



Office for Democratic Institutions and Human Rights

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

EARLY GENERAL ELECTION
8 JUNE 2017

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

25-28 April 2017



Warsaw
15 May 2017

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OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the United Kingdom Delegation to the OSCE to observe the 8 June 2017 early general election and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) from 25 to 28 April 2017. The NAM included Steven Martin, OSCE/ODIHR Senior Adviser on New Voting Technologies, and Oleksii Lychkovakh, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the early general election. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming election, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions as well as with representatives of political parties, media, and civil society. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Foreign and Commonwealth Office for its assistance and co-operation in organizing the NAM. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and to share their views.

II. EXECUTIVE SUMMARY

On 18 April, the Prime Minister called for an early general election to be held on 8 June. The stated rationale for this decision centred on the need for government stability and continuity as the country proceeds with negotiations to withdraw from the European Union (EU) following a referendum on EU membership in 2016. Voters will elect 650 members of the House of Commons in single member constituencies for five-year terms under a first-past-the-post system.

The electoral legal framework comprises some 50 pieces of primary and secondary legislation. This results in a robust compilation of laws that, while considered to provide a sound basis for democratic elections, is also viewed as complex and lacking conciseness and consistency. Recent and inclusive initiatives have been undertaken to enhance and modernize the electoral legislation, which address a number of previous OSCE/ODIHR recommendations. However, the call for an early election has placed reform on hold and the electoral framework remains largely unchanged since the last general election in 2015, with the exception of limited changes to media regulations. OSCE/ODIHR NAM stakeholders expressed confidence in the laws governing general elections, though they commented that reform is still needed and that the fragmented framework creates challenges to amend the legislation.

The administration of elections is decentralized and is primarily overseen by Returning Officers (RO) at the constituency level. At the national level, the Electoral Commission (EC) provides guidance to election officials, develops extensive voter and candidate information as well as oversees political party registration and campaign and party finance. OSCE/ODIHR NAM interlocutors expressed confidence in the professionalism and capability of the electoral administration, but raised some concerns that the short timeframe for preparations and the holding of local elections in the meantime may impose some operational challenges.

Citizens of the United Kingdom (UK) and the Republic of Ireland who are 18 years of age by election day and included in a voter list have the right to vote. Despite judgments by the European Court of Human Rights and previous OSCE/ODIHR recommendations, prisoners remain disenfranchised. Voter lists are managed locally and there is no central voter registry. In 2013, individual electoral registration was introduced to replace household registration and the migration process was completed by the end of 2015. Overall, OSCE/ODIHR NAM interlocutors positively accessed the change to individual registration and, despite limitations in the fragmented system of list compilation, did not raise concern over the accuracy or inclusiveness of voter lists.

An eligible voter can run as candidate, either independently or on behalf of a registered political party. Candidates must register with the respective RO, demonstrate a certain amount of voter-support and submit a deposit. Political parties met with by the OSCE/ODIHR NAM noted that they were instituting abridged candidate selection procedures given the limited timeframe. While parties do not have formal policies on quotas for female or national minority candidates, they noted an intention to promote their participation.

The official campaign period starts 25 working days before election day, though parties and prospective candidates may campaign at any point ahead of the election. Contestants can use allocated public venues and air campaign broadcasts free of charge. Significant reliance is expected on social media as a primary outreach tool. The campaign is expected to centre on post-EU referendum policies, housing, education, and health services. OSCE/ODIHR NAM interlocutors expressed full confidence in the ability of parties and candidates to convey messages to voters and compete on an equal basis.

The legislation on campaign finance is comprehensive and extensive, but applies differently to parties and candidates. There is no limit on the number or value of donations and separate limits on campaign expenditure for parties and candidates are established for each election. The EC oversees party and third-party compliance through extensive reporting requirements and is authorized to issue sanctions for violations. Financial oversight of candidates is managed through the RO and potential violations are forwarded to local law enforcement. Most OSCE/ODIHR NAM interlocutors expressed confidence in the work of the EC as an independent oversight body. However, some noted that the EC's effectiveness could be strengthened through providing it with increased sanctioning authority and broadening its oversight to include candidates.

