.
Location unknown

After learning from the Army Rumour Service website that postal ballot papers had started arriving I got in touch with the Council to ask what had happened to mine. They said their postal votes had gone out a few days late because of problems with their printers. My vote arrived too late to send it back in time but those few days could have made all the difference.
BFPO address, Cyprus

There were three main factors in the late arrival of postal ballot papers, namely:

- (1) The UK's tight electoral timetable, which meant that no postal ballots could be despatched until 15 days before polling day;
- (2) Late despatch of postal ballots in some Council areas, including those for voters overseas or elsewhere in the UK; and

³⁶ *Statement From Tony Blair - Armed Service Personnel Voter Registration.* Although the text appears to have been based on official statements from the Ministry of Defence, this statement is assumed to have been issued by the Labour Party.

³⁷ It is now understood that BFPO had made arrangements for postal votes arriving from overseas to be transferred to the Royal Mail directly from the UK airhead, instead of being routed via the BFPO central depot at Mill Hill.

(3) Postal delays, especially in the BFPO mail system.

Recommendation 17: Despite the reported problems, and even if any new voting method such as electronic voting is introduced, postal voting should be retained as one of the voting options for all service voters.

Recommendation 18: We support the DCA proposal³⁸ to give administrators more time to deal with postal vote applications, by making the deadline for applications eleven days before polling day rather than six.

Recommendation 19: Local authorities must ensure the despatch of postal ballot papers on the first permitted date to voters outwith the constituency, including those overseas.

Recommendation 20: The Ministry of Defence is asked to accept the need for effective planning and implementation of postal voting arrangements at all levels, including the BFPO system, formation-level planning and the prompt passage of postal ballots within units.

Recommendation 21: The British Forces Post Office organisation, along with the Royal Mail and other postal operators, should be consulted on improvements to postal voting arrangements including the possible addition of a bar code to envelopes.

4.2.3 Security issues relating to postal voting

A number of our respondents wanted to know after the election whether their postal vote had been included in the count or not. It is not yet clear to us as to the circumstances in which Returning Officers would be able or willing to supply such information to the voter.

Recommendation 22: We support the DCA proposals to introduce a marked register of postal votes received, similar to that currently used for polling station voters, and to require formal acknowledgement by administrators of all postal vote applications. We also recommend that any postal voter who has not received their ballot papers by polling day should be entitled to obtain confirmation from the Returning Officer as to whether or not their vote had been used.

4.4 Remote electronic voting

On the face of it, electronic voting (e-voting) would appear to be an attractive alternative to proxy and postal methods of absent voting, especially for voters overseas. Several respondents have indicated to us that they would be prepared to consider using remote electronic voting if it could be “guaranteed” to be accurate, secure and secret. It was suggested on the “Army Rumour Service” website that as issues of identification and access are easier to address within the military environment, service voters might well be an appropriate group to involve in any further trials in actual elections.

We therefore welcome the Secretary of State’s agreement to investigate the suggestion of a controlled trial of electronic voting for Her Majesty’s forces, along with any other constructive proposals.³⁹

³⁸ Department for Constitutional Affairs, *op cit*.

³⁹ HC Deb 6 Jun 2005 Col 976.

After further reviewing the available literature on experience of electronic voting overseas⁴⁰, however, we now have greater doubts as to how the secrecy, accuracy and integrity of remote electronic voting can be adequately guaranteed. A US expert pointed out in his evidence to the US Election Assistance Commission that:

Election security is part of national security.⁴¹

We have taken into account the results of the election pilots which have been held in a number of English local authorities⁴², and the debate in the United States and elsewhere. (See Annex D to this paper.) We have also taken into account the cost of electronic voting, the likelihood that many voters would prefer to use one of the existing methods of absent voting, and the need to avoid ballots from service voters being identifiable as such during the counting process.

If an electronic voting trial was to involve service voters, it would be desirable to include other voters in the same trial to avoid the balance of votes cast becoming (as in the 1945 General Election) the subject of speculation. Including other voters would, however, negate the “security” argument for a trial involving service voters.

Recommendation 23: If a controlled trial of secure electronic voting involving service voters is to be considered, it must be subject to these principles (1) that all existing voting methods shall remain available to service voters and (2) that any e-voting trial involving service voters shall also involve other voters.

4.5 Compulsory voting and the Australian experience

Mr Geoffrey Hoon MP raised a number of provocative questions in his speech to the Institute of Public Policy Research on 4 July 2005. Amongst other things, he called for further examination of e-voting along with proposals for compulsory voting, with the aim of reversing the trend of decline in electoral turnout.

Mr Hoon would have been aware, from his previous appointment as Secretary of State for Defence, that compulsory voting would present particular problems for forces voters. Mr Hoon’s speech referred to electoral registration as “an obligation” – a view which was not reflected in any of his Department’s recent advice to service voters.⁴³ The available literature is strikingly contradictory as to whether registration is a legal, as well as a civic, obligation.⁴⁴

The principle of so-called compulsory voting is beyond the scope of this paper, but it is essential that any detailed proposals take into account the circumstances of service voters – especially those overseas. It is arguable that compulsory voting would, finally, force the Ministry of Defence to

⁴⁰ Countries which have e-voting projects are listed at <http://focus.at.org/e-voting/countries> .

⁴¹ Dr. Aviel D. Rubin, Professor of Computer Science, testimony to U.S. Election Assistance Commission, 30 June 2005. Available at <http://www.verifiedvotingfoundation.org/downloads/EAC.June05.testimony.pdf>

⁴² <http://www.electoralcommission.org.uk/templates/search/document.cfm/8346>

⁴³ A Royal Navy & Royal Marines Family Support information sheet (ref 2SL/CNH March 2002) did warn that failure to register could result in prosecution and a possible fine of up to £1000.

⁴⁴ Our understanding is that under the present system, there is no legal obligation upon the individual to register but there are penalties for failing to respond to demands for information; there have been very few prosecutions.

ensure that all service voters were actually able to vote. Some exemptions would be necessary, but any proposal to exempt all service voters (or all serving overseas) from compulsory voting should be treated with caution. Were service voters in large numbers to be exempted from compulsory voting, the effect would be to increase the relative “disenfranchisement” of the forces community as they would (other things being equal) be casting a reduced proportion of the total votes cast.

Recommendation 24: Any compulsory voting scheme must take into account the interests of service voters, including their democratic interests. If compulsory voting were to be introduced in the United Kingdom, even greater efforts would be necessary to ensure that the maximum number of service voters are able to participate, even if exempted from compulsion in exceptional circumstances.

Advocates of compulsory voting point to its success in Australia. Compulsory voting does not apply to registered overseas voters, or to personnel in Australian Antarctic Territory, who are however the subject of special arrangements to enable them to vote.⁴⁵ Voting arrangements for Australian forces overseas are discussed in Annex D. Of special note is the commitment of the Australian military Chain of Command to electoral participation by their troops; the same is true of the United States of America and this is also discussed at Annex D.

