

Analysis of Responses to Consultation on Electoral Arrangements

1 Registering Voters

1.1. The majority of respondents did not believe penalties were an effective way to increase voter registration.¹ Concerns raised related to the costs and resources required to enforce registration and doubts were raised about the effectiveness of imposing penalties in increasing turnout. Many respondents felt that education and publicity were much more valuable in encouraging registration.

1.2. Roger Morris, a former Returning Officer², responded that:

Prosecution (or any other penalty) will probably be counter-productive, as someone fined is unlikely to be a regular or willing voter.....There is also considerable risk at present that a prosecution for failure to register could be turned into a campaigning or bureaucracy martyrdom platform, just as for court action about failure to pay council tax.

1.3. The Electoral Commission noted that where intentional fraud arises, it should be prosecuted. However, there will always be those who fail to supply information or do so incorrectly and these will often be the more vulnerable members of society. Therefore, prosecution would not be appropriate.

1.4. With regard to methods to increase registration a number of respondents favoured a link to the National Insurance system or to other records systems such as the Benefits Agency or Council Tax lists. Roger Morris stated:

A simple but fairly effective way might be to require people to state their electoral number on a wide range of public documents and applications. Of course, the information would need at least random checking, and could well offend data protection and other principles were it seen to be being collected for ulterior purposes not necessary for the business in hand. It would no doubt help if local government in particular could ensure that one change of address notification was sufficient across the whole range of council services.

1.5. Many respondents were in favour of targeted promotion to encourage young people to register.³ The Electoral Commission highlighted its intention of running a publicity campaign in the run up to the 2007 Assembly Elections and Swansea City and County Council said that its practice is to hand out School Leavers' Packs which contain information on voter registration and

¹ Local Government and Public Services Committee, *Electoral Arrangements in Wales: A Discussion Document*, May 2006. Q.1.

² Roger Morris is a former local authority Chief Executive, and has been involved in running elections for over thirty years, serving as Regional Returning Officer for the all-postal European Parliamentary Elections of 2004. He is the author of *Elections, Problems and Solutions* (2003 with David Cowan and David Monks) and *Running Elections* (2005, with David Monks). He provided specialist research, briefing and advice to the LGPS Committee to support its scrutiny of the Electoral Administration Bill. Comments quoted here are from a separate submission to the consultation in summer 2006.

³ Op.cit., LGPS, May 2006.Q.2

other issues, such as council tax. Other respondents thought that landlords should be required to register tenants or that landlords and letting agencies should hand out registration forms.

1.6. Asked for their views on individual registration and security, most respondents were opposed to individual registration on the grounds that it would lower turnout and prove confusing for electors.⁴ However, there was a significant recognition that it could improve security. This reflected views expressed in Parliament during the passage of the *Electoral Administration Act 2006*. The Electoral Commission reiterated its support for individual registration and was supported by the submission from CEWC Cymru⁵. The point was made that while registration had dipped when individual registration was introduced in Northern Ireland, the accuracy of the register had increased and now the numbers registering had increased again.

1.7. Most respondents were positive about the benefits of automatic registration in principle but a number raised questions about the practicality of its introduction in the short term, for example whether it would require the introduction of identity cards (eg. Mold Town Council, Pembrokeshire County Council).⁶ Roger Morris stated:

Automatic registration presupposes the existence of linked systems not currently operating in the U.K. In other countries where the tradition has been different it clearly works well. At a time, however, when major difficulties are being signalled with identity cards and other large-scale linked IT systems, it is difficult to see how automatic registration could be quickly and relatively inexpensively introduced.

The Electoral Commission was equally cautious stating that: “*automatic registration tends to feature in countries where there is a national citizens register. The commission believes that better sharing of data would assist the registration process in Britain*”.

1.8. A number of responses to the question about what steps should be taken to encourage more Black and Minority Ethnic (BME) voters to register⁷ expressed the view that general initiatives to encourage registration were equally valid for the BME community. Other respondents proposed more education and targeting of voters through community leaders and community and religious centres and more provision of promotional literature in relevant languages. Some respondents suggested that more BME candidates and representatives at different levels of Government would encourage registration and Swansea City and County Council suggested that greater participation as clerks and counters in elections would stimulate interest.

⁴ Ibid. Q.3 (a) & (b)

⁵ Council for Education in World Citizenship

⁶ Ibid. Q.4.