The media environment is pluralistic and represented by a strong public service broadcaster, several other popular commercial broadcasters and a variety of printed outlets. Public service and commercial broadcasters are legally obliged to ensure impartiality in political and electoral coverage and the Office of Communications (Ofcom) oversees their compliance. The media regulatory framework was slightly amended since the last general election, which includes discontinuing the formal compilation of a list of 'major parties' as means for broadcasters to determine the amount of election coverage and transferring general oversight of the British Broadcasting Corporation to Ofcom. Overall, OSCE/ODIHR NAM interlocutors expressed confidence in the regulatory framework for media coverage of the election and noted the professional manner in which Ofcom conducts its activities.

Election results can be challenged and the petitions are formally investigated by law enforcement according to criminal procedures. Complaints against electoral officials are first addressed to the respective officers involved and can then be appealed to the county court. The EC works closely with the police to extensively collect and publish information on reported electoral complaints, including on allegations of electoral fraud. OSCE/ODIHR NAM interlocutors noted that election petitions are rare and they generally have confidence in the electoral dispute resolution system, including in the local authorities responsible to investigate potential violations.

OSCE/ODIHR NAM interlocutors expressed a high level of confidence in the electoral process, including existing checks and balances, as well as the ability of the election administration to manage the election in a professional and transparent manner. Notwithstanding, OSCE/ODIHR NAM interlocutors welcomed a possible external assessment by an observation activity.

The OSCE/ODIHR NAM identified that authorities have been considering a series of comprehensive reform efforts, including to modernize and simplify the complex electoral legislation, review constituency boundaries, and enhance the voter registration process, some of which would address previous OSCE/ODIHR recommendations. However, most of these initiatives have not been completed and implemented ahead of the early general election. Taking into account the issues raised by OSCE/ODIHR NAM interlocutors, the OSCE/ODIHR NAM recommends deploying an Election Expert Team (EET) for the 8 June early general election to review the regulation and oversight of campaign finance and legal provisions pertaining to media coverage of the election. The assessment of these aspects of the electoral process by an EET could contribute to the ongoing electoral reform process. The OSCE/ODIHR reiterates that a number of its previous recommendations are still valid and encourages the authorities to also consider the issues raised by interlocutors in discussions with the OSCE/ODIHR NAM. The OSCE/ODIHR stands ready to offer its assistance upon request in a post-election follow-up process.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

The United Kingdom (UK) is a constitutional monarchy comprising England, Wales, Scotland, and Northern Ireland. The monarch is the head of state who serves in a largely ceremonial capacity. Legislative authority is exercised through the bicameral parliament composed of an indirectly elected upper chamber (House of Lords) and a directly elected lower house (House of Commons).¹ Executive power is exercised by the UK government and by the devolved governments of Wales and Scotland, and the Executive of Northern Ireland. Traditionally, the government is headed by the prime minister who is the leader of the party or coalition with the largest number of seats in the House of Commons.

The last general election was held on 7 May 2015. The Conservative Party won 331 of 650 seats in the House of Commons and formed the government. The Labour Party came second with 232 seats and formed the official opposition.² According to legislation adopted in 2011, the next fixed-term general election was scheduled for 2020.

On 18 April, the Prime Minister called for an early general election. The stated rationale for this decision centred on the need for government stability and continuity as the country proceeds with negotiations to withdraw from the European Union (EU) following a referendum on EU membership in 2016.³ On 19 April, the House of Commons overwhelmingly voted to support the early election and the date was confirmed for 8 June. The election call comes in the midst of political discussions on how to manage the country's exit from the EU as well as several ongoing investigations into campaign finance

¹ The House of Lords comprises some 800 members, most appointed for life as well as a limited number of current serving archbishops and bishops of the Church of England.

