

**Local Government and Public Services
Committee Scrutiny Project
Electoral Arrangements in Wales
Interim Report**

November 2005

Introduction

Background

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.

Purpose of the interim report

At its meeting on 13 October, the Committee agreed to scrutinise the Electoral Administration Bill with a view to ensuring that the views of organisations directly affected by the Bill in Wales were sent to the Committees dealing with the Bill's passage through Parliament.

Due to the short timescales involved, it was agreed that an interim report on their scrutiny project should be prepared and sent to the Standing Committee dealing with the Bill. This report highlights the issues that have come out of the evidence submitted to the Committee so far and the Committee's conclusions based on that evidence.

The Committee considers that the issues raised in this report are important in relation to the Electoral Administration Bill and urges those scrutinising the Bill at its Committee stage to consider these issues in their deliberations.

Methodology

The Committee received oral evidence from the following organisations:

- ◆ Scope Cymru
- ◆ The Pollen Shop
- ◆ Association of Electoral Administrators
- ◆ All Wales Ethnic Minorities Association
- ◆ The Electoral Commission
- ◆ Roger Morris – Electoral Arrangements Specialist
- ◆ Bryn Parry Jones – Returning Officer for Wales (European Elections)

The Committee also undertook a visit to the Netherlands, Denmark and Belgium between the 5 and 8 September 2005 to acquire further evidence regarding voter registration; participation by young people; electronic voting and bilingual voting.

Issues raised by the evidence

Voter registration

The main issues highlighted in the evidence to the Committee were:

- ◆ 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 undertaken.¹
- ◆ 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.

- ◆ **Householder vs individual registration**

There were various views expressed about a move from householder to individual registration:

- ◆ 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.

A move from householder to individual registration 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.

¹ HofC, Research Note SN/PC/00954, *Compulsory Voting*, 2003
<http://www.parliament.uk/commons/lib/research/notes/snpc-00954.pdf>

- ◆ 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'.
- ◆ 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.

- ◆ In their written evidence to the Committee, Scope Cymru and the Pollen Shop stated:

Overall registration of a number of groups will be reduced if individual registration is introduced without care. These include young people, especially those living in houses of multiple occupation, people with low literacy, people who do not speak English as a first language, older people and people with learning difficulties. These groups will have to be directly targeted with specific voter registration campaigns. The National Assembly could take a lead in starting this process now.

The process of individual registration needs to be inclusive. This does not just mean producing the forms in accessible formats but also looking carefully at what security information is required. For example, the requirement to supply a national insurance number would create a barrier for many people.

In his evidence Gwilym Morris stated:

You will also have to allow mass or group registration or give people in a family unit the choice of registering everybody and then getting people to sign for it, or have longer registration periods. Again, one of the things that they have talked about in Northern Ireland is having indefinite registration, so you go on the register and you do not have to reregister, and that follows you about, and there is a process of checking it as time goes on.

- ◆ A key contrast between the UK and the countries visited is the way in which voters are registered. In all three countries visited voter registration is linked to the civil registry or a national citizens' registry. Moreover, electoral lists are not public and therefore not available to political parties which means that the kind of canvassing that is feature of elections in the UK does not occur.

Improving turnout

All the witnesses agreed that falling turnout was a problem which needed to be addressed.

◆ Involving Young People

◆ In his evidence to the Committee Gwilym Morris stated:

With regard to turnout, we have raised several issues and concerns, and we think that turnout is dependent on the accessibility and usability of an election. Some work that we are doing currently for the Electoral Commission will again show how friendly a place groups of young people and those with low literacy skills feel a polling station is and whether they think it an intimidating place to go to with official documentation and how that may prevent them from voting. We have also found quite a bit of evidence that those issues also reflect the experiences of older people. As people get older, they become more intimidated by very official buildings, especially those that are just ad hoc buildings. They are not like a council building that can be accessible. In Wales, especially with regard to the turnout for Assembly elections, you will have to think about that kind of thing. The other issue we have found is how relatively important people think the election is. That is at a national level, at a Welsh level, but it is also at a community level, in terms of whether they see the Assembly Members and the Assembly working for them. Your role in terms of voter engagement, as politicians, is really important in that regard. If your constituents think that you are important, and the job that you do is important, they will vote for you. That sounds obvious, but we have found some direct evidence of that.

Turnout amongst young people is an issue across different countries. In the UK age differences in turnout were evident in the 2001 General Election. In general people who were under 34 were less likely to vote than those in older age groups. In the 2003 Assembly Elections turnout amongst the under 25s was 16 per cent.

