

# AEA Wales

Presentation and Evidence to the  
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Local Government and Public Services Committee  
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## INTRODUCTION

We again thank the Assembly for the opportunity to speak directly to elected Members and to give evidence on the Electoral Administration Bill, which I understand has now been given its second reading in Westminster. Whilst this matter is of course specific to UK (England and Wales) we will try and keep some context with the position in Wales as we see it particularly in the light of the Assembly elections in 2007. Members will be well aware that the Register we produce from next years canvass (effective on 1<sup>st</sup> December 2006) will in the main be the foundation for those elections.

## GENERAL

AEA Wales broadly welcomes the proposals within the Electoral Administration Bill and whilst it is noted that there are many who are disappointed that there is no provision for an early introduction of "Individual Registration" I am not convinced that in Wales we are ready to implement such a system until there has been a review of the existing structures and adequate funding arrangements are in place. My colleagues may disagree and consider this a missed opportunity.

The Bill in its present form will at least allow options to be considered in more detail and goes some way towards addressing certain issues of concern. The collection of personal identifiers is to be welcomed if issues of fraud are to be tackled but the means of collecting these identifiers (household form or Individual form for each elector) needs to be resolved. The proposals will pose problems for ERO's (Electoral staff) and will have considerable cost implications. ( DCA Final Regulatory Impact Assessment 1<sup>st</sup> October 2005)

The main concern is that we still have a system of annual Registration and Rolling Registration each with the same faults as before but with the possible burden of obtaining additional information and a "duty" in effect to increase Registration with out specific details of funding.

The setting of performance standards by the Electoral Commission as suggested in the Bill is welcomed and will go a long way to ensuring more consistency but there is still a danger that there will be 22 different approaches (Wales) as long as the service remains within the control of local authorities in the way it currently operates.

There seems to be a presumption throughout the Bill that there is a pool of staff available to ERO's and RO's that could undertake the "additional" tasks. This is NOT the case in Wales where more often than not the responsibilities of the ERO and RO are undertaken by a small team of electoral staff who are often coping with existing work loads. There is a need to examine and review the roles of ERO's / RO's and Electoral Administrators (Wales).

The importance of electoral services must be recognised to ensure that staff are capable, well trained and better resourced if the objectives of the Bill are to be met. It must be recognised that politicians themselves have a role to play in re engaging the public and that there is a limit to what local authorities (Wales) can do individually given present constraints.

## PART 1. CORE ( Co-ordinated on line Record of Electors)

Implementation of CORE is essential to the future development of the service, to provide a means to combat aspects of fraud, to disseminate electoral information more speedily to legitimate organisations (political parties etc) and in the longer term to facilitate E Voting. It is considered that the "Keeper" should be the Electoral Commission but there is need for detailed discussion on how the scheme is to operate – essentially if local authorities are still to provide the information at local or regional level the cost of providing the information (certainly to organisations who use it for purposes "other than for Elections") must be recouped and passed back to those authorities in a more equitable manner – *should this perhaps include part of the cost of the Canvass itself*. The Bill seems to envisage a possibility of one or more schemes / keepers which presumably in Wales could either be dealt with entirely by the Commission and /or on a Regional basis. It is not clear what is meant by the suggestion of "sharing" functions between the keeper and ERO's but sufficient funding and resources would need to be allocated to run efficiently and effectively.

## **PART 2. REGISTRATION OF ELECTORS**

- 1. The proposals in the Bill are largely supported but considerably more discussion / debate is needed. If the proposals are to be effectively implemented there is a need to review the present structure of electoral services in Wales and ensure sufficient funding is in place. There are fundamental flaws in the current system of an annual canvass working alongside Rolling Registration which is not addressed by the Bill :-**

The two systems do not sit well and much more emphasis needs to be placed on Rolling Registration and ongoing up dates to the Register.

We have an annual canvass quoting a “qualification” day of 15<sup>th</sup> October.

We each commence our canvass at different times (any time between mid - end of August to early September) we use different forms with no consistency with the Rolling Registration forms.

During the Canvass Rolling Registration is suspended until after publication of the Register on 1<sup>st</sup> December, which produces a Register effective for twelve months. Rolling Registration then resumes apart from a month or so before an election. (Eleven days before under the Bill)

The Registration form allows a single householder to add and DELETE names and to an extent is compulsory - the Rolling Registration form only allows for the addition of new names with a signature for each person but is voluntary and poorly publicised.