² Other parties represented in the outgoing parliament include the Scottish National Party (SNP) – 54 seats, Liberal Democrats – 9 seats, Democratic Unionist Party – 8 seats, Sinn Féin – 4, Plaid Cymru – 3, Social Democratic and Labour Party (SDLP) – 3, Ulster Unionist Party – 2 and Green Party – 1. Five members sit as independents and one seat is currently vacant.

³ On 29 March, the Prime Minister officially notified the EU of the UK's intention to withdrawal as stipulated in Article 50 of the Treaty on European Union.

irregularities related to the 2016 EU referendum and the 2015 general election. Local elections were already scheduled across parts of England, Scotland and Wales for 4 May.

The OSCE/ODIHR has assessed three elections in the UK since 2005. Most recently for the 2015 general election, the OSCE/ODIHR deployed an Election Expert Team (EET), which focused its assessment on the implementation of legislation and the application of election procedures, voter registration, and campaign finance.⁴ The EET's final report concluded that, overall, the legal framework provides a sound basis to conduct genuine elections and the party and campaign finance regulatory framework adequately ensures transparency and accountability and enjoys public trust.

B. LEGAL FRAMEWORK

The electoral legal framework comprises some 50 pieces of primary and secondary legislation. In recent years, successive elections and referenda have been addressed through supplemental and tailored legislation. This has resulted in a robust compilation of laws that, while considered to provide a sound basis for democratic elections, is also viewed as complex and lacking conciseness and consistency.

The 1983 Representation of the People Act (RPA) serves as the primary legislation governing general elections along with other laws such as the 2000 Political Parties, Elections and Referendum Act (PPERA), the 2006 the Electoral Administration Act and the 2009 Political Parties and Elections Act. Secondary legislation includes statutory instruments, regulations and orders. Some differences exist in the legislation on elections among the constituent nations of the UK, in particular in Northern Ireland.

The Cabinet Office is responsible to promulgate regulations and propose new legislation. A number of recent and inclusive initiatives, both independent and government commissioned, have been undertaken to enhance and modernize the electoral legislation.⁵ The initiatives complement reviews and recommendations by the Electoral Commission (EC) as part of its regular and comprehensive assessment for each election.⁶ A number of recommendations contained in the various reports are in line with those previously made by the OSCE/ODIHR, including to consolidate and simplify relevant legislation, to clarify rights and responsibilities of election officials at the constituency level, and to introduce additional safeguards for voting.

The call for an early election placed the reform process on hold and the electoral framework remains largely unchanged since the 2015 general election with the exception of limited amendments to media regulation. OSCE/ODIHR NAM stakeholders expressed confidence in the laws governing general elections, though they commented that reform is still needed and that the fragmented framework creates challenges to amend the legislation. They supported the various review efforts and recommendations, though surmised that changes to electoral legislation would be of secondary priority given likely resources allocated to amend legislation as a result of a decision to withdraw from the EU.

The legislation provides for election observation. Individuals and legal entities can be accredited as election observers and have right to follow the issuance and receipt of postal ballots, and voting and counting procedures. The law, however, does not explicitly provide for observation of procedures beyond election day, such as voter registration, candidate nomination and registration and other work of election officials prior to election day. The OSCE/ODIHR has previously recommended to expand provisions to allow for observation of all stages of the electoral process.

⁴ See [previous OSCE/ODIHR reports on the UK](#).

⁵ See the [2016 Interim Report by the Law Commissions of England and Wales, of Scotland and of Northern Ireland](#), which represents a multi-year electoral reform project. See also the [2016 Report of Sir Eric Pickles' review into electoral fraud, *Securing the ballot*](#), which is the outcome of an independent review on electoral fraud in the UK.

⁶ See the [UK Electoral Commission report on the administration of the 2015 general elections, July 2015](#).

