

Local Government and Public Services Committee

LGPS 06-05(p5)

Date: 8 June 2005

Venue: Committee Room 2

Title: Scrutiny Project on Electoral Arrangements: Issues arising from initial evidence sessions

Purpose

This paper identifies some of the key issues emerging from the Committee's Scrutiny Project on Electoral Arrangements and suggests areas for further investigation.

Background

2. At its meeting on 9 March 2005 the Local Government and Public Services Committee agreed the following terms of reference for its Scrutiny Project on Electoral Arrangements in Wales:

- To consider the issues surrounding the arrangements for local government and National Assembly elections in Wales, in particular, voter registration, voter turnout, the participation of young people and bilingual voting.
- To consider a range of measures used within other political systems to improve voter turnout, registration and the participation of young people and the extent to which they could be applied to local government and National Assembly elections in Wales.
- To consider if any additional measures are required to ensure that voting arrangements in Wales are fully inclusive.
- To make recommendations.

Consideration

Voter Registration

3. Voter registration is compulsory in the UK. People failing to complete registration forms as required may be fined but in practice very few prosecutions are undertaken¹.

4. The UK has a system of rolling registration. This means that the electoral list is updated on a regular basis to include those who have achieved voting age, who have gained citizenship, who otherwise have

become newly eligible (e.g., been released from prison) or who moved from one constituency to another. In addition, updating is also required to exclude formerly eligible voters who have died or who cease to meet citizenship or voting eligibility requirements

5. With the Co-ordinated Online Register of Electors (CORE) the UK Government plans to merge or link the electoral rolls managed by all UK local authorities.

6. In his evidence to the Committee, the Chief Returning Officer for Wales, Bryn Parry Jones, stated that:

The system of voter registration is the keystone for running a good election. I know that I and my colleagues spend a lot of time seeking to ensure that we have as good an electoral register as possible. The canvass undertaken every year is extensive. The forms of information used by local authorities are available for this purpose, such as when new houses are completed, and we take account of the registers of deaths and so forth. We seek to use other sources of information to keep that register in good order. However, there are limitations in our capacity, due to data protection, to be able to achieve the sort of information sharing that might be useful, in terms of ensuring that the register is as close to complete as possible, and also to avoid the possibilities of fraud.

7. The UK currently has a system of household registration. It has been argued that a move towards individual registration would bring certain advantages such as a more accurate register and evidence, such as signatures, being available for future security checks on absent voting requests and so forth. It could avoid instances when individuals are omitted either accidentally or deliberately from the register.

8. However, such a move would be likely to increase the cost of the canvass, especially if penalty for failure to comply with the request for information is not seen as a real and effective mechanism to encourage individuals to participate. It could also lead to a less accurate register if the percentage of returns are low. Also, household registration provides a means by which individuals with literacy or other disadvantages can be registered.

9. In his evidence to the Committee, Roger Morris outlined how public perceptions were underlining the need for change in methods of registration:

The old system [of household registration] was tried and tested; it worked well for a long time and was well understood, but it was paper based and had limitations in terms of the trustworthiness of the head of the household responding appropriately and so forth.

10. The Electoral Commission has urged the UK Government to introduce a system of individual electoral registration, which it considers to be the 'key building block on which safe and secure remote elections can be delivered'.

11. A move towards individual registration would require a decision to be made about the basis for

individual registration. For example, should it be address-based or on personal criteria such as National Insurance (NI) number or birth date? In evidence submitted to the House of Commons ODPM Select Committee by SOLACE stated:

National Insurance numbers would appear to be a most attractive solution. It is understood that most people have an NI number, though it is not blanket coverage. Our society is very mobile and this is always a problem with an address-based system.

The Committee may wish to further consider the pros and cons of household and individual registration and, in the event of adopting individual registration, what should be the preferred basis.

Improving Turnout

Impact of postal voting

12. Evidence to date regarding turnout has focussed on the increase in postal voting as a result of removing restrictions and the all postal voting pilots held in England in 2004. A number of key issues about the system emerged, notably how to balance improved turnout against issues of security. Roger Morris, who had presided over an all postal voting pilot in the 2004 European Elections in the East Midlands of England, stressed that maintaining the ‘confidence and intelligibility factor’ was essential in getting people to vote and the complexity of the voting packs and instructions in 2004 had not been helpful:

When you are confronted with a slab of instructions, you think to yourself, ‘Oh my goodness, there is a lot to this, I do not have time, and I will do it later’. In fact, all it really needed to say was, ‘Put a cross like you always do, put it in the envelope and shove it in the box’.