There is no consistency between the two forms (let alone throughout Wales) which is confusing to the Public.

- 2. ERO’s duty “*To take all necessary steps to ensure comprehensive registers*”**  
This may well focus attention on the importance of the service and does place a greater emphasis on an ERO’s duty and responsibilities. However, until consistent standards are introduced and appropriate funding is provided there will be gaps and some inconsistency in service between authorities. This could be resolved to some extent by the introduction of CORE and the powers for the Electoral Commission to set standards. The Bill suggests certain “steps” which should be included, but If an ERO is to take his powers seriously there must be more funding directed to Electoral services to enable them to actively pursue those steps.

a) Sending more than once to each house and making more than one house hold enquiry. ERO’s will already be sending at least one reminder if not more to every household - making house-to-house enquiries is impractical (see comments Door step canvass below)

A better system would perhaps be to undertake a Pre Election Canvass doing away with the need for an annual canvass as such but writing to all properties “prior” to each election listing who is currently registered and asking for an up date in the event of any changes (New Zealand again) This would allow for a more accurate register as those interested in voting at that time would be more likely to ensure their details are correct. In any non-election year an audit / census of properties could be undertaken with a well-publicised campaign and during a more seasonable period than at present. ERO’s should have the freedom to mount their own audit / census for low registration areas at a time to suit and such measures would self promotes publicity for the election at the right time.

b) Provisions for the “inspection of records of ANY person”  
Many ERO’s already make use of other records held by their own authority (Council Tax) but there is a limited value. It would be difficult for any individual ERO under current structures to achieve and would have staffing implications if undertaken properly. There is speculation for example as to whether this would include inspection of National data bases – Driving Licence ( DLVC) – Television licences / Benefit Offices etc. which may have data set up on different (Regional) areas to that of individual local authorities.

**c) Door step (House to House) Canvassing.**

Much emphasis has been given recently to the “benefits” of House-to-House Canvassing as opposed to the use of hand delivery of forms and reminders. The reasons for moving away from a door step canvass have been well documented but include the difficulties of obtaining replies in areas where all occupants are working, the reluctance to answer the door late at night and the need to have regard for the health and safety of canvassers (duty of care by ERO).

The organisation of such a Canvass is a huge task if it is to be undertaken properly involving an interview and selection process – training - payroll and supervision. The task would need to commence almost as soon as the Register was published and involve substantially more staff to manage the process. The concept of individual registration and provision of individual identifiers (where each person in a household would have to sign) in effect makes this a practical impossibility unless run on a census type basis (delivery of forms for collection at a later well publicised date)

**2) Anonymous Registration**

Long supported by administrators and could fairly easily be achieved but places an added onus on the ERO – this would be eased if there were an attestation requirement supported by a Police Constable or Director of Social Services etc. to aid the ERO’s decision.

**3) Later Registration closer to Election Day (up to 11 days before Poling Day)**

This is “reasonable” although in Wales there were few complaints from the public that they were not registered and could not vote. This could be indicative that even if registration rates were to be increased there would not be a significant increase in turn out (if the 3 – 4 million people reported to be missing from the register had been included the percentage turn out at the last election may well have been lower than it was. Conversely if people are not registered there is no chance of getting them to vote. The closer to Election Day such allowances are made the more difficult it is for ERO’s and RO’s to do the job effectively – the staff currently undertaking ERO and RO duties are the same (often too few) Whilst it is not anticipated that there would be huge volumes conflicts could occur over what is necessary to be done to run the election and ensuring (late) registration.

**PART 3 ANTI-FRAUD MEASURES**

**1. Collection of Personal Identifiers / Individual Registration.**

The Bill provides for the collection of personal identifiers (signature and date of birth) although it is suggested that this would be piloted in some areas in the first instance in selected areas. Whilst essential if fraud is to be tackled we are concerned over how this would be operated in practice, and how it is envisaged that such information would be used (Provision of “Lists” in Polling Stations, checking of signatures against Postal Vote applications). Certainly in the first year of operation there would be considerably more pressure on electoral staff and a cost on the local authority in order to process / maintain the information collected.

“conflict” over Individual registration arises from :-

- a) The potential for fraud and public perception of fraud under the existing system.
- b) The need to maximise Registration and turn out at elections.
- c) The fear of further lowering the number of persons registered.
- d) The means of obtaining personal identifiers (Household form or a separate form for each person.)