5. FURTHER ISSUES

5.1 The influence of cultural and other factors

Mr Martin Fuller, the MoD Director responsible for the conditions of service for military personnel, told the ODPM Select Committee in March 2004 that:

We tend to regard voting as a private-life matter, but we do not survey it as part of our regular attitude surveys or questionnaires, so it is left entirely to the individual. From anecdotal evidence, we suspect that registration [and] voting levels are probably lower than you would wish, which is partly a reflection of the mobility of Service personnel and the fact that we have a large community of quite young people for whom voting perhaps is not a top priority...⁴⁶

In our view, the interwoven factors which have a negative influence on electoral registration and voting include:

(1) The relatively young age profile. Concerns have rightly been expressed in many quarters about under-participation amongst young people in the general population – the “under-25” age group is

⁴⁵ In the 1999 referendum, ballot papers were faxed to the Antarctic research bases. At each base an Antarctic Returning Officer (ARO) was appointed from the staff and polling took place at each base on a single day chosen by the ARO. After the close of polls each ARO phoned the votes through to the Elections Office for Tasmania, which recorded the voting details onto normal ballot papers and despatched them to the electors' home divisions. The original ballot papers filled out by Antarctic electors were returned to Australia on the first available supply ship. Voting is not compulsory for Antarctic electors because the secrecy of the vote cannot be assured due to the process used to transmit the results. Source: EPIC Research Project, <http://epicproject.org>. Comment: “Antarctic voting” is an interesting example of an absent voting solution which does not depend on dedicated advanced technology.

⁴⁶ House of Commons Select Committee on Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions - Seventh Report, ordered to be printed 11 May 2004. See Minutes of Evidence on 16 Mar 2004 (Q234).

often mentioned. We suggest this factor may affect electoral participation not only amongst the younger age group, but also amongst some over 25 who may never have acquired the voting habit.

(2) As Mr Fuller also mentioned, the “mobility of Service personnel”. This includes the turbulence of service life, especially with the current frequency of operational deployments; absence from home communities and the normal flows of civic life; the day-to-day demands of service life; the difficulty of establishing a personal link with a constituency; and the fact that many service voters will, due to mobility, be unable to vote in person at the polling station. Mobility affects not only personnel but their families.

(3) The weakness of the link between the service voter and the constituency. It is absolutely right that a voter who chooses to register by service declaration is not restricted to the constituency where they are currently resident, but the choice of constituency may not be an easy decision. An individual who registers as an ordinary voter is of course restricted to the constituency where they are presently resident, which may well not be the constituency where they plan to live after leaving the service. The purchase of a house to secure a foothold in the housing market may not necessarily be intended a long-term stake in the local community. A significant stake in the local community in previous times has now been lost, due to local authorities no longer admitting service families onto their council housing lists.

(4) Generalisations about the forces are often based on outdated stereotypes, but community, socio-economic, and educational factors are likely to play a part in under-participation. The armed forces recruit across the whole spectrum of the community; however, intuition would suggest that some of the groups which are disproportionately represented amongst recruits are the same groups which are supposedly associated with electoral under-participation within the civil community. Recruits from service families may be amongst those who grew up without a family tradition of voting.

(5) Cultural and psychological factors, including the perception of the forces as a “world apart” from mainstream civil society. The forces are particularly attractive to individuals who are seeking challenges which go far beyond the demands of civilian life, and the rewards of belonging to an elite organisation.

(6) Voter apathy (some might call it “idleness”) clearly plays a part in under-participation but, as we show above, is a reflection of a number of interlinked factors which contribute to a deeply rooted “non-voting culture”.

Some of these long-established factors are well illustrated by the following comment from an Army Rumour Service member:

To my eternal shame I never voted once while I was in. Some reasons and poor excuses -

- 1. Lack of basic information to hand about how the vote works. Sounds daft I know.*
- 2. As a soldier I had no real affiliations with the counties and constituencies I was posted into. And for the most part the local populace were not exactly welcoming of us any way so why give a stuff about who screws them over.*
- 3. I never ever saw the way in which soldiers voted as a fair and just way, in which Forces personnel could have a say in who runs GB.*
- 4. Priorities, paying the mess bill was more important. But your vote is free I hear you say. Not once did the RSM call and say "where's your ballot paper." The point being the vote is never discussed in NAAFI break, down the pub or over dinner. No one chases you no one seems to care.*

Former Commando Engineer

5.2 Representation of service voters

When I lived in Tidworth I attended a few local council meetings to try and sort out Needless to say my concern was about the impact on the quarter areas. When asked if the thoughts of the squaddies (who comprise 80% of the population of Tidworth) had been considered the local councillor said he couldn't give a shot about the Army as they don't vote so there was nothing in it for him. He was only interested in the votes of the civvies who will be there for longer than 2 years. Moral of the story is if you don't vote don't complain.

Army Rumour Service member

We mentioned “the weakness of the link between the service voter and the constituency”. If that link is weak, so can be the link between the service voter and his or her elected representatives.

The rights of a serviceman or woman to contact their Member of Parliament are fully recognised by the Service authorities. We are aware of several service voters who have been in touch with their MPs about electoral registration and voting problems.

However, few MPs nowadays have any significant military background. (We are aware of those who have served, including those who served as mobilised reservists in Iraq.) The United Kingdom abolished national military service long before most of our allies. A pressure group in the United States aims to maximise the number of representatives in both Houses who have a military background; it is difficult to imagine such a campaign being feasible in the UK, even if it was desirable.

Lord Garden (a retired Air Marshal and former Assistant Chief of the Defence Staff) has argued ⁴⁷ that:

... It seems to me that we need to consider how to connect the services to their parliamentary representatives. We have already talked about the effect that some voting systems have on disconnecting the representative from the constituent. There is a real problem with the current system for servicemen. Over the years, I have observed defence debates and have despaired that there is no natural constituency for the Armed Forces. MPs happily represent the defence industrial interests of their constituencies or raise the individual problems of a military constituent, but it is left to those only with some former military experience to argue the wider service interest. Over the years, a number of MPs have gained some military experience through the Armed Forces Parliamentary Scheme. That is a very valuable innovation but it does not give the continuous link which MPs enjoy with most of their constituents.

Lord Garden continued:

Therefore, perhaps as many as 300,000 citizens—the forces and their families, the reservists and maybe some of the civilian supporters as well—do not have their interests represented as do civilian residents of a particular constituency. I do not think that there is any easy answer to the problem, but we need to consider how to tackle it.

We do not have any answers to this problem either; others may not accept that there is a problem at all. We simply mention that there could be scope for cross-party discussion on the wider issues of representation of members of the armed forces, and their relationship with the various institutions of Government and civil society.