C. ELECTORAL SYSTEM

The 650 members of the House of Commons are elected under the first-past-the-post system in single member constituencies for five-year terms.⁷ The candidate who receives the most valid votes in a constituency is elected. The distribution of seats includes 533 seats in England, 59 in Scotland, 40 in Wales, and 18 in Northern Ireland.

There is a significant deviation from the electoral quota in a number of constituencies, which the OSCE/ODIHR has previously recommended to adjust to more closely adhere to the principle of vote equality.⁸ The Parliamentary Voting System and Constituencies Act of 2011 requires a review of constituency boundaries every five years, reduces the total number of seats to 600, and prioritizes vote equality among constituencies, with a maximum deviation of five per cent from the electoral quota. The review of constituency boundaries for parliamentary elections is mandated to the four permanent Boundary Commissions for England, Scotland, Wales, and Northern Ireland. The sixth periodic boundary review began in 2011, though was stopped in 2013. In 2016, the review process was restarted and is expected to be completed by September 2018.⁹ OSCE/ODIHR NAM interlocutors expressed full confidence in the review process noting its inclusive and independent approach.

As a result of the early election, the boundaries for the upcoming election will remain the same as in the last two general elections, and OSCE/ODIHR NAM stakeholders acknowledged that the existing imbalance among constituencies is a matter of concern.

D. ELECTION ADMINISTRATION

The management of general elections is highly decentralized. Elections are primarily administered by Returning Officers (ROs) – one per constituency.¹⁰ ROs are appointed by local authorities and oversee administrative aspects of the election in their respective constituency. They have a significant level of independence and discretion in performing their duties. The voting process at polling stations is managed by Presiding Officers, who are appointed and overseen by ROs.

National level support is provided by the EC, an independent body that plays an indirect role in administering the election. It focuses on overseeing political party registration and campaign and party finance. In addition, the EC publishes an extensive range of guidance material for electoral stakeholders, including election officials, parties, candidates and their agents, voters, media, law enforcement, and third-party campaigners. Materials are available in English and Welsh. OSCE/ODIHR NAM interlocutors positively noted the availability of EC materials as well as additional support through training and advice on different aspects of the process.

The EC develops a range of standards for election officials and is authorized to undertake reviews of lower-level officials, but lacks authority to impose sanctions for non-compliance, which some OSCE/ODIHR NAM interlocutors viewed as problematic. The EC has updated its guidance and standards for election officials to address shortcomings in procedures identified in previous elections.

⁷ The Fixed-term Parliaments Act of 2011 introduced fixed-term elections for the House of Commons starting in 2015. Early elections may still be called in case of a vote of no confidence in the government or a two-thirds majority vote.

⁸ The electoral quota is the average number of voters in a constituency and is calculated by dividing the total number of voters by the number of constituencies in each nation of the UK.

⁹ See the [Guide to the 2018 Review of Parliamentary Constituencies](#) by the Boundary Commission for England.

¹⁰ In England and Wales, the RO position is largely ceremonial and responsibilities are mostly entrusted to an Acting RO, who is generally referred to as the RO. In Northern Ireland, elections are administered by the Electoral Office for Northern Ireland headed by a Chief Electoral Officer, supported by assistant ROs. In Scotland, there is no acting RO and the position of RO is not considered ceremonial.

Various provisions for voters with disabilities are to be instituted by the election administration to ensure their full participation in the election. These should include accessible polling locations, information to polling staff on how to provide voters with any necessary assistance, and the availability of tactile voting devices and large-print versions of the ballot.

OSCE/ODIHR NAM interlocutors expressed confidence in the professionalism and capability of the electoral administration at all levels, and noted that the thorough investigation of reported cases of electoral fraud in recent years reflects the importance that is attributed to ensuring the integrity of the electoral process.¹¹ Interlocutors also raised some concerns that the short timeframe for preparations and the holding of local elections in the meantime may impose some operational challenges.