We note the position of the Electoral Commission :-

*“Registering to vote is each electors “ individual right” and having a Head of Household responsible for ensuring other persons in a household are registered is outdated and open to abuse”*

However, the collection of information from a “household” form is a more cost effective and certain way to target potential electors (it is easier to chase “properties” than individuals with the systems ERO’s currently use) – it could be argued that failure of one householder to return a form in effect disenfranchises all in that household although the likely effect of trying to ensure

that each “individual” is targeted would undoubtedly (if only initially) lead to a fall in registration apart from being more costly - “*is this acceptable with the reported low levels of registration already being experienced*”.

Much of the “conflict” would be obviated by a “Pre Election” Canvass replacing the annual canvass (see 2a above) where details of each elector are notified / obtained in the run in to an election. This would enable a move to full Rolling Registration (whilst allowing an audit of the Register to be undertaken at key times (when interest is highest and accuracy most important)

Rolling Registration forms already provide for individual signatures (and a date of birth) and many authorities use a “household type form” where it is known that more than one person needs to be registered. It is relatively simple to include a date of birth and signature column on the Registration form but the Bill suggests that “ERO’s must keep a “list” of such information obtained and allows for any person to request the ERO to substitute their signature if it should change.

## 2. Personal Identifiers / Piloting

There is uncertainty over the need / value of pilot schemes with the “success” of the Northern Ireland scheme. Piloting would delay any introduction to be effective in time for the Assembly elections in 2007 (such schemes would need to be evaluated before rolling out UK wide) unless Wales were to participate.

NB: The Regional nature of the Assembly elections might make it difficult for an individual Welsh authority to pilot as there could be implications for other authorities in the same Region and possibly unfair comparisons made (although it could be said that it would enable better comparisons to be made)

*Would AM’s want a pilot to test a new system for a Canvass prior to their election bearing in mind a possible fall in Registration in the areas of participating authorities.*

3. Suggestions that Returning Officers might be allowed to send pre election material (as well as or instead of an annual canvass) This is supported but would have hugely more impact if coupled with moving the close of Nominations further from Polling day. This would not only assist administrators (Printers) giving them more time to provide ballot papers and postal packs but also allow for greater publicity in the run in to an election.

Such material could replace the need for a Poll Card as such (if information relating to their Polling Station was included) and could replace the need for a Notice of Poll (information about Candidates could also be included) This would generate more publicity for the. Political parties may argue that changing the last day for delivering nominations would lengthen the election campaign but this would be far outweighed by the value of better Publicity immediately before an election.

4. Allowing application for a Postal Vote at the same time as Registration.

This is already in effect under existing arrangements (Registration forms have a column included) although there is no similar provision on the Rolling Registration form. Forms should be more consistent / universal.

5. Allowing registered postal voters to apply for replacement ballot papers up to 5pm on polling Day (with proof of identity)

A reasonable expectation of electors but If expectations are raised we must be able to meet them. This would place an added onus for staff and although not anticipated that volumes would be high there could be “conflict” with any disputes at an extremely busy time.

## Part 4. REVIEW OF POLLING PLACES / DISTRICTS

The bill would provide for a review within 12 months of the Act coming into force and every four years thereafter. The problems of finding suitable Polling Places have been previously debated along with the need to be both accessible to all but also in a convenient and central location to the electorate at large. The proposals are largely supported and in the main already undertaken by most administrators but can be a reactive exercise especially for those authorities with staffing problems. However the measures as set out in schedule A1 1 - 7 are very onerous given the problems of

staffing. There is a presumption that the Returning Officer is a separate entity “ *The authority must consult the Returning Officer – who must make representations to the authority*” in practice (in Wales) that person is often the Chief Executive and there can be clashes between the roles.

## **PART 5 – STANDING FOR NOMINATION**

The changes to some of the provisions (Timetable, Notice of Election, Deposits, Description of Independents (emblems) and allowing RO’s to make “minor” changes to nomination papers) are generally accepted. There could however have been some more radical steps taken such as :-

a) Moving the Close of Nominations further from the date of Election. This step has previously been advocated to allow more time for the printing of Ballot Papers and Postal Packs (given the huge increases now being experienced and especially now with the added onus the Bill will place on RO’s) Without sufficient staff resources it will become more and more difficult to successfully manage the service, meet electors expectations and combat fraud.