Possibilities such as the creation of a Parliamentary Commissioner and/or some form of Armed Forces professional Federation are beyond the scope of this paper; but it was noticed in the course

⁴⁷ HL Deb 26 May 2005, col 598-599

of our electoral research that such arrangements appear to be operating successfully in Allied democracies without damaging the crucially-important roles of either the legislature, or the military Chain of Command.

5.3 Service voter survey

As quoted in 5.1 above, the Ministry of Defence has not hitherto surveyed its personnel on electoral participation.

In December 2004 the Under Secretary of State of the day, Ivor Caplin, insisted that:

We do not seek information from individuals on whether they are registered to vote and whether they exercise their vote; that would be an unnecessary invasion of privacy by an employer.⁴⁸

MoD did, however, collect and retain information on the registration status of service personnel until 2001. It is questionable that there is any constitutional, human rights or data protection requirement which prevents the collection of such information if there is sufficient reason for doing so.

Although MoD ceased to be involved in the processing of electoral registration applications when RPA 2000 came into force, the Foreign and Commonwealth Office and the British Council continue to handle applications by their employees who choose to register by service declaration.⁴⁹

The federal Army Voter Assistance Program in the United States collects annual statistics about participation in the “program”, but not about actual registration or voting.

Since the 2005 General Election, the Ministry of Defence appears to have moderated its position on asking its personnel about electoral registration.

Mr Caplin’s successor, Mr Don Touhig MP, indicated on 24 May 2005 that:

We are considering with the Electoral Commission a number of initiatives relating to service voting, including the conduct of research on levels of service voter registration. The exercise of a vote is however an entirely private matter, but we are examining whether there are any ways in which we could make it easier for service personnel to vote.⁵⁰

Research on levels of service voter registration obviously implies some kind of survey. We do not see any valid objection to such survey and research. A survey would be genuinely useful, especially if it includes appropriate questions on matters such as official information and assistance received by individuals, specific problems encountered, and attitudes towards proxy voting and perhaps electronic voting.

⁴⁸ HC WH Deb 8 December 2004 col. 124WH

⁴⁹ See Representation of the People (Scotland) Regulations 2001 (Statutory Instrument 2001 No. 497 (S. 2), Reg 16, and corresponding regulations for England and Wales.

⁵⁰ HC WA 24 May 2005 : Column 57W.

We ourselves conducted an online survey shortly after the General Election: whilst our survey was not on such a scale as to expect statistically-significant results, it was one of the many sources for this paper.

Recommendation 25: In order to inform both electoral law reform and the reform of arrangements within the Ministry of Defence, survey-based research should be conducted into electoral registration, experiences and perceptions amongst service personnel and partners. The Electoral Commission should be closely involved in the design and analysis of such a survey.⁵¹

5.4 The relevance of electoral participation to operational effectiveness

5.4.1 Election Support operations

As noted in Annex C to this paper, the Ministry of Defence regards electoral registration along with leave, food and membership of outside organisations as forming part of a range of “social matters” which “contribute to support Service personnel and underpin operational effectiveness.”

It is arguable that electoral participation also has a more direct impact on operational effectiveness, especially in relation to Peace Support Operations.

Fair elections depend upon a (relatively) secure and safe environment. The role of British and other coalition forces in contributing to such an environment is widely recognised. The participation of 8.56 million voters in the Iraq Transitional National Government elections of January 2005 was regarded as a very significant milestone.

It is not, however, so widely known that in other operational theatres, the contribution of British personnel of all three services has gone much further than the security role. Notwithstanding the role played by the Organisation for Security and Cooperation in Europe along with local organisations, the series of post-conflict elections held in Bosnia-Herzegovina involved all staff branches of the British-led land component headquarters⁵². British personnel (mainly but not exclusively from the Army) supported such elections in activities such as the identification of suitable premises for use as polling stations, the planning and control of voter routes, contingency planning for snow and ice clearance, and voter education campaigns using both print and broadcast media.

Liaison staff interfaced with local police and security forces and public officials at all levels. “Hearts and minds” patrols (often commanded by junior ranks) spoke to local civilians to monitor attitudes about forthcoming elections, and convey reassurance that voters could vote in safety. Such activities were not solely “officer business”: personnel of any rank could be involved.

The perception of the United Kingdom as a mature democracy often confers, in the eyes of indigenous communities, additional credibility upon our armed forces serving in foreign lands. This advantage can be maximised if British personnel are themselves perceived as natural participants in their own nation’s democracy. Conversely, the advantage could be damaged if members of the forces are seen as institutionally part of a “non-voting” culture.

⁵¹ It now seems that they are – see Annex E to this paper – but in our view the research should not be restricted merely to registration figures. The reasons for low registration also need to be surveyed.

⁵² Headquarters, ACE Rapid Reaction Corps (HQ ARRC). HQ ARRC is a multinational headquarters commanded by a British three-star general, and for which the United Kingdom is the “framework nation”.

Critics of service voting arrangements leading up to the 2005 General Election have pointed to the irony of British personnel being in harm's way in order to support the elections in Iraq, but themselves being unable to vote.

It is arguably unprofessional, arrogant and counter-productive to encourage local nationals to vote, potentially risking their lives, if the military personnel who are issuing such encouragement do not generally participate in their own country's democratic system.

5.4.2 Mission Command and the principles of democratic civil society

The armed forces of modern Germany still (at least in theory) practise the principle of *Auftragstaktik* exemplified by historical figures such as Rommel. The equivalent of the "Nelson Touch" or the modern US/UK/NATO command and control principle of "mission command", *Auftragstaktik* orders tell subordinates what to achieve and why, rather than what to do and how.

What is interesting in this context is that the Bundeswehr regards a second principle – *Innere Führung* – as now inseparably linked with *Auftragstaktik*.⁵³ Literally "Internal Leadership" but usually translated as "Civic education and leadership", *Innere Führung* has the effect that the subordinate at any level understands their orders in the light of the standards and Constitution of the nation which they serve. Modern Germany expects its men and women in uniform to have an understanding of the principles of democratic civil society – the same principles which both German and British Armed Forces promote in the Balkans and beyond.

5.5 Support by the Service Chain of Command

We appreciate the reluctance of senior officers to have their names associated with electoral initiatives, however appropriate and politically-neutral such initiatives might be.

There is no good reason, however, why the Chain of Command could not get more visibly involved by insisting on the highest standard of support to those personnel who wish to vote. As well as the direct benefits, this would have the subtle indirect effect of reinforcing the uncontroversial message that electoral participation is an important choice available to the individual.

An Army Rumour Service member had this recollection of referendum participation in 1975:

For the 1975 Euro Referendum I was part of a 5 man team on an island in the South China Seas and a Chopper was flown from Singapore via Malaya to us with the sole purpose of signing of the forms. Lots of tax payer's money used! Government of the day wanted us to say yes so no expenses spared!