This voting behaviour can be linked to young people's attitudes and a number of studies exist based on the British Social Attitudes Survey data which is published every 4 years. A study for Department for Education & Skills found that levels of political interest among young people had fallen between 1994 and 1998 and again in 2003. In 1994, 38 per cent said they had at least some interest in politics; in 2003, this applied to only 31 per cent. Over the same period, the proportion expressing no interest at all has grown, from just over a quarter to over a third.²

The study showed a clear correlation between levels of interest in politics shown by adults in the same household and academic attainment. However, the 2003 data demonstrated that political interest among young people has declined while adult levels of interest have remained stable. The paper states:

² Park, A Phillips M & Johnson M, *Young People in Britain: the Attitudes and Experiences of 12 to 19 Year Olds*, DFES, 2004. <http://www.dfes.gov.uk/research/data/uploadfiles/RR564.pdf>

A number of possible explanations exist. It is possible, for instance, that parents now are less effective in communicating their own interest to young people. Alternatively, the decline in interest among young people might indicate that they have responded differently to adults to the political events of recent years.³

While there is a trend for voter turnout to decline across European countries this has not been the case in Denmark. Long term trends show an average of around 85 per cent. The lowest turnout was 82.8 per cent in 1990.⁴ Denmark has also been successful in mobilising hard to reach groups in society and young people.

- ◆ Anne Birte Pade from the Election Unit stated that voting was a strong social norm in Denmark. Furthermore, Denmark has been successful in mobilising hard to reach groups in society and young people. Danish electoral institutions, such as the political parties, facilitate the mobilisation of weak groups.
- ◆ Danish schools have elected councils made up of two representatives per class. The Education team from Copenhagen Council thought that Council Committees should encourage school councils to give evidence to committee hearings. The council had written a handbook, *The Pupil's Guide to Democracy*. There is an expectation in Denmark that young people will take part in activities outside school and external organisations tend to replicate the democratic decision making structures in the schools. The young people that the Committee met indicated a strong expectation that they should vote.
- ◆ In Denmark the profits from gambling are channelled towards youth organisations and both the party youth groups that the Committee met received funding from the Government through the Danish Youth Council.⁵ This means that they are independent from the 'parent' parties. The Conservatives have around 2,000 members and the Liberals around 3,000. The party groups will go to schools to recruit and to participate in meetings at election time.

Impact of postal voting

- ◆ 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:

³ Ibid.

⁴ IDEA Report. *Voter Turnout in Western Europe since 1945*, 2004.

http://www.idea.int/publications/voter_turnout_weurope/upload/Full_Reprot.pdf

⁵ <http://www.duf.dk/web/data.nsf/subindex.htm?readform&UID=8C26C69053B68BB9C1256D430044354B>

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'.

- ◆ 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.
- ◆ 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 register.⁶
- ◆ 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.
- ◆ 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

⁶ Electoral Commission, *Delivering Democracy*, 2004 (a)
http://www.electoralcommission.gov.uk/files/dms/DeliveringDemocracyfinalcomplete_16306-10935_ENSW.pdf

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.

Electronic Voting

The Committee saw two different systems of electronic voting in polling stations in The Netherlands and Belgium.

- ◆ The Netherlands have been using electronic voting machines extensively since the later 1990s and used the internet for voters abroad in the 2004 EU elections. On the one hand, it can be argued that internet voting and registration would increase turnout, especially among the young and busy professionals, who have easy access to the Internet and whose turnout rates are low. On the other hand, Internet voting may only make voting easier for the already privileged and not increase access for marginalized groups. This is known as the 'digital divide'. The issue of security is also significant. There should be legal, political, operational and technical standards which ensure that e-voting practice complies with the fundamental principles of democratic elections.

The Dutch Government has been carrying major projects to roll out electronic voting (which takes place by using machines or PCs in the polling station) and remote voting (which takes place outside a polling station).

The Dutch Electoral Council stated that any system of electronic voting needs to be:

- ◆ Secret
- ◆ Soundly constructed
- ◆ Simple to use
- ◆ Able to allow mistakes to be corrected.

Most electronic machines in the Netherlands are supplied by a company called NEDAP which has also supplied them to Germany, France and the USA. However, in 2004 the Irish Government cancelled plans to use NEDAP machines for the European elections due to concerns that they do not produce a paper record of the way a vote was cast, and which are used in case of a dispute or re-count.

The SDU system which was demonstrated to the Committee was a touch screen system. The company leases the machinery and software to customers and delivers them to the polling stations on election day. The new system will be used in 2006.

In Belgium, the electronic voting system has been designed to closely mimic the manual system. Voters insert a card into a machine, make their choices by touching the screen with a pen and deposit their card in a ballot box. The ballot box performs an automatic count and voting cards are retained in the box in the event that a recount is necessary.

Members were assured that the system was very simple to use and had met with little resistance from any sectors of the electorate.