Suggestions that Ballot Papers may have security markings etc and the need to ensure security at all stages of the election (see DCA Regulatory Impact assessment) will place much more onus on RO’s and Printers (many of which will not be able to meet the standards required) There will be a need to move away from small local printers to larger Printing Firms placing increased demand on those that can. Arguments against moving Close of Nominations usually stem from Political Parties on the basis that “it would increase the length (and cost) of the election campaign. This would however also allow RO’s more chance to promote the election and provide the service more safely and effectively.

b) Replacing the need for “Assentors” as with the Assembly elections and / or making the same provision for every election (Proposer and Secunder for Community – proposer, secunder and eight assentors for Principle area) There should be more consistency between elections if the public is to be educated.

## **PART 6 – CONDUCT OF ELECTIONS**

It should be noted that the rules governing the conduct of elections are currently set out in the RPA 1983 Act ( Schedule1) and apply only to Parliamentary elections – there is no requirement that local elections ( nor the Assembly elections) are to be conducted on similar lines. This could cause some inconsistency if not dealt with in a similar vein for these elections giving a different level of service between different elections which would defeat any objective to improve consistency and best practice to electoral services and best serve voters needs. (see DCA Regulatory Impact Assessment) There is also a risk that any different form of rules will increase the complexity of rules that RO’s have to follow in administering different elections. This will need to be followed up by the Wales Office (and considered by the Elections Working Group) in making any changes to Local and Assembly rules.

No comment are offered on the provisions for “ Candidates Election Expenses” which are rightly the prerogative of the Electoral Commission – although many Candidates / Parties have expressed concern that the procedure for declaring those expenses are overly prescriptive and complicated.

The omission of Maundy Thursday from the Dies Non is welcomed

The provisions allowing the use of Commonly used names by Candidates is welcomed but seems overly complicated just to allow the use of Jack for John – Ron for Ronald which is most often the requirement. (see example page 28 Para 25 (4) of the Bill) RO’s have to accept nominations “at face value” they have no power or right to challenge and the provisions may lead to confusion. There is a risk that the differing sets of rules between will make RO’s task much more complex rather than helping to simplify the process.

There is no objection to allowing the Commission access to any part of the election process indeed this is to be welcomed not only as a means of scrutiny of electoral staff but also to comment on the resources being allocated to the service.

Ballot Paper design – Allowing flexibility to RO’s for to determine security marking is welcome but could lead to different standards of service between individual authorities (and elections) Again this

should be considered by the Elections Working Group to enable some consistency of treatment at a Regional / all Wales level for the Assembly Elections.

Substituting the need for “counter foils” for the production of a numbered list of Ballot papers issued may help in the process of issuing Postal Votes.

Translation of certain documents - A reasonable expectation if inclusiveness is to be encouraged but again there is a time constraint if the expectation is to be met and with the existing timetable provisions. (Not compulsory “may” give or display)

The creation of New Offences is welcomed as a deterrent

Control / Custody of Documents after an Election - This will have a major impact on local authorities who would have to store and maintain election documents for inspection and production of Marked copies of the Register. Many ERO's will not have adequate space to store nor suitable secure accommodation for inspection and supply purposes. There will be in some authorities a staffing issue. (This may be overcome by Joint working approaches with authorities agreeing to share storage)

#### **PART 7 – REGULATION OF PARTIES**

This is largely a matter for the Electoral Commission however, there is an existing anomaly whereby Parties had to Register with the Electoral Commission by “*the time by which a Notice of Election has to be published*”, which by and large was acceptable BUT allowed for the registration of that parties “emblem” up to the close of Nominations. The emblem was not then published on the Commissions web site till a much later date although urgently required by RO's for their Printers - the closing date for registering or changing emblems must be consistent with the time allowed for registering a party and well before the close of nominations. There is concern that the Registration period itself now allows for Registration with the Commission “*up to two days before the last day for delivery of Nomination papers*”

#### **PART 8 - FUNDING AND PERFORMANCE**

There are some sweeping powers given to the Commission for scrutiny of electoral services but this may be the only way to ensure more consistency throughout authorities. The commission would be able to require details of expenditure from ERO's and RO's for their separate functions.

Encouraging Electoral Participation.

Are individual Local Authorities best placed to do this. Should this be a Commission function with participating ERO's / RO's. There could again be different levels of service depending on the individual authority / Returning Officer and how proactive each may or may not be.

There is a need for (The Electoral Commission) to undertake a survey of each authority to establish minimum levels of staffing and expenditure. It is essential that a guide is given to the level of resources and to gauge accurately the level of funding required to enable Ro's and ERO's to properly run the service.