Under the present MoD culture of "Voting is a private matter", it is difficult to imagine similar efforts having been made for the 2005 General Election. We show in Annex D how things are very

⁵³ See Major General WERNER WIDDER *German Army: Auftragstaktik and Innere Führung: Trademarks of German Leadership*, US Army Combined Arms Center Military Review (2002), <http://www.leavenworth.army.mil/milrev/English/SepOct02/widder.htm>

See also *Innere Führung*, Federal Ministry of Defence, <http://www.eng.bmvg.de/C1256F1200608B1B/vwContentByKey/W2686BW2672INFOEN;>

and *The Principles of "Innere Führung"*, Deutscher Bundestag Parliamentary Commissioner for the Armed Forces, http://www.bundestag.de/htdocs_e/orga/03organs/06armforce/armfor05_2.html.

different in the armed forces of other major countries.

5.6 Parliamentary and public scrutiny

Officials will understandably concentrate their efforts on the previously-neglected administrative and technical issues, which are indeed very important. We believe there is also a need for public and parliamentary cross-party discussion of the wider principles of electoral participation in the armed forces, to give a political lead to the necessary development and modernisation of the system.

In their Joint First Report on Electoral Registration ordered to be printed on 16 March 2005, the Constitutional Affairs and ODPM Select Committees drew attention to the following issues:

SERVICE VOTERS

83. In its report on *Postal Voting*, the ODPM Committee raised the issue of the changes to the registration process followed by armed forces personnel since the introduction of RPA 2000. Prior to the implementation of the Act, service personnel were enrolled on the Service register for the entire period of their service. Since 2000 it has been the responsibility of the individual to register themselves. There are various ways in which they may do so which makes it difficult to assess how many personnel are now registered, ... but it is generally accepted that the numbers have fallen significantly and there is growing concern on the issue, as shown in parliamentary debates and questions.

84. The Ministry of Defence submitted a memorandum to this inquiry, setting out how it intends to encourage registration... The Electoral Commission is also playing a role in working with the MoD to reach this particular group of hard to reach electors. It is unlikely that electoral registration will be at the forefront of the minds of service personnel, especially those on active service. It is therefore essential that the MoD plays an active role in encouraging them to register. We are not impressed by the MoD's efforts so far. **We expect the MoD to monitor the effectiveness of its revised Defence Council Instruction issued in late January 2005 on electoral registration and report the results to Parliament. It is already too late for service personnel to register for the local elections or any general election on 5 May 2005, but we recommend that the MoD adopt a policy of issuing annual individual registration forms to each service person to encourage them to register. We expect the MoD to look into the issue of electoral registration among service personnel as a matter of urgency and we urge the relevant select committees in the next parliament to follow it up.** [Their emphasis]

In our view, Parliament, the public and indeed the media should continue to take a close interest in such matters. Whether it is due to the turnover of staff or the fact that there are undoubtedly a great many other pressures on the Ministry of Defence, electoral matters have been neglected from time to time in the past and will be again if not kept under close external scrutiny.

5.7 Influence of the 1945 General Election on current policy

As noted earlier, the Representation of the People Act 1918⁵⁴ introduced the postal vote for “naval and military voters”. A General Election took place on 14 December 1918 – less than five weeks after the Armistice.

In the Second World War, a General Election was held late only eight weeks after VE Day. As civilian voters went to their polling stations on July 5th 1945, units of Slim’s Fourteenth Army were dealing with a Japanese counter-attack across the Sittang.

⁵⁴ Representation of the People Act 1918 (c.64), 6 February 1918.

A contemporary radio report⁵⁵ mentions one million voting papers (ballots and election addresses) being handled at one military postal depot alone. The outgoing coalition government, the Service Chains of Command and all major political parties were united in the objective of enabling as many as possible British servicemen and women around the world to vote.

As the normal electoral registers had not been updated for some years⁵⁶, a supplementary register was created for service voters. Personnel were actively encouraged to register, and not merely provided with the information to enable them to do so.

The Ministry of Information produced a striking poster⁵⁷ with a message which we think was entirely appropriate, but we cannot imagine anything like it having appeared in 2005:

SERVE AS A SOLDIER – VOTE AS A CITIZEN. It is your right and duty as a responsible citizen of a great democracy to get on to the Electoral Register so as to be able to record your vote at the next election. You are doing your share as a soldier – play your part as a citizen. Fill in A.F.B 2626 which gets you onto the Register.

An important difference in 1945 was that instead of all votes being counted and results announced as quickly as possible after the close of the poll, the emergency electoral timetable allowed a period of three weeks for the forces votes to reach the constituencies and be counted. This contributed to the perception that it was the Forces vote which had “swung the vote” and handed a historic and unexpected victory to Mr Attlee and the Labour Party.⁵⁸

Even worse, it is often asserted that voting choices had been influenced by left-wing “political education” under the auspices of the Army Education Corps and the Army Bureau of Current Affairs.⁵⁹ Baroness Thatcher has written that

Within the Armed Forces it was common knowledge that left-wing intellectuals had exerted a powerful influence through the Army Education Corps, which as Nigel Birch observed was 'the only regiment with a general election among its battle honours'.⁶⁰

The 1945 General Election should have been the model for subsequent elections, in the effort made to not only enable but also actively encourage service personnel to register and vote. The

⁵⁵ Available at <http://www.bbc.co.uk/politics97/background/pastelec/army45.ram>

⁵⁶ No General Election had taken place since 1935, although by-elections continued to be held during the war.

⁵⁷ Artist Abram Games OBE (1914-1996).

⁵⁸ Comment: this arguably supports the case for all votes being counted together, and their source (whether service voters or, perhaps, postal voters, not being linked with voting decisions. This is a reason for the longstanding practice of the initial numerical count of postal votes being conducted with the ballot papers face down, although this was seen as sinister by some commentators after the 2005 General Election. The avoidance of linking particular categories of voter with their voting choices would be difficult to achieve in a trial of electronic voting, or of some other transmission means, such as fax.

⁵⁹ See S.P. MACKENZIE, *Politics and Military Morale: Current Affairs and Citizenship Education in the British Army, 1914-50*. Oxford Historical Monographs, Oxford 2005.

⁶⁰ MARGARET THATCHER, *The Path of Power*, Harper Collins, New York 1995. The view that the Labour victory was achieved by improper influence within the forces has been disputed, not least by veterans interviewed by us. While it is thought that a majority of forces personnel voted Labour, the same appears to be true of first-time voters in general, including civilians.

perception that voting decisions might have been influenced by internal education and information campaigns has had, however, a long-lasting and malignant effect.

