



# THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

## Formal response to the Department for Communities and Local Government (DCLG) consultation on moving the date of English Local Government elections to the date of the European Parliamentary elections in 2014

### 1. Introduction

- 1.1. The Association of Electoral Administrators (AEA) was founded in 1987 and has since established itself as a professional body to represent the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has some 1730 members, the majority of whom are employed by local authorities to provide electoral registration and election services.
- 1.2. The AEA encourages and provides education and training in electoral administration, in addition to a range of commercial and professional services.
- 1.3. The key **aims** of the AEA are to:
  - a. contribute positively to electoral reform within the UK;
  - b. foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK;
  - c. raise the profile of electoral administration both within the UK and internationally;
  - d. enhance and maintain the AEA's reputation as the leading professional body for electoral administrators within the UK.
- 1.4. The AEA supports and advocates two key principles set out by Gould (Independent Review of Scottish Parliamentary and Local Government Elections, Ron Gould, 2007) in his report on the 2007 elections in Scotland, namely that:
  - all those with a role in organising elections should consider the voters' interests above all other considerations: and

- electoral legislation should not be applied to any election held within 6 months of the new provision coming into force.
- 1.5. The AEA welcomes the consultation on this matter. We have considered carefully the arguments set out in paragraphs 7 - 13 of the consultation paper. We also comment on the following additional and related matters:
- a. the timing of the elections in 2014 and the implementation of individual electoral registration (IER);
  - b. the potential for neighbourhood planning referendums to also take place on the same day as the local elections in 2014; and
  - c. the impact of the spring bank holiday (26 May) if the poll at the European Parliamentary elections is held on 22 May.
- 1.6. In line with the AEA's non-partisan role, we comment only on the administrative issues relevant to the consultation. We do not comment on any political issues that may arise as a result of moving the date of any of the electoral events included within the consultation.
- 1.7. For ease of reference we have numbered the questions set out in the consultation paper.

## **2. Overarching principles and issues**

- 2.1. The key issue for electoral administrators, voters and participants in the elections is to have certainty as soon as possible. From an electoral administration perspective, it is vital to have this for planning purposes.
- 2.2. Whichever decision is made there would be voter awareness issues to be considered in order to address the potential for voter confusion. The earlier that there is certainty, the sooner work can begin on planning both national and local public awareness campaigns and communication strategies.
- 2.3. Early decisions will need to be made in relation to the European Parliamentary election. An example of this would be a decision by Regional Returning Officers on local or regional procurement for the production of ballot papers for this election. Similarly, the logistics of the conduct of any election requires bookings and other arrangements to be made well in advance of the date of that election, particularly where schools and large public venues are concerned. The comments at the end of this paper regarding staffing around the spring bank holiday and half-term holiday should also be noted.
- 2.4. We welcome the commitment in the consultation paper (paragraph 16) that, if the decision is to move the date of the local government elections, the

relevant order would be laid before the UK Parliament not later than June 2013 and that it must be made by the end of October 2013.

- 2.5. There are essentially four possible scenarios to be considered:
  - a. standalone local government elections including elections of directly elected mayors and parish council elections (1 May) and the European Parliamentary elections (22 May);
  - b. standalone local government elections including elections of directly elected mayors and parish council elections (1 May) and the European Parliamentary elections (5 June);
  - c. combined local government (including mayoral and parish council) and European Parliamentary polls on 22 May; and
  - d. combined local government (including mayoral and parish council) and European Parliamentary polls on 5 June.
- 2.6. Within these four scenarios there are other variables highlighted by the consultation document regarding the holding of other polls, such as council tax referendums. We comment on these in response to Question 3 below.

### **3. The implementation of individual electoral registration (IER) and the postponed 2013 annual canvass**

- 3.1. In arriving at a decision as to the timing of the local government elections, DCLG should liaise with Cabinet Office officials with regard to any impact on the timetable for the implementation of IER in 2014.
- 3.2. Separate electoral events on 1 May and then either 22 May or 5 June would lengthen the time during which core electoral services staff would be engaged on delivering those events. As indicated in the consultation paper, it would also result in complexity and duplication of work.
- 3.3. To support the transition to IER, the UK Parliament has recently passed legislation<sup>1</sup> to postpone the 2013 annual canvass with the publication of the revised registers (in England) to be on 17 February 2014. If the date of the local government elections remains at 1 May, the publication of the register would be around five weeks before the start of the election timetable.
- 3.4. The timetabling of electoral registration activity and the elections in 2014 is extremely tight in terms of two major events following consecutively and the amount and complexity of the work to be delivered. It would be preferable for electoral administrators to have a longer period between the conclusion of the annual canvass and the start of the election timetable in order to prepare

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<sup>1</sup> <http://www.legislation.gov.uk/ukxi/2013/794/contents/made>

effectively for the elections. For example, in our report on the elections in 2012<sup>2</sup>, we highlighted the difficulties in terms of the data for poll cards arising from the overlap of the annual canvass and the election timetable. Allowing more time for the production of poll cards would be a significant benefit arising from moving the date of the local elections.

- 3.5. It would also give EU citizens identified towards the end of the annual canvass more time to comply with the additional registration and declaration requirements to be able to vote in the European Parliamentary elections<sup>3</sup>.
- 3.6. Equally, there would be a longer period of time for political parties to receive and use the revised registers for campaigning purposes. It is recognised that this would not assist independent candidates.