Access

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 administrators.⁷ 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 accessibility.⁸

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.

In his evidence to the Committee Gwilym Morris stated:

As a group, the public buildings used in Wales are probably slightly less accessible than those used in England, Scotland and Northern Ireland. Again, there is some variation within the overall picture in Wales. There has been a big improvement, and many buildings have been made more accessible. Historically, Wales has been far worse but there has been a dramatic improvement.

The large print version of the ballot paper in Wales is better because electoral administrators are doing a better job in Wales, probably because of the work the Assembly, we and other organisations have done. They are learning more about the training process, because being on display means something obvious—it means that the large print ballot paper is at eye level. We include that in every training package and the guidance, and we talk to people about it. In many other places, it does not happen—they stick it nine feet in the air, which is of no use to anyone, or they just do not put it out. That is an indication that people are doing a good job in terms of training their presiding officers to ensure that they are following all the guidelines that we and the Assembly give them. That regional variation is obvious; for example, in Wales, the local authorities that are doing a good job broadly, in terms of access, are doing a very good job in terms of ensuring that large-print ballots are displayed.

⁷ Electoral Commission, *Equal Access to Electoral Procedures*, 2003.

⁸ Electoral Commission Wales, *Local Elections in Wales*, 2004 (b).

Mobile ballot boxes are used in both Denmark and the Netherlands for people who have difficulty in getting to the polling station.

In the Netherlands, managers at each polling station are required to produce a report at the end of each poll, outlining any difficulties encountered during the polling period. This covers not only access issues but also any other problems voters have encountered at the polling station. These are submitted to the returning officer who in turn is required to submit a report on issues raised to the Dutch Electoral Council.

Language

Linguistic ability is an important factor in allowing individuals to access the electoral process, whether in terms of registration, 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. In December 2004 the Government published its response to proposals from the Electoral Commission:

31. Returning Officers should have powers to provide sample ballot papers in polling stations on request in a variety of languages, Braille and large print. However, electors would continue to vote on a standard ballot paper.

The Government agrees with the aim of this recommendation, and wants to make voting easier and more accessible for all the electorate. However, rather than producing sample ballot papers which may cause confusion, we will enable Returning Officers to deliver improved services, mirroring best practice by supporting the development of guidance in different formats.

32. Guidance notes should also be available at each polling station and on ballot papers that explain clearly how to vote. These should be provided in other languages, if deemed necessary, and in a pictorial format.

The Government agrees with the aim of this recommendation. However, we do not wish to clutter ballot papers with additional wording and will therefore seek to ensure that additional information is provided at polling stations in different formats reflecting current best practice.

33. Returning Officers should have statutory powers to provide key statutory forms (including registration forms, polling station notices, etc) in a variety of languages and formats, in addition to English and Welsh. The languages used would be at the discretion of the Returning Officer.

The Government agrees with this proposal to allow Returning Officers to provide key statutory forms in a variety of languages and formats, in addition to English and Welsh, at their discretion, with the exception of registration forms. The registration forms should in the Government's view be in English and Welsh only, but should be supported by guidance notes in a variety of languages and formats available on request. This will support the electorate but would also clarify that such forms should be completed in English or Welsh only.⁹

While all statutory documentation is available in Welsh as well as English questions still arise as to support and advice available through the medium of Welsh. These sort of issues are encountered in other

⁹ DCA, *The Government's Response to The Electoral Commission's report: Voting for change – An electoral law modernisation programme*, December 2004.
<http://www.dca.gov.uk/elections/govresp-vfc-cm6426.pdf>

countries with more than one official language. The extract below is from the 2000 Elections Canada Report.

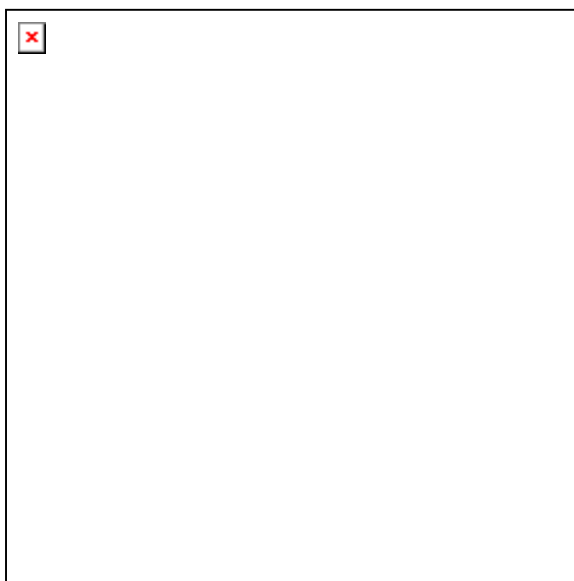
For the general election, all election officers were trained to carry out their responsibilities to provide service in both official languages. As usual, returning officers were instructed to recruit bilingual workers. In areas of the country where it was difficult to recruit bilingual staff, an alternative was to give unilingual election workers descriptive cards explaining to electors how to obtain service in either official language. A toll-free 1 800 number for bilingual service from Elections Canada was available, all election-related information was available in both official languages, and our Web site is fully bilingual.¹⁰

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’.