It is understandable that since 1945 the official approach to service voting issues has been highly conservative and cautious. We endorse the principle that official bodies must on no account risk the accusation of influencing the voting choices of their employees. It is, however, also undemocratic for the armed forces community to be under-represented on the electoral register.

It is time to look afresh at official policies on service voting, and ensure that any false lessons from 1945 are finally discarded. A unique but fleeting opportunity now exists because, for a number of reasons, political and public awareness of service voting issues is at its highest level since 1945.

6. CONCLUSIONS

We note that the Secretary of State for Defence has asserted that “the Government have made unprecedented efforts to encourage and enable service personnel to vote” in the May 2005 General Election.⁶¹

However, those efforts did not compare favourably with the 1945 Election or, apparently, with the 1975 Referendum mentioned earlier.

Unfortunately, official efforts to help and encourage service voters in the present century have been crippled by misunderstandings about registration and voting procedures. If (as appears likely) the legislation was never looked at in detail, if the Electoral Commission were not properly consulted until late in the day, the conclusion is inescapable that insufficient priority was given at policy level to service voting matters.

Mistakes were made in good faith by busy staff with other priorities. There was no official conspiracy to disenfranchise service voters. Perhaps it was consciously or unconsciously assumed that most service personnel and their partners took little interest in electoral participation, and that most of those who did wish to vote would possess the necessary knowledge and persistence to ensure that they were able to do so.

The net result was that although global figures are not available, the percentage of Service personnel who were registered and did vote in the May election was very low in comparison with the general population. Ministerial responses in Parliament and the media inadvertently fuelled perceptions that servicemen and women had been deliberately “disenfranchised”. Some Government comments since the election have hinted at a greater willingness to look at matters afresh. The official position could be said to have moved on from “we have made all necessary arrangements” to “business as usual but we are prepared to consider minor improvements.”

Continuing Parliamentary and public engagement with these matters will be necessary. Significant improvement to electoral participation within HM Forces is a worthwhile and realistic aim, but much work still remains to be done in order to achieve it.

There follows a consolidated list of our recommendations. We would be happy also to contribute to a wider debate about the representation of the armed forces community and its relationship with the democratic system.

⁶¹ HC Deb 6 Jun 2005 – Voting Arrangements (Service Personnel).

ANNEX A – CONSOLIDATED LIST OF RECOMMENDATIONS

Recommendation 1: There is a case for revisiting the decision in 2000 to require those who choose to register by service declaration to submit a fresh declaration every year. A possible compromise solution would be to allow all voters, once registered, to renew their registrations annually by simple means such as visiting a web page online, or returning a pre-printed form, which could eventually be incorporated in payslips. It would be undesirable to return to the previous situation whereby members of the regular armed forces could only register by service declaration, and not as ordinary voters. The option of registration by service declaration should, in any event, continue to be available.

Recommendation 2: The existing commonsense approach to service declarations should be maintained, in accordance with the principle that service declarants should have the option of registering in a constituency where they have a genuine connection – even if they would not actually be resident at the specified address. Consideration should be given to amending electoral legislation to clarify this point. Any possibility of service voters being prosecuted as a result of declarations made in good faith must be avoided at all costs.

Recommendation 3: The wording of the “service declaration” registration form should be corrected. It should not be implied that a service voter who is not overseas may only register in the constituency where they are presently resident.

Recommendation 4: We support the DCA proposal of “Setting up a system of anonymous registration for vulnerable people.” Care should be taken that the introduction of explicit rules does not result in a reduction of security, in comparison with the existing discreet arrangements.

Recommendation 5: We ask the relevant authorities to note the theoretical risk of fraudulent registration by service declaration. EROs may need additional powers to institute random checks of any registration, without grounds for suspicion. To this end, EROs must be given clear contact arrangements for cross-checking service declarations with the Service authorities.

Recommendation 6: Voter information provided on Council websites should meet minimum standards including specific information and forms for service voters, and/or prominent links to the Electoral Commission’s aboutmyvote.co.uk website.

Recommendation 7: All relevant websites (local authority, MoD and the Electoral Commission) must contain appropriate registration information on a permanent basis, not merely during the annual canvass or when an election is pending. Some Council websites may need urgent improvement to support the 2005 annual canvass.

Recommendation 8: Consideration should be given to increasing formally the role of the Electoral Commission in working with the local authorities concerned in electoral registration and administration, so as to establish common standards and encourage best practice.

Recommendation 9: The MoD’s liaison with the Electoral Commission and others should continue on a regular basis, beyond the completion of current projects. Consideration should be given to including in ongoing liaison an appropriate representative of elections professionals.

Recommendation 10: Electoral Registration Officers, in conjunction with service units, should be encouraged to develop local initiatives to promote electoral registration by service voters.

Recommendation 11: An electoral leaflet for service voters should be distributed to every member of the Regular Forces and service wife or husband, preferably in conjunction with the next annual canvass in the autumn of 2005, and to every future recruit and new Service spouse.

Recommendation 12: MoD is invited to consider including short voter information messages in monthly payslips from time to time, commencing in the 2005 annual canvass period.

Recommendation 13: Specific efforts are required to ensure that all personnel who are Commonwealth or Republic of Ireland citizens, including personnel presently serving, are made aware of their right to register and vote in the UK.

Recommendation 14: Specific efforts are required to ensure that all mobilised personnel likely to be away from home during an election are made aware of their absent voting options and the assistance available from their units.

Recommendation 15: We invite political representatives and parties to note the restrictions under Queen's Regulations upon canvassing and the distribution of election material within Service establishments, and to consider whether any changes would be appropriate.

Recommendation 16: The option of proxy voting must continue to be available, even if other voting options are introduced or improved. All-postal voting is clearly not practicable for many service voters.

Recommendation 17: Despite the reported problems, and even if any new voting method such as electronic voting is introduced, postal voting should be retained as one of the voting options for all service voters.

Recommendation 18: We support the DCA proposal to give administrators more time to deal with postal vote applications, by making the deadline for applications eleven days before polling day rather than six.

Recommendation 19: Local authorities must ensure the despatch of postal ballot papers on the first permitted date to voters outwith the constituency, including those overseas.

Recommendation 20: The Ministry of Defence is asked to accept the need for effective planning and implementation of postal voting arrangements at all levels, including the BFPO system, formation-level planning and the prompt passage of postal ballots within units.

Recommendation 21: The British Forces Post Office organisation, along with the Royal Mail and other postal operators, should be consulted on improvements to postal voting arrangements including the possible addition of a bar code to envelopes.

Recommendation 22: We support the DCA proposals to introduce a marked register of postal votes received, similar to that currently used for polling station voters, and to require formal acknowledgement by administrators of all postal vote applications. We also recommend that any postal voter who has not received their ballot papers by polling day should be entitled to obtain confirmation from the Returning Officer as to whether or not their vote had been used.