E. VOTER REGISTRATION

Citizens of the UK and the Republic of Ireland who are 18 years of age by election day and included in a voter list have the right to vote. Commonwealth citizens who have an indefinite leave to remain in the UK are also eligible to register to vote. Such citizens and citizens of the Republic of Ireland may only vote if they reside on the territory of the UK. UK citizens living abroad who have registered to vote in the UK within the last 15 years are eligible to vote.¹²

Despite judgements by the European Court of Human Rights (ECtHR) and previous OSCE/ODIHR recommendations, prisoners serving a custodial sentence do not have the right to vote.¹³ Recent reviews of the ban have not resulted in a change in legislation, though the OSCE/ODIHR NAM was informed about considerations to reassess the blanket ban on prisoner voting towards the end of 2017.

Voter lists are managed locally and there is no central voter registry.¹⁴ Electoral Registration Officers (EROs) are appointed by local authorities and are responsible for compiling and maintaining voter lists in their respective constituencies. The 2013 Electoral Registration and Administration Act introduced individual electoral registration to replace the system of household registration as a means to increase accuracy and integrity in voter lists. In most of the UK, migration to individual registration commenced in 2014 and was completed by the end of 2015.¹⁵ This change to the voter registration procedures has been a focus of the OSCE/ODIHR EET deployed for the 2015 general election. The large majority of voters were automatically transferred to the new system through a multi-step process of matching voter information, primarily through the database of the Department of Works and Pensions. The EC reported that some 770,000 entries were removed after verification. Individuals not automatically transferred to the new system were required to reapply for inclusion in a voter list. Various outreach campaigns and the annual canvass by EROs served to target voters who were not automatically transferred to the new system as well as newly eligible voters.

Voter can apply for registration online or at their local authority with a deadline of 22 May. While recommended by the OSCE/ODIHR and other stakeholders, it is still not possible for a voter to verify their registration status online. The OSCE/ODIHR NAM was informed that various authorities intend to run a series of voter awareness campaigns ahead of the registration deadline. Certain categories of voters, such as students and individuals claiming more than one residence may register in more than one locality and the ability to crosscheck entries on different lists is limited.

¹¹ See the [EC report: Analysis of cases of alleged electoral fraud in the UK in 2015, March 2016](#).

¹² A proposal to repeal the provision on the 15-year limit for citizens abroad is pending legislative endorsement.

¹³ See the [summary of ECtHR rulings on prisoners' right to vote, including judgments against the UK, July 2016](#).

¹⁴ There are 381 electoral registers: 380 in Great Britain and one in Northern Ireland.

¹⁵ In Northern Ireland, individual registration has been used since 2002.

According to the EC, recent electoral events, including the 2016 EU referendum, boosted the number of registered voters, and as of December 2016, the total number registered voters was 45,766,429. Overall, OSCE/ODIHR NAM interlocutors positively assessed the migration to individual electoral registration and, despite limitations due to the fragmented system of list compilation, did not raise concerns over the accuracy or inclusiveness of voter lists.

In addition to in-person voting, voters may cast ballots by post or by proxy (these being the only options for voters abroad), with application deadlines of 23 and 31 May, respectively. OSCE/ODIHR NAM interlocutors did not raise issues concerning the integrity of these alternative voting methods.

F. CANDIDATE REGISTRATION

The registration of political parties is managed by the EC, which maintains separate registers for Great Britain and Northern Ireland.¹⁶ An eligible voter can run as candidate, either independently or on behalf of a registered political party. Candidates must register with the RO in their respective constituency and demonstrate support from at least 10 registered voters in the constituency and submit a deposit of GBP 500 (some EUR 590). Deposits are returned to candidates who obtain at least five per cent of valid votes.