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

Cost and Resource Implications

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).¹¹ 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



¹⁰ Elections Canada, Report of the Chief Electoral Officer of Canada on the 37th General Election Held on November 27, 2000

<http://www.elections.ca/content.asp?section=gen&document=stat08&dir=rep/sta&lang=e&anchor=8&textonly=false#8>

¹¹ Op.cit., Electoral Commission, 2004 (b).

date e-voting pilots have raised concerns amongst Returning Officers that control of the election process is effectively taken over by IT specialists.¹²

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.

Interim conclusions on the issues raised

Voter registration

- ◆ The Committee agrees that issues surrounding voter registration need to be addressed.
- ◆ Any move away from the current system of householder registration towards a system of individual registration should take into account the following factors:
 - ◆ Current capacity amongst electoral administrators;
 - ◆ Increase in workload;
 - ◆ Increase in costs;
 - ◆ Potential under registration due to lack of facilities for individuals with literacy or other difficulties to be registered;
 - ◆ Criteria on which individuals should be registered (e.g. address based or personal criteria);
 - ◆ The length of registration periods (e.g. yearly or less frequently)
 - ◆ The use of other data sources to cross reference the accuracy of the electoral register.

Improving turnout

The Committee agrees that declining turnout, especially amongst young people needs to be addressed.

- ◆ **Turnout amongst young people**
- ◆ There should be increased facilities within the national curriculum for young people to be taught about political parties and their role in the democratic process;
- ◆ Head teachers should be encouraged to invite political parties into schools to facilitate debate amongst pupils;

¹²Comments on egovmonitor by Malcolm Dumper, Executive Director (Policy & External Affairs), Association of Electoral Administrators (AEA)
<http://www.egovmonitor.com/features/evoting2003.html>

- ◆ Measures should be put in place to facilitate the inclusion of young people who are socially and economically excluded from society and feel alienated from the democratic process;

◆ **Postal voting**

- ◆ The postal voting system needs to be perceived as being a secure one;
- ◆ Voting packs should be simple and straightforward to use and use language that is accessible to the majority of people;
- ◆ A system of checking signatures on postal votes should be cost efficient and, preferably, automated;
- ◆ There should be the ability for a person to change their method of voting if desired.

◆ **Electronic voting**

- ◆ Methods of electronic voting in polling stations should be investigated with a view to recommending systems suitable for use in the UK;
- ◆ Areas should be identified for piloting electronic voting systems and a timetable established for the trials;
- ◆ Subject to the outcome of the trials, local authorities should have the freedom to choose electronic voting systems as their preferred method of conducting elections.

Access

- ◆ The guidelines on physical access to polling stations should be tightened up and obligations under the Disability Discrimination Act 1995 should be made explicit in all guidance;
- ◆ Targets should be set for local authorities for the percentage of polling stations that are fully accessible to all abilities;
- ◆ The abilities of people in full time residential care to vote should be addressed and measures put in place to ensure that they are able to exercise their right to vote in a free and confidential manner;
- ◆ Managers in each polling station should be required to produce a report at the end of each session poll indicating any difficulties encountered with access and accessibility.

Language

- ◆ The provision of bilingual support and advice available to people through both the registration and voting process should be a requirement for all electoral areas in Wales;
- ◆ The requirement for the provision of support and advice in languages other than English and Welsh available to people through both the registration and voting process should be assessed in each electoral area in Wales.

Cost and Resource implications

Much of the evidence received indicated that electoral administration is seen as a 'Cinderella' service in the majority of local authorities.

- ◆ The provision of electoral services must be sufficiently funded to enable electoral administrators and returning officers to carry out their duties and responsibilities effectively;
- ◆ The provision of electoral services must be funded and staffed on a year round basis;
- ◆ Any changes to the duties and responsibilities of electoral administrators and returning officers must be adequately funded and resourced.

Conclusion

The Committee has concluded that there needs to be changes in several aspects of the way in which our electoral system operates. These changes, however, need to be well considered and framed within a time period which allows for carefully crafted, well thought out proposals.

The Committee continues to hear evidence for its scrutiny project and will be taking evidence separately on the Electoral Administration Bill. This report serves to highlight the Committee's views, formed on the evidence received so far.