⁷ Ibid. Q.5

2 Ways of Voting

2.1. There was very strong opposition to the proposition of an all postal vote for elections, the principal reasons given being the unreliability of the postal service and concerns about security and the danger of abuse.⁸ Some respondents stressed the importance of going to vote as an important civic duty and community activity and the Electoral Commission noted that the electorate values the choice of going to vote in person or by post.

2.2. With regard to electronic voting⁹, the responses overall reflected a need for balance between making use of new technologies which might encourage younger voters and the need to take account of older voters' needs. There was a strong feeling that if electronic means were to be used then the systems would need to be robust to allay fears about security. A number of respondents observed that it would make the count quicker and cheaper. The Children's Commissioner for Wales also thought that use of text and internet would mean that young people would be able to use voting methods familiar to them and "*reduce the unfamiliar element of the physical act of voting*", although issues of access also applied to some groups of young people and security was an issue of equal concern. The Ceredigion Green Party took issue with the parallels drawn with voting for reality TV shows:

Equating the two activities in many peoples' minds would trivialise what should be an important civic duty of adults living in a democracy. Voting is not something to be dashed off in a few seconds of texting – it is a serious matter which merits considered thought, discussion, reading of electoral material etc.

2.3. Responses to the proposition that alternative venues to traditional polling stations should be used for voting were mixed.¹⁰ While some were strongly opposed, most responses were happy with the idea of alternative venues such as supermarkets but many were clear that they should be subject to the same standards as polling stations and security should be robust. One respondent noted that it would be difficult for the political parties to employ tellers in a supermarket (Ceredigion Green Party).

3 Voter Turnout

3.1. Responses attributed poor turnout by young people¹¹ to a range of factors, namely: a feeling of being excluded by the political process; a feeling that politics or political institutions are not relevant to them; apathy (of both young people themselves and their parents) and a lack

⁸ Ibid. Q.6

⁹ Ibid. Q.7

¹⁰ Ibid. Q.8

¹¹ Ibid. Q.9

of knowledge. With regard to the latter point, one respondent cited the example of a young woman who, *“when asked if she would vote for her local councillor replied that it didn’t apply to her because she didn’t live in a council house.”* Another respondent made the point that young people no longer felt a civic duty to vote. Some respondents made the point that many young people were interested in single issue politics.

3.2. Most respondents strongly favoured an increase in political education in schools¹² and many believed that this should focus on a greater appreciation and understanding of the political system and the different levels of government. Some respondents stressed the importance of teaching about the principles of democracy in an historical context. Several respondents, however, expressed concerns about biased teaching.

3.3. The Children’s Commissioner for Wales commented on the current mechanism for political education in Wales, Personal and Social Education:

Awareness of political structures and the voting process is included within Personal and Social Education (PSE) and as this area of study is not statutorily assessed there is no measure as to how successfully and consistently these areas are taught within schools. Where PSE is delivered by non-specialist teachers the success of teaching these quite complex matters may depend greatly on the skills and personal knowledge of individual teachers. Therefore, the delivery of political education may be inconsistent across Wales and young people may have varying levels of knowledge in relation to the political process. .. The young people in the advisory groups said that learning about voting in schools would be useful as it would help them to make informed choices, give them more confidence and encourage them to vote. However concerns were raised about PSE lessons and their effectiveness, with the young people stating that lessons about voting should be fun and interactive

3.4. However, while most respondents favoured more political education in schools there were mixed reactions to the proposition that students should be taught about party politics.¹³ Some respondents were opposed altogether, other were in favour with strong caveats about equal treatment and neutrality. Many favoured hustings, mock elections and inviting local representatives into the school to hold discussions with pupils. A number of respondents, including One Voice Wales, made the point that it was important that all political parties should be included

3.5. MENCAP Cymru made some specific points in relation to pupils with learning disabilities:

Young people with learning disabilities have a low level of registration to vote. Our 'Partners in Politics' project seeks to address this. We will be

¹² Ibid. Q.10

¹³ Ibid. Qs..11 & 12

sending people with learning disabilities into schools to talk to young people with LD/statements of special educational need. They will be specially trained to deliver the 'Diversity in Dialogue' programme which encourages self advocacy and involvement in politics.

3.6. In terms of good practice¹⁴, a number of respondents mentioned the work of Youth Councils in their areas and practices such as mock elections, hustings, visits to councils and democracy events aimed at sixth formers. In Torfaen a successful citizenship programme was being run in West Monmouthshire School and initiatives are run by the local authority to raise awareness of how the council operates and of the electoral process. However, Torfaen County Borough Council added that *“it is often difficult to get schools on board even when willing and free resources are available from the local authority”*. Swansea Council reported that it had an active programme of community engagement which involves an annual programme of school visits by the elections unit and annual local democracy weeks aimed primarily at young people. Rhyl Town Council reported that it had been influenced by a local school's council to make decisions which directly impacted on school life and led to the introduction of playground furniture and this had given young people an insight into the democratic decision making process.