Recommendation 23: If a controlled trial of secure electronic voting involving service voters is to be considered, it must be subject to these principles (1) that all existing voting methods shall remain available to service voters and (2) that any e-voting trial involving service voters shall also involve other voters.

Recommendation 24: Any compulsory voting scheme must take into account the interests of service voters, including their democratic interests. If compulsory voting were to be introduced in the United Kingdom, even greater efforts would be necessary to ensure that the maximum number of service voters are able to participate, even if exempted from compulsion in exceptional circumstances.

Recommendation 25: In order to inform both electoral law reform and the reform of arrangements within the Ministry of Defence, survey-based research should be conducted into electoral registration, experiences and perceptions amongst service personnel and partners. The Electoral Commission should be closely involved in the design and analysis of such a survey.

ANNEX B – THE HOWARTH WORKING PARTY’S RECOMMENDATIONS, AND THE REPRESENTATION OF THE PEOPLE ACT 2000

Mr Peter Viggers MP recalled in a Westminster Hall debate on 8 December 2004⁶²:

In the 1970s, I was heavily involved in the campaign to make it easier for service personnel to vote, because in my first general election I was shaken to discover how many of them were not registered...⁶³

I am convinced that the Representation of the People Act 2000 was intended to make it easier for service personnel to vote; that was certainly the stated intention. When the then Home Secretary, now the Foreign Secretary, introduced the Bill in the House, he said that one of its purposes was to make it easier for various categories to register, including the homeless, mental patients and service personnel. The House then spent some time discussing homeless people's difficulties in registering, but on Second Reading, there was no discussion of the premise that service personnel were to have their registration made easier; that seemed to be taken for granted...

The Act followed recommendations by the Working Party on Electoral Procedures which was chaired by Mr George Howarth MP, and submitted its final report to the Home Secretary in October 1999.⁶⁴ The section of the report concerning service voters makes it clear that under-participation in elections had already been identified as a problem:

Although we are not aware of any particular problems which arise from the exercise of the service vote, traditionally it is characterised by low take up. This may be because of the problems which registration officers face in identifying and communicating with service personnel, or be a function of service life generally. It seems likely that the relative inflexibility of the system also means that service voters feel disassociated from the areas in which they are registered as electors, and therefore less inclined to vote in elections at those places.⁶⁵

RPA 2000 also followed a recommendation by the Working Party in introducing “rolling registration”, which essentially means that electors can have their names added to the appropriate local electoral register at any time during the year, instead of having to be registered by reference to their residence on a single annual qualifying date.⁶⁶ Rolling registration was a benign change for the majority of electors, but had serious consequences for service voters. Previously, service voters had only to register once and their registration would remain valid for as long as they remained in the Services or married to a member of the Services. Under rolling registration, all voters now have to re-register annually. The old service voter register is said to have been seriously out of date, even though it was primarily administered by the Service personnel authorities, who might have been expected to have a forwarding address for most of their people.⁶⁷

⁶² HC 8 Dec 2004 : Column 120WH

⁶³ At present we have no further details of the campaign in the 1970s to which Mr Viggers was referring.

⁶⁴ Final Report of Working Party on Electoral Procedures, Home Office 1999. HC Deb, 19 Oct 1999, col WA434.

⁶⁵ *Ibid*, see in particular paras 2.3.25 to 2.3.27.

⁶⁶ 10 October in Great Britain, 15 September in Northern Ireland.

⁶⁷ Considerations associated with the service voter register were not directly mentioned in the Working Party’s report.

It is of note that the Working Party did not consider in any detail the effect of the changes on service voters:

The changes we are proposing to introduce a rolling register will necessarily affect the nature of service voter registration, although we have not looked at this in detail. We believe however that higher registration levels would result from a more fundamental change to the service vote. We have in mind to allow servicemen and their spouses to register as any other elector at their current address during periods of home based duty and, if they wish, to remain on that register during overseas postings unless their circumstances change... We accept however that more work needs to be done to develop this proposal and we do not therefore make a detailed recommendation on the issue.

The Ministry of Defence must have been delighted at the opportunity to give up their efforts to process service voter applications, and to track the registration status of personnel.⁶⁸ None of this seems to have been mentioned either to the Working Party, or to Parliament. The Working Party gave a clear warning in their report that the change to annual rolling registration would have an impact on service voters which they had not considered in detail. We do not know what advice was ever given by the Ministry of Defence, which as already pointed out has an explicit duty to address the interests of Service personnel in legislative proposals. No-one in Government or in Parliament seems to have questioned the Working Party's premise that the changes would result in "higher registration levels" amongst service voters.

The Ministry of Defence maintains that the practical effect of the old system, "although superficially attractive as it did not demand an annual update, was that a large proportion of contact details on the service personnel register were never current."⁶⁹ Service voters are blamed for not notifying their changes of address to the register, but the register was maintained by the same Service authorities who were well aware when personnel changed their addresses. Personal security has been raised as a possible consideration, but it should have been possible to find a solution rather than simply abolishing the service register - more than thirty years after the start of the Northern Ireland emergency.

We note in passing that by removing their restriction to registering only by service declaration, RPA 2000 opened up to service personnel two further routes to electoral registration. Those in appropriate circumstances could now register as "overseas voters"⁷⁰. It is also not inconceivable that a member of the forces could now register by "declaration of local connection"⁷¹.

As might be expected, the Ministry of Defence accepts that its policy concerns include the impact of legislation on members of the Armed Forces in a range of matters, including electoral registration. The Ministry also accepts that it has responsibilities "to address the interests of Service personnel in legislative proposals"; "to make Service personnel aware of issues of interest and

⁶⁸ The Army Electoral Registration Index was maintained at the Army Personnel Centre, Glasgow. Contact details for the Index were still included in MoD website information as late as February, 2005 but we imagine that it was discontinued after RPA 2000 came into force in 2001.

⁶⁹ HM Forces Electoral Registration, MoD Press Release April 2005, *op cit*.

⁷⁰ Representation of the People Act 1985 (c.50).

⁷¹ Representation of the People Act 1983 (c. 2), section 7B added by RPA 2000. It was not with service voters in mind that the "declaration of local connection" provision was recommended by the Howarth Working Party and legislated by Parliament, but we understand that it could be used exceptionally to register a service voter who had no fixed place of residence in UK.

concern to them”; and “ to provide Service personnel, and their dependent families, with the same rights and privileges as members of the wider community, except where the unique circumstances of the Armed Forces require there to be differences.”⁷²

Unfortunately, some of the direct and indirect consequences of RPA 2000 were not fully appreciated. It is true that modest efforts were made to inform service voters that their registration no longer remained in force for an indefinite period, and that they now had the option of registering by the same route as civilian voters. The principal justification for abolishing indefinite registration had been that service voters moved often and had failed to notify their changes of addresses. It was, therefore, already known that within the armed forces there was a chronic syndrome of under-participation in elections. At a time when increased attention was being paid to under-participation by other groups, it seems complacent to have taken it for granted that the changes would automatically increase registration by service voters.