13. In 2004 the Electoral Commission recommended to the UK Government that all postal ballots should not be introduced for statutory UK elections. Evidence from other sources, including evidence to the Committee from Bryn Parry Jones, point to a growing popularity in postal voting amongst the public but also a desire to keep the option of voting in person and to change methods of voting if desired.

14. The security of postal voting has become a major concern following some high profile prosecutions after the 2004 Local Elections in England. The Electoral Commission has found that these concerns have centred on the scope for coercion or undue influence during the completion of ballot papers. Most allegations received by Returning Officers and police related either to voters being coerced to vote a certain way, or to voters being coerced into handing over their uncompleted ballot paper for completion by someone else. There is also concern over the integrity of the electoral register².

15. The Commission is developing its new ‘foundation model of voting’ for statutory elections which ‘must be capable of offering electors both choice and security’. It recommended:

- an updated offence of undue influence in relation to postal voting;
- a new offence relating to the fraudulent completion of postal vote applications.
- a review of the existing legal framework for postal voting on demand to ensure that it is 'fit for purpose' in the light of the increased use of postal voting.

16. It also recommends that the current Declaration of Identity should be replaced with a new security statement to accompany postal ballots. This should require the voter to sign a statement that they are the individual to whom the ballot paper was addressed and should not require any form of witness signature. In his evidence to the Committee Bryn Parry Jones stated:

There are issues with regard to postal voting.... concerning whether it is possible to introduce a postal-voting system whereby signatures can be checked. That is either signatures on the electoral registration form, the application for postal voting or the declaration form.

On a practical basis, that will be possible only if there is investment in signature recognition machines. From a practical point of view, given the volume of paper that is being handled, there is no way in which any sort of manual check between one form and another would be possible at the time when staff are dealing with an election. We have many hundreds of people per constituency dealing with elections as it is. The process, the timescales that are set, and the expertise that would be necessary to make a judgement on matching one signature to another do not make that a practical proposition without investment.

The Committee may want to further consider issues regarding postal voting such as:

- the involvement of political parties in collecting and submitting postal votes;
- The development of good practice for local authorities such as appointing a 'presiding officer' to go around residential homes and assist people with postal votes.

It may also wish to consider any Electoral Commission findings on postal voting in the 2005 General Election.

Encouraging registration and turnout amongst young people

17. The Committee's remit includes looking at ways of improving turnout at elections among young people. A key issue is getting young people to register in the first place.

The Committee may want to consider initiatives for encouraging young people to register and vote, for example:

- making it easier to register to vote, for example by having voter registration initiatives on university campuses, further education and sixth form colleges;
- targeting young people not in the education system by having voter registration initiatives in facilities such as community centres;
- supporting educational initiatives on democracy (some Welsh Local Authorities are already running workshops with young people about how the local councils operate and make decisions)³;
- encouraging preparatory elections such as mock elections and making the first time someone votes a ‘rite of passage’;
- having a special Youth Voter Registration Day.

The Committee might further wish to consider the extent to which e-voting could be a factor in encouraging more young people the vote.

Access

18. Making voting easier for the elderly and the disabled is important for turnout and the fairness of elections. Postal voting and easier access to polling stations are ways of making voting easier for the disabled. In January 2003 the Electoral Commission published best practice guidance for electoral administrators⁴. Nevertheless, in its report on the 2003 Assembly Elections the Commission found that many disabled people felt that their needs were not sufficiently catered for. The Commission also claimed to have seen ‘a positive and gradual improvement in the number of accessible polling stations in Wales’ by the 2004 Local Elections. However, ‘Polls Apart Cymru’ surveyed around 150 polling stations and found that 77% did not meet its criteria for accessibility⁵.

19. In his evidence to the Committee Bryn Parry Jones stated:

On accessibility for disabled people, there are practical issues, which will remain the case despite the Disability Discrimination Act 1995. I suspect that a number of buildings that must be used for polling stations, particularly in rural areas where there is little choice, do not have ideal facilities for welcoming disabled people. The Assembly’s initiative for the last election, in terms of providing temporary ramps, was welcomed and was taken advantage of. As to the permanent capacity for buildings to be accessed by everyone, when you are dealing with buildings such as chapel vestries, there is little capacity for investment. There are programmes that both the Assembly and local authorities run, but they usually require match funding for that purpose. Therefore, we do not have a universally ideal situation, though people can now access buildings by using temporary ramps.

Evidence from SCOPE will further inform the Committee on this issue.

Language

20. Linguistic ability is an important factor in allowing individuals to access the electoral process, whether in terms of registration, as discussed above, or in the act of voting, such as understanding the ballot paper or being able to access advice. Currently, key statutory forms such as ballot papers and registration are available in English and Welsh in Wales.