Parties met with by the OSCE/ODIHR NAM did not raise issues with the registration process. Given the limited time ahead of the election, they noted that they were instituting abridged candidate selection procedures. While parties do not have formal policies to ensure the inclusion of female or national minority candidates, they noted an intention to promote their participation.

G. CAMPAIGN

Although the official campaign period starts 25 working days before election day, parties and prospective candidates may campaign at any point ahead of the election. Contestants may use public venues and air campaign broadcasts free of charge and receive discounts on distributing materials via post. Campaigning on election day is allowed, except in the vicinity of polling stations. Following complaints from previous elections, the EC has elaborated its guidance to local election authorities to enhance regulation on election day campaigning.

Political parties met with by the OSCE/ODIHR NAM noted their intention to target their campaign efforts on door-to-door activities and distributing campaign material via post. In addition, the use of social media, including targeted political advertising, was noted as an influential mechanism of campaign outreach, in particular to younger voters. The campaign is expected to centre on post-EU referendum policies as well as housing, education, and health services. OSCE/ODIHR NAM interlocutors expressed full confidence in the ability of parties and candidates to convey their messages to voters and compete on equal basis.

H. CAMPAIGN FINANCE

The legislation on campaign finance for parties and candidates is comprehensive and extensive. Regulations for parties are primarily established under the PPERA and for candidates under the RPA. Third-parties are regulated under and the 2014 Transparency of Lobbying, Non-Party Campaigners and Trade Union Administration Act.

¹⁶ Currently, the EC has registered a total of 379 political parties.

While limited public funding is provided to parties, most party income is derived from private donations. There are no limits on the number or value of donations to parties or candidates, though the OSCE/ODIHR has previously recommended to consider limiting the amount by a single donor.

Campaign finance legislation establishes two periods, the ‘long’ and ‘short’ campaigns, each with respective spending limits for candidates and parties. With the limited time until the election, only the ‘short’ campaign regulations will apply. Candidate expenditure is limited 8,700 GBP plus 6 to 9 pence per elector in the borough or county constituency, respectively. Parties may spend GBP 30,000 multiplied by the number of constituencies contested (approximately GBP 19.5 million in total) or fixed amounts up to GBP 810,000 in England, 120,000 in Scotland, 60,000 in Wales. Third party spending is regulated and they are required to register with the EC if they intend to spend above a certain threshold, which for this election is GBP 20,000 in England or 10,000 in Scotland, Wales and Northern Ireland. For parties and third parties, the spending period is calculated starting a year before election day. Some OSCE/ODIHR NAM interlocutors noted that the need to retroactively account for such spending may limit campaign efforts as funds may have already been spent on other electoral events prior to this campaign.

Candidates are required to submit financial reports to the respective RO within 35 days of the declaration of election results. The EC is not authorized to oversee candidate spending and donations, and any potential violations would be forwarded to local law enforcement for investigation. The EC oversees party and third party financial issues. Parties are required to submit quarterly reports on income received, as well as submit annual accounts. During the campaign period, income reports must be submitted weekly. Itemized and audited expense reports must be submitted within three months after the election by parties and third parties with returns below GBP 250,000, and within six months for those with a return above GBP 250,000.¹⁷ Some OSCE/ODIHR NAM interlocutors raised concerns about the issue of a blurring of campaign expenditure between parties and their candidates.¹⁸

The EC monitors party and third party compliance and is authorized to issue sanctions in cases of non-compliance, though some OSCE/ODIHR NAM interlocutors noted that relatively low limit of possible fines may be insufficient to deter potential spending and donation violations. The EC provides range of material and guidance to stakeholders on party and campaign finance as well as undertaking regular reviews of campaign spending after an election.¹⁹ Most OSCE/ODIHR NAM interlocutors expressed confidence in the work of the EC as an independent oversight body, though some noted that the EC’s effectiveness could be strengthened through providing it with increased sanctioning authority as well as broadening its oversight to include candidates.