The Electoral Commission was established in November 2000, the legislative changes came into force in February 2001 and a General Election took place in June 2001, yet it appears that for several years little consultation took place between the Commission and the Ministry of Defence.

The Ministry’s efforts to inform their personnel and to plan for elections were handicapped by several misinterpretations of the legislation. Although they had noted it in 1998 as a possible outcome of the post-Election review, extraordinarily it was not until 2004 that MoD found out that the right to vote by post from overseas had actually been restored.⁷³ In the summer of 2005, both Queen’s Regulations and a garrison welfare document on the MOD Army website still advised that service voters overseas may only vote by proxy.

⁷² The source is detailed in Annex C to this paper.

⁷³ See MoD evidence to the House of Commons Select Committee on Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions - Seventh Report, ordered to be printed 11 May 2004. For background to the decision to restore the right of postal voting from overseas, see also Fourth Report of the House of Commons Home Affairs Committee Report (ordered to be printed 10 September 1998), including Home Office Memorandum, para 4.9: “...The legislation does not permit ballot papers to be sent overseas as overseas postal services cannot be required to observe the secrecy nor the short timetable of UK elections. A number of overseas electors have complained about the infringement of their secret ballot through having to vote by proxy. This seems to be a particular concern of some of those serving in the armed forces overseas, who argue that the BFPO could provide a sufficiently good service for postal voting.”

ANNEX C – MINISTRY OF DEFENCE RESPONSIBILITIES

C1. Representation of the People Act 1983⁷⁴

Section 59(3) of the 1983 Act requires that appropriate arrangements shall be made by the appropriate government department (in this context, the Ministry of Defence):

for securing that (so far as circumstances permit) every person having a service qualification ... shall (a) have an effective opportunity of exercising from time to time as occasion may require the rights conferred on him ... in relation to the making and cancellation of service declarations and of appointments of a proxy, and in relation to voting by post; and (b) receive such instructions as to the effect of this Act and any regulations made under it, and such other assistance, as may be reasonably sufficient in connection with the exercise by him and any wife of his or, as the case may be, by her and any husband of hers, of any rights conferred on them as mentioned above.

C2. Queen's Regulations⁷⁵

Queen's Regulations contain the following:

ANNEX K(J) TO CHAPTER 5 (Referred to in para J5.587)

ELECTORAL REGISTRATION

10. Unit Procedures. All ships, units and stations are to give personnel and their dependants (especially when overseas) every reasonable assistance to register as voters. All new entrants to the Armed Forces are to be made aware of the procedures and options for registering as voters...

Paragraph 11 of the same Annex details the procedures to be adopted on receipt of notification that an election is pending. This includes the posting of a notice "in a prominent position on noticeboards".

We take the opportunity to list briefly some of the apparent errors or contradictions in Annex K(J) to Queen's Regulations for the Army, Chapter 5. In most cases the situation is correctly stated elsewhere in the Annex; the errors are not due to the Regulations being simply out-of-date. The most significant error is probably that in para 17.

Para 7 "Those overseas that are registered as Service Voters can only vote by proxy." Paras 13, 15, 22(b), 25(d) and 26 all contain similar incorrect statements.

Para 5. Implies Commonwealth citizens not entitled to vote. Same applies to para 24.

Para 13. "Service voters, if physically outside the United Kingdom at the time of an election, can only vote through a proxy nominated by them."

Para 15. "Registration as a postal voter only applies when resident and physically within the United Kingdom."

⁷⁴ 1983 c. 2 The provision quoted was not amended by RPA 2000.

⁷⁵ As amended. Quotations are from the single-service Queen's Regulations for the Army, to amendment 26, as published on the MoD Army website. The relevant paragraphs of these Regulations are marked 'J' for Joint. It is therefore likely that the corresponding Regulations for the Royal Navy and Royal Air Force contain identical provisions.

Para 17. “Thereafter, registered Service voters who remain qualified will be included automatically in subsequent registers of electors, it being unnecessary to declare each year, until they cease to have a Service qualification or themselves cancel or change their registration.”

C3. Defence Council Instruction (Joint Service) 01/05

The DCI issued on 28 January 2005 contains the following:

Unit Procedures

14. All ships, units and stations are to give personnel and their dependants (especially when overseas) every reasonable assistance to register as voters. All new entrants to the Armed Forces are to be made aware of the procedures and options for registering as voters. Registration forms are available from Electoral Registration Officers, although units may wish to establish their own stocks. A list of Electoral Registration Officers is to be held by all units.

C4. Armed Forces Overarching Personnel Strategy – Conditions of Service (Non-financial) Policy

The MoD’s Personnel Strategy Guideline 14 (PSG 14)⁷⁶ contains a number of Conditions of Service which are “not covered under any other specific personnel policy area, that apply to Armed Forces personnel”:

These include the impact of some national and European legislation on members of the Armed Forces ... and a range of other social matters (examples being leave, food, **electoral registration** [our emphasis], membership of outside organisations, maternity/paternity arrangements and relations with the media). All these contribute to support Service personnel and underpin operational effectiveness.

PSG 14 sets out six objectives, including:

- to address the interests of Service personnel in legislative proposals;
- to provide Service personnel with access to a balanced and nutritious diet both on operations and in the non-operational environment;
- to make Service personnel aware of issues of interest and concern to them;
- to provide Service personnel, and their dependent families, with the same rights and privileges as members of the wider community, except where the unique circumstances of the Armed Forces require there to be differences;

The PSG also states that

The formulation of Armed Forces Conditions of Service (Non-Financial) Policy will be led by the Centre.

⁷⁶ PSG 14 - Conditions of Service (Non-Financial) Policy: <http://www.mod.uk/issues/afops/chapter2/psg14.htm>

ANNEX D – OVERSEAS VOTING BY MEMBERS OF ALLIED ARMED FORCES

D1. Comparison with other countries

A limited comparative study of electoral arrangements for Allied and Commonwealth armed forces revealed several points of interest. It is sometimes possible to learn from the experience of other countries. A broader survey would not be a particularly onerous undertaking, and would help to save time in developing a fresh approach to electoral participation by UK service voters.

D2. Australia

As in the UK General Election of 1945, Australia operates an extended counting period for certain voting categories. Supplementary results for overseas and other votes are added to the results up to thirteen days after polling day.

Regarding the voting culture in Australia and the support given by the Chain of Command to electoral participation, the extract below from an official press release of 2004⁷⁷ speak for themselves. Even allowing for the habit of compulsory voting while on Australian territory, it is hard to see how a similar approach would be genuinely objectionable if taken by British commanders, with Parliamentary support.