21. With regard to bilingual voting Bryn Parry Jones noted that while it was ‘a necessary requirement in terms of the expectations of the people of Wales... it is not necessarily fully understood in terms of the way that elections are run on a UK basis’.

22. Current practice is in relation to providing electoral services in languages other than English and Welsh is set out in Guidelines issued by the Electoral Commission.

The Committee may want to further examine issues regarding bilingual voting and the provision of electoral in languages other than English and Welsh by taking evidence from appropriate witnesses.

Capacity and costs

23. The increase in postal voting has raised issues about the capacity of Returning Officers and electoral staff to cope with the electoral process, as was noted by the Electoral Commission in its report on the 2004 Local Government Elections (although another factor was combined elections held on the same day).⁶ Furthermore, as seen above, the introduction a new system of registration; the introduction of security measures to ensure continued trust in the system and the introduction of innovations such as e-voting all have cost implications and raise questions about staff capacity and ‘ownership’ of the electoral process. Some Electoral Administrators feel that to date e-voting pilots have raised concerns amongst Returning Officers that control of the election process is effectively taken over by IT specialists.⁷

24. In his evidence to the Committee Roger Morris commented:

I took part in an Electoral Commission exercise two or three years ago about the cost of elections, but those figures have long since gone out of the window because that everyone will be manning all the usual polling stations over the next few weeks, but at the same time they will be doing a tremendous postal exercise. Therefore, the cost benefit is also changing. We have not touched on that this morning, but, from the point of view of election management, that is an important issue.

The Legislative Context

25. In considering the evidence taken to date and the future work of the Scrutiny Project, Members may wish to consider the proposals contained in the Electoral Administration Bill announced in the Queen’s Speech on 17 May 2005. The Bill:

- Establishes new offences around electoral fraud (including fraudulent application for a postal vote) and extending the offence for personation.
- Simplifies and improve security of postal voting by introducing marked registers of postal votes received and statutory secrecy warnings to prevent people influencing others' voting intentions.
- Enables people to register to vote until nearer to the election date.
- Introduces anonymous registration for vulnerable people.
- Enables Returning Officers to provide guidance to voters in a variety of languages and formats.
- Introduces a framework for the Co-ordinated Online Register of Electors (CORE) to enable national access and ensure registers are securely and accurately maintained.
- Allows access to observers at polling stations and at other stages of the electoral process, such as the count.
- Introduces clearer rules for candidates and political parties and sets a regulatory time period for measuring and controlling candidates' expenses, in line with current party spending controls.
- Reduces bureaucracy for smaller parties and independent candidates, promoting multi-party participation in elections.
- Reduces candidacy age to 18.
- Allows children into polling stations with parents.
- Establishes more flexible and accountable funding arrangements and introduces performance standards for elections in order to tackle current inequalities in the provision of electoral services.
- Give new powers to the Electoral Commission, enabling it to fulfil its statutory duties to monitor and advise on electoral law and processes.

26. The Committee may also wish to consider recommendations announced on 20 May 2005 by the Electoral Commission in its report, *Securing the Vote*:

- All electors should be required to provide individual identification details, for example a signature and date of birth, in addition to their name and address when registering to vote.
- The deadline for registering to vote for a particular election should be moved closer to polling day after the election has been called.
- Electoral registers should be maintained electronically and continuously updated.
- All postal or proxy vote applications should include the personal identification details collected at registration, and Electoral Registration Officers should check applications against the identification details on the new register.
- More time should be provided to allow for checks to be made during the processing of applications.
- New postal vote security statements should include the personal identification details collected at registration, and Returning Officers should check the security statements against the identification details on the new register.
- Failing to supply required information to Electoral Registration Officer.
- Making a fraudulent application for a postal or proxy vote.
- Power of arrest for personation outside a polling station.
- Clarification of the law on the offence of undue influence.

Action

27. That the Committee identifies further areas for investigation and witnesses as part of the Scrutiny Project.

1. HofC, Research Note SN/PC/00954, *Compulsory Voting*, 2003 <http://www.parliament.uk/commons/lib/research/notes/snpc-00954.pdf>
2. Electoral Commission, *Delivering Democracy*, 2004 (a) http://www.electoralcommission.gov.uk/files/dms/DeliveringDemocracyfinalcomplete_16306-10935_ENSW.pdf
3. For example, Carmarthenshire and Pembrokeshire.
4. Electoral Commission, *Equal Access to Electoral Procedures*, 2003.
5. Electoral Commission Wales, *Local Elections in Wales*, 2004 (b).
6. Op.cit., Electoral Commission, 2004 (b).
7. Comments on egovmonitor by Malcolm Dumper, Executive Director (Policy & External Affairs), Association of Electoral Administrators (AEA) <http://www.egovmonitor.com/features/evoting2003.html>