4 Access to Registration and Voting

4.1. Opinions were mixed about whether adequate arrangements were in place for helping people with disabilities to register to vote.¹⁵ A number believed that arrangements were adequate, especially with the *Disability Discrimination Act 1995* (DDA) in place. Others felt that the DDA was not being implemented properly.

4.2. A number of respondents noted that Electoral Registration Officers could take a proactive role. Roger Morris stated that *“it would be good practice for registration officers to offer direct assistance to anyone who needs it”* he further noted that *“experience with the all-postal pilot voting in the East Midlands in 2004 suggests far fewer people seek this than might be expected, although some allowance must be made for the facility becoming better known”*. Torfaen County Borough Council stated that it would be possible to *“encourage electors to telephone and ask for assistance or visit offices to seek assistance from staff”* and there was scope for the use of telephone/internet registration facilities to register.

4.3. A number of respondents noted that there was a need for staff involved in electoral registration to be appropriately trained to assist people with disabilities to register. The Electoral Commission issued comprehensive best practice advice to electoral administrators in 2004 on improving the accessibility of voting and registration and has made recommendations on

¹⁴ Ibid. Q.13

¹⁵ Ibid.Q.14

these issues in Wales and across the UK in successive election reports. It states:

We encourage electoral registration officers to provide registration materials in accessible formats. The Commission is undertaking targeted campaign work to encourage people with disabilities to register to vote. There is always more that can be done to assist people across the range of disabilities to register and vote and that assistance can often best be provided at local level in consultation with local disability groups.

4.4. Some respondents also suggested that agencies such as social services, carers, Help the Aged, WRVS, Meals on Wheels and other appropriate networks should be used to promote registration. The Electoral Commission highlighted work already underway:

The Commission is currently funding a project in Ceredigion called “my voice my vote” specifically aimed at ensuring that people with learning disabilities are aware of their democratic rights, the purposes of voting and how they can use their votes to make a positive difference to their lives. The project will produce a resource pack and will facilitate an Awareness Day in the run-up to the National Assembly for Wales election of 2007. It will aim to train a number of workers on the specifics of ensuring that those individuals with learning difficulties play a full time part in our democratic society.

4.5. Expectations about the DDA were expressed in respect of facilitating voters with disabilities to access polling stations.¹⁶ Some respondents felt that current arrangements were adequate, other felt that there was ample room for improvement and a need for better compliance. The *Electoral Administration Act 2006* implements recommendations of the Electoral Commission and requires local authorities to review their polling districts and polling places at least every four years, with a view to ensuring that all elections in the area have reasonable facilities for voting and that polling stations are accessible to disabled people, as far as reasonably practicable.

4.6. Swansea Council highlighted the competing demands on electoral administrators:

Returning Officers have to consider the needs of all electors in allocating a polling location and at times there can be a conflict between providing a fully accessible polling station and providing one which is in a convenient location. To justify the use of a premise as a polling station we have to prove that we have taken all reasonable steps to find an alternative. This can prove difficult in rural areas where there is not the choice.

Swansea reported that it carried out regular polling station reviews and had identified all current polling stations which do not fully comply with the DDA and adapted them with temporary ramps, handrails and hearing loops, however it stated that “*this is not ideal and is certainly not the answer to providing full disabled access*” but suggested that “*if the electorate are*

¹⁶ Ibid. Q.15

informed by their returning officer that their polling station is not fully accessible then it gives them time to consider and apply for a postal or proxy vote". It added that to provide further options of voting for the disabled "the Government must consider a national electronic register and e-voting to enable the electorate to vote at any polling station or via the internet or their mobile phone".

4.7. Torfaen County Borough Council suggested that the timetable could be lengthened from close of nominations to day of election which would enable election staff to have time to visit pensioner complexes/ residential homes and assist electors whether they are disabled or not to vote and put their ballot paper into ballot box.

4.8. As with registration, a number of respondents felt that staff in polling stations should be appropriately trained to assist people with disabilities to vote. Pembrokeshire County Council reported that "*polling station staff are now trained and a consistent part of such training is sensitivity to this issue together with practical guidance*". An authorised electoral officer (who also works in Social Care) visits each County Council Home to assist residents in postal voting, if they so wish. MENCAP Cymru felt that polling clerks should be appraised of the needs of voters with learning disabilities in future elections, as they had encountered cases where young people had been turned away because they needed help reading the ballot paper.