AUSTRALIAN TROOPS CAST THEIR VOTE IN MIDDLE EAST

Australian Defence Force personnel deployed in the Middle East are casting their votes for this weekend's election in a major administrative and logistic exercise that underlines the importance of the activity.

Commander of Australian Forces in the Middle East, Brigadier Peter Hutchinson, said ensuring all troops were able to vote has been a top priority for him and his staff. [Our emphasis]

"Voting is a right for all Australians, and not withstanding the complexities of making this happen across a number of countries – including in Iraq itself – we are confident we are doing all that we can to ensure everyone has the opportunity to participate in the election," Brigadier Hutchinson said.

..."You can imagine the complexities involved in getting postal ballots and absentee votes to troops who are located in many different parts of Iraq, particularly given the security environment we operate in and the changing operational circumstances that we deal with."

..."For the sailors on board HMAS Adelaide, for example, an Australian consular official from Dubai will be flown on to the ship and run a polling booth so all of the ship's company can submit an absentee vote."

"Meanwhile in Baghdad, some personnel will have their postal ballots delivered by members of our Embassy Security Detachment who will deliver them by armoured vehicle," Brigadier Hutchinson said.

The troops in the Middle East have been able to follow the election campaign through a number of means, including by access to news media through the internet and regular communications with families at home.

⁷⁷ Australian Government Department of Defence media release 07/10/2004.

"Obviously most people have been interested in the progress of the election campaign, and work tempo permitting, many have tried to follow it in some way or another through things like the internet."

"I have certainly encouraged the troops to take an interest in the campaign, and to take part in the election process just like any other Australian. The ability to vote is one of the great democratic rights we enjoy – it is in a way why we are here rebuilding Iraq," Brigadier Hutchinson said.

D3. Canada

Canadian Forces Electors (including members of the reserve forces on full-time training or service, and staff employed overseas at Canadian Forces schools) now vote at polling stations provided by their unit whether in Canada or overseas.⁷⁸

D4. India

Proxy voting was introduced for members of the Indian Armed Forces in 2003, after a campaign by retired senior officers who told their country's President that:

We ex-servicemen are pained at the continued denial of effective voting rights to our brave Jawaans.

For the last 50 years we have practiced the method of postal ballot for our servicemen. But the fact has been that these ballot papers never reach in time and are seldom counted in elections. Imagine a ballot paper reaching the soldiers on Tiger Hills!⁷⁹

The Indian system of armed forces proxy voting is closely based on the British model, except for their more onerous requirement that the application has to be attested in front of a magistrate, and the fact that the proxy arrangement remains permanently in force in the same way as it used to in the UK.

It was reported that despite the cumbersome attestation requirement, within 6 months of the introduction of proxy voting, 65% of the one million eligible Army personnel had already applied for a proxy vote, with similar figures predicted for the other two Services.⁸⁰ The 65% figure does not include personnel who choose to vote by post. Whilst comparable figures for UK personnel are no longer available, it seems likely that the level of service voter registration in this country is far below what was achieved by our Commonwealth counterparts in a few months of official effort.

D5. United States of America

Our research to date regarding the US system identified several points of relevant interest regarding absentee voting by members of the US armed forces; the abandonment of the Pentagon's internet voting project planned for the 2004 presidential election; the fall-back arrangements available to a

⁷⁸ Full details at Elections Canada Online, *Voting by Canadian Forces Electors* - <http://www.elections.ca/content.asp?section=gen&document=index&dir=cnd&lang=e&textonly=false#vote>

⁷⁹ Sword of Truth News 10 July 1999: *Ex-servicemen urge President to allow proxy voting for Jawaans* - <http://www.swordoftruth.com/swordoftruth/archives/newswatch/199928/news30.html>

"Proxy voting" is, incidentally, not authorised for civilian voters in India and has normally been a pejorative term for what is an illegal electoral practice.

⁸⁰ Rediff.com News: *What Is Proxy Voting?* - <http://www.rediff.com/election/2004/mar/26espec2.htm?zcc=rl>

military voter whose postal ballot fails to arrive; and, above all, the commitment of units and formations at all levels to providing voter assistance and education on an annual basis, and not merely in preparation for major elections. Representative bodies such as the NCOs Association have also been involved in promoting electoral participation.

We were also struck by the fact that in spite of the US effort to support service voters being so much more ambitious and extensive than our own, concerns about “disenfranchisement of the military” have attracted far more attention in the USA than they have, at least until recently, in the UK.

If asked, we would be willing to set out in more detail the results of our researches regarding electoral participation by members of the armed forces of the United States and other Allied democracies. A simple web search using the term “voter assistance program” will, however, clearly illustrate our case for much more effort to increase electoral participation amongst HM Forces personnel and their partners.

ANNEX E - ELECTORAL COMMISSION RESEARCH REPORT: “UNDERSTANDING ELECTORAL REGISTRATION”

The Electoral Commission’s research report *Understanding electoral registration* was published as this paper was being finalised.

The report is very useful and appears, at first sight, to validate a number of our assumptions. The report appears to support (Table 19, p. 50) our belief that there were already registration problems before the enactment of RPA 2000.

Table 20 (p. 51) details the dramatic reduction in the number of voters registered by service declaration between 2001 and 2004 (England and Wales figures). Para 3.34 (p. 50) again points out that “it was possible that service personnel had gone on to register as ordinary electors.”

Para 3.35 adds that:

It may also be the case that previous data relating to registration levels among service personnel overestimated their numbers because the service declarations continued indefinitely. This subject requires further research by those involved in administering the process and we are currently assisting the Ministry of Defence to scope research on this issue. Clearly, any such research will have to work within the confines of current arrangements that make it very difficult to ‘trace’ service electors.

Regarding the possibility that “previous data relating to registration levels among service personnel overestimated their numbers”, the Commission will appreciate the implications of the fact that the 2001 figure of 139,686 service voters registered in England and Wales is far below the complement of the armed forces at that time, together with spouses.

The corresponding figures for Scotland and Northern Ireland are also available. Calculations on under-registration are, however, complicated by the fact that even before RPA 2000 came into force, spouses already had the choice of registering either by service declaration or as ordinary voters.

No doubt the 2001 figures included some “double counting”, but this should not be exaggerated, bearing in mind that all servicemen and women have a unique service number which only changes in the event of being commissioned from the ranks. Any over-estimate due to delays in names being removed from the register on leaving the service might have been balanced by delays in adding names to the register.

Inaccuracies in the pre-RPA 2000 service voter register are often attributed to the failure of individuals to notify changes of address, although the register was managed by Service personnel organisations which have access at all times to every individual’s “pay statement” address. Problems with the old system may have been as much to do with the way in which it had been designed, or administrative failures within it, as with failures on the part of individual electors.

The research report confirms that the Commission is presently assisting the Ministry of Defence with the scoping of research on electoral registration levels.