I. MEDIA

The media landscape is pluralistic and represented by a strong tradition of public service broadcasting led by the British Broadcasting Corporation (BBC), along with several other commercial broadcasters and a variety of print outlets. Broadcasters are legally obliged to ensure impartiality in their political and election coverage. Newspapers and magazines are less regulated and widely considered partisan.

The 2003 Communications Act is the main legislation regulating broadcast media concerning obligations on standards and content. Within this framework, the Office of Communications (Ofcom) oversees compliance of broadcasters and develops secondary regulations, which includes the Broadcasting Code, Rules on Party Political and Referendum Broadcasts and other guidance and

¹⁷ The EC maintains an extensive and detailed online [database](#) of party and campaign finance records.

¹⁸ There is an [ongoing investigation by the EC and law enforcement](#) with regard to campaign finance irregularities of the Conservative Party and some of its candidates and agents during the 2015 general election campaign.

¹⁹ See the EC report: [UK Parliamentary General Election 2015: Campaign spending report, February 2016](#). See also the review by Lord Hodgson on [Third Party Campaigning during the 2015 general election](#), March 2016.

instructions. Section 5 of the Broadcasting Code specifies general obligations of due impartiality and due accuracy, and Section 6 specifies requirements during an election.

In March 2017, OFCOM amended the Broadcasting Code and Rules on Party Political and Referendum Broadcasts concerning the publication of a defined list of ‘major parties’ as means for broadcasters to determine the amount of election coverage for political parties. Instead, OFCOM publishes guidance on “Evidence of past electoral support and evidence of current support ahead of elections”, and other recommendations, which would give broadcasters more flexibility while still requiring them “to report with ‘due accuracy, present with due impartiality, to give ‘due weight’ to the coverage of major parties and appropriate coverage to other parties and candidates”.

Paid political advertising on television and radio is prohibited. However, parties contesting the election are offered a number of broadcasts on television and radio, depending on their ‘due weight’ as defined by the broadcaster based on the OFCOM guidance. Debates among party leaders may be held with broadcasters free to decide their format in line with the Broadcasting Code, the possibility of which remains under review after the leader of the governing party noted that she would not participate.

In 2016, amendments to the media regulatory framework shifted oversight of the BBC from the BBC Trust to OFCOM. The BBC has longstanding guidelines on broadcasting during an election and retains its internal first instance review mechanisms for complaints on alleged non-compliance. While OFCOM conducts selective monitoring of some larger broadcasters, it primarily acts upon complaints. It may convene a dedicated committee to review election-related complaints in an expedited manner, though it noted that often complaints are sufficiently addressed by the respective broadcaster. Overall, OSCE/ODIHR NAM interlocutors expressed confidence in the regulatory framework for media coverage of the election and noted the professional manner in which OFCOM conducts its activities.

The majority of print media are overseen by the Independent Press Standards Organisation (IPSO), established in 2014. The IPSO ensures that print media follow the Editors’ Code of Practice and may investigate complaints on any breaches and can impose sanctions for serious violations.

Within the broader media environment, some concern was expressed to the OSCE/ODIHR NAM about a potential concentration of media ownership in both broadcast and print, the effect of newly adopted legislation on surveillance that may impact investigative journalism as well as pending legislation on liability for print media.²⁰

J. COMPLAINTS AND APPEALS

The RPA provides that election results can be challenged within 21 days of the submission of the results protocol by a voter or candidate who can file an election petition with an Election Petitions Office. Longer timeframes to submit a petition are envisaged if the petition challenges the outcome of an election on the grounds of corrupt or illegal practices, or in relation to election expenses. Such petitions are formally investigated by law enforcement according to criminal procedures.²¹ Each petition costs GBP 400. Petitions are heard by an ‘election court’ formed by judges on rotation.