**4. Question 1: Do you consider that Government should seek to move the date of elections to principal local authorities in 2014, including elections of directly elected mayors, from 1 May so that they are held on the same day as, and in combination with, the European Parliamentary elections?**

- 4.1. Yes. We agree for the reasons set out in paragraphs 7 - 11 of the consultation paper and for the reasons set out above in paragraphs 3.1 to 3.6.
- 4.2. If they were held separately, there is the potential for confusion on the part of voters and participants regarding the deadlines for registration and absent voting applications as well as other key election activity where the timetables overlapped. For example, if the European Parliamentary election were to be held on 22 May following local elections on 1 May, (subject to changes being in effect regarding the timing of the first issue) postal votes at the European Parliamentary election would be arriving with voters during the week of polling day at the local elections.
- 4.3. In addition to the administrative complexity involved, having two sets of elections within a few weeks of each other would involve the duplication of a considerable amount of work (and cost) including:
  - the issuing of two separate sets of poll cards;
  - the separate issue and receipt of postal ballot packs for the two sets of elections; and
  - the checking of 100% of identifiers on two separate sets of postal voting statements.

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<sup>2</sup> [http://www.aea-elections.co.uk/downloads/reports/aea\\_post\\_elections\\_report\\_2013.pdf](http://www.aea-elections.co.uk/downloads/reports/aea_post_elections_report_2013.pdf)

<sup>3</sup> European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001; regulations 4(1) and 6

4.4. Similarly, the hiring of polling stations and staff for two separate polling days would present a considerable challenge with difficulties in recruiting staff and securing premises, particularly schools, for the respective dates.

4.5. Issues of cost and resourcing are not insignificant given the current local government climate.

**5. Question 2: If we change the date for those elections should we also move the date of parish council elections where they are scheduled to take place on 1 May 2014?**

5.1. The benefits both for voters and for electoral administrators (as set out in paragraph 11 of the consultation paper) of combining the local principal areas and mayoral elections with the European Parliamentary election would be lost if the polls at the parish council elections remained on 1 May.

5.2. If the principal area elections are moved and the polls combined with those at the European Parliamentary elections, it would make sense to also move the date of the scheduled parish council elections.

5.3. Given that nominations for the European Parliamentary elections will be received and determined by the Regional Returning Officer, for the local returning officers the impact of receiving nomination papers for both the principal area elections and the parish council elections would be the same as it would be if the elections were held as scheduled on 1 May. Regional Returning Officers faced with receiving nominations for all three elections would need to factor that into their planning and resourcing for the elections in their local area.

**6. Question 3: If we change the date of elections to principal authorities, should we also move the date of any council tax referendums where they are scheduled to take place on 1 May 2014?**

6.1. From a purely administrative perspective, this would make sense.

6.2. We note and welcome the flexibility in the regulations<sup>4</sup> as to whether the polls are combined. For practical purposes, this flexibility would be essential.

6.3. Careful consideration would need to be given to any public awareness work so that voters were clear as to the purpose of the referendum as distinct from any other referendums or elections held on the same day. For example, it is entirely possible for there to also be a neighbourhood planning referendum on the same day. This could result in voters being asked to cast a vote in several different electoral events using different voting systems and with different outcomes: European Parliamentary election; principal area election; parish

council election; council tax referendum; and neighbourhood planning referendum.

**7. Question 4: What practical issues do you foresee in combining effectively local elections with the European Parliamentary elections?**

- 7.1. Certainly the procedures become more complex the more electoral events that are held on the same day, and the more polls that are combined. On balance, this is preferred to the difficulties and duplication of effort and resource involved in running separate elections and referendums within a few weeks of each other.
- 7.2. A key consideration arising from combination will be the management of the elections and the role of the Regional Returning Officer in coordinating and directing the activity of local returning officers. This role is well established and has been delivered successfully in the context of combined polls. However, the Electoral Commission performance standards, monitoring and assessment will need to support that role effectively without resulting in duplication of reporting or any conflicts between standards and specific directions.
- 7.3. In terms of logistics, there would be an impact on the production of postal ballot packs with potentially at least three ballot papers to be included, two of which (the European Parliamentary and the parish council ballot papers) may well be sizeable given the potentially large number of candidates to be included.
- 7.4. Similarly, if there were three or more ballot papers in a ballot pack this would impact on mailing costs.
- 7.5. The number and size of ballot papers would also impact on the number of ballot boxes required both in polling stations and for the receipt of postal votes.
- 7.6. We note that consequential amendments would be made to address issues relating to annual meetings and terms of office etc.

**8. Question 5: What practical issues do you foresee in combining effectively local elections with any referendums?**

- 8.1. There is a distinct difference between holding a referendum on the same day as local elections and combining the polls. The current regulations for council tax (and neighbourhood planning referendums) contain combination provisions which (as set out at 6.2 above) allow flexibility for the local returning officer and the counting officer to agree whether or not to combine the polls.

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<sup>4</sup> The Local Authorities (Conduct of Referendums)(Council Tax Increases)(England) Regulations 2012; regulation 17.

- 8.2. This would impact, for instance, on whether a separate or combined poll card is issued; whether a separate ballot box is to be used; and on whether the referendum ballot paper should be included in the same postal ballot pack as the ballot papers for the elections.
- 8.3. Given that the European Parliamentary elections would also be taking place on the same day as the local government elections and these polls would be combined, as noted in paragraph 7.2 above, the Regional Returning Officer would have responsibility for overseeing planning and coordination across the region, including a power of direction which can impact on the conduct of the other elections and referendums.
- 8.4. It would be necessary for Regional Returning Officers to be aware of any referendums taking place within the region and to allow the relevant counting officers to exercise any necessary flexibility in delivering those referendums alongside the elections. For example, it may not be practical