4.9. In response to the proposition that there should be statutory standards relating to accessibility to registration and voting¹⁷ most responses were in favour but with some caveats regarding a need for flexibility in certain circumstances. Roger Morris stated:

Detailed prescription is not practical in this context, particularly in the case of polling stations. (Government in any case prescribes the canvass form.) The Disability Discrimination Act 1995 duty based on practicability is well understood and precedented in legislation. It appears to be effective in relation to other kinds of premises.

4.10. The Electoral Commission intends to assess the impact of changes in the *Electoral Administration Act 2006* before considering whether further statutory change is required.

4.11. Some respondents felt that some clearly defined standards would help ensure more consistency across local authority areas. Swansea Council stated:

At present some local authorities are much more pro-active in promoting access than other authorities, it is very much up to each Electoral Registration Officer/Returning Officer whether he/she provides the Electoral Form in Braille-large print, provide for registration by telephone/internet. The same applies to the Returning Officer and how he/she promotes access to voting.

¹⁷ Ibid.Q.16

4.12. With regard to the use of mobile ballot boxes¹⁸, respondents split roughly half and half. Those opposed saw it as unnecessary given that the opportunity to use a postal vote existed and there were concerns about security. Many of those in favour approved the idea in principle but qualified their approval with the need for robust procedures for its use and the need for flexibility in rural areas where its use may not be practical.

4.13. Most respondents agreed with the proposition that each polling station manager should submit a report, along the lines of current practice in the Netherlands¹⁹. However, some respondents suggested that if problems arose they would be reported anyway and others stressed the importance of any reports being followed up and acted on. Roger Morris noted:

Informal reporting is already a practice in some areas, and is part of the Electoral Commission's consideration of performance standards under section 67 of the Electoral Administration Act 2006. Reports should be straightforward and limited to what is strictly necessary.

4.14. With regard to the availability of advice in Welsh and English for elections²⁰ most respondents noted that literature was provided in both Welsh and English and this was not an issue. There was also general agreement that the presence of Welsh speaking staff should reflect the linguistic make up of the area. It was acknowledged that this would provide a greater challenge in linguistically mixed areas. Llanelli Town Council stated that: *"perhaps a more conscious effort needs to be made by ROs to ensure that at least one staff member at each station is bilingual"*. Swansea Council said that it was not feasible to equip all its polling stations with members of staff who are fluent in Welsh but *"we can identify parts of our area where Welsh is predominately spoken and we do ensure that at least one member of the polling station staff in those areas can converse in Welsh"*.

4.15. Most responses identified the provision of literature in languages other than Welsh and English as the key factor in encouraging more BME people to register and vote.²¹ A number of respondents also identified liaison with community leaders and BME networks with Electoral Registration Officers and local authorities as important and some suggested that education in the electoral process should be provided. Swansea's response said:

Each authority must be seen to go into their communities, possibly via mosques, meeting places, community leaders and holding open days where they can register to vote.

...we can identify areas of Swansea that have a high record of BME electors, therefore we always seek to ensure that one member of staff employed at the polling stations would be able to converse in their relevant language. This appointment is made by involving the community groups.

¹⁸ Ibid.Q.17.

¹⁹ Ibid.Q.18

²⁰ Ibid.Q.19

²¹ Ibid. Q.20

Several responses suggested that all voters should be treated the same regardless of their background.

4.16. Overall most responses felt that forms and information on voting and registration were clear and understandable, although it was acknowledged that less literate voters may struggle.²² A significant minority thought that they were difficult to understand, citing reasons such as complex and detailed language and problems in understanding the arrangements for Assembly elections and the eligibility of EU citizens to vote in local and Assembly elections. With regard to complex language, CEWC observed:

On the accessibility of written materials, it is not only Welsh speakers or black and ethnic minority groups that struggle with understanding the language in which elections are conducted. The language used on forms and on the media throughout the process needs to be easily understood and jargon-free, for those with special education needs and others to feel more comfortable and informed about the process. Putting candidates' pictures next to their names on ballot sheets as a matter of course should be given serious consideration too in this regard.

5. General Points

5.1. Other issues raised by respondents which are out with the remit of the scrutiny project included the rising of Town and Community Council elections and by-elections; the timing of polling day on Thursdays and compulsory voting.

²² Ibid. Q.21