Complaints against electoral officials are adjudicated differently and must first be addressed to the respective officers involved and can then be appealed to the county court. The EC works closely with the police to extensively collect and publish information on reported electoral complaints, including allegations of electoral fraud. OSCE/ODIHR NAM interlocutors noted that election petitions are rare in

²⁰ See statements by the OSCE Representative on Freedom of Media on media-related legislation from [10 November 2015](#) and [10 January 2017](#).

²¹ The legislation grants the Director of Public Prosecutions, on his/her own initiative or by court’s invitation, to make inquiries and institute prosecutions.

the UK electoral process and they generally have confidence in the election-related complaints and appeals system, including in the local authorities responsible to investigate potential violations.

IV. CONCLUSIONS AND RECOMMENDATIONS

OSCE/ODIHR NAM interlocutors expressed a high level of confidence in the electoral process, including existing checks and balances, as well as the ability of the election administration to manage the election in a professional and transparent manner. Notwithstanding, OSCE/ODIHR NAM interlocutors welcomed a possible external assessment by an observation activity.

The OSCE/ODIHR NAM identified that authorities have been considering a series of comprehensive reform efforts, including to modernize and simplify the complex electoral legislation, review constituency boundaries, and enhance the voter registration process, some of which would address previous OSCE/ODIHR recommendations. However, most of these initiatives have not been completed and implemented ahead of the early general election. Taking into account the issues raised by OSCE/ODIHR NAM interlocutors, the OSCE/ODIHR NAM recommends deploying an Election Expert Team (EET) for the 8 June early general election to review the regulation and oversight of campaign finance and legal provisions pertaining to media coverage of the election. The assessment of these aspects of the electoral process by an EET could contribute to the ongoing electoral reform process. The OSCE/ODIHR reiterates that a number of its previous recommendations are still valid and encourages the authorities to also consider the issues raised by interlocutors in discussions with the OSCE/ODIHR NAM. The OSCE/ODIHR stands ready to offer its assistance upon request in a post-election follow-up process.

ANNEX: LIST OF MEETINGS

Foreign and Commonwealth Office

Tim Cole, Head, International Organizations Department
Declan Byrne, Team Leader, Organization for Security and Co-operation in Europe Team
James Scarff, Human Rights and Democracy Department

Cabinet Office

Paul Docker, Head of Electoral Administration
Gareth Bayham-Highes, Deputy Director, Modern Electoral Registration Division
Penny Charlish-Jackson, Head, Digital and Democratic Engagement, Modern Electoral Registration Division
Paul Avard, Head of Policy, Modern Electoral Registration Division
Catherine Webster, Head of Political Parties and Referendums
Ash Smith, Head, Head of Electoral Funding

Boundary Commission for England

Sam Hartley, Secretary to the Commission

Electoral Commission

Ailsa Irvine, Director of Electoral Administration and Guidance
Tom Hawthorn, Head of Policy of Electoral Administration

Electoral Registration Officer

Seth Alker, Electoral Services Manager, City of London

Association of Electoral Administrators

John Turner, Chief Executive

Law Commission of England and Wales

Nicholas Paines QC, Commissioner
David Connolly, Public Law Team Manager
Niamh McEvoy, Research Assistant

Conservative Party

Alan Mabbutt, Director General and Registered Treasurer
Colin Bloom, Head of Local Government and Legal Officer, Conservative Councillors' Association
Carlotta Redi, International Office

Labour Party

Jordan Hall, Governance Officer

Liberal Democratic Party

Robert Woodthorpe Brown, Chair of the International Relations Committee

Electoral Reform Society

Darren Hughes, Deputy Chief Executive
Chris Terry, Research Officer

Office for Communications (OFCOM)

Adam Baxter, Standards Executive
Adam Higgit, Head, Parliamentary and Public Affairs

British Broadcasting Corporation (BBC)

Ric Baily, Chief Adviser, Politics

London School of Economics and Political Science

Damian Tambini, Research Director, Department of Media and Communications

Nick Anstead, Researcher, Department of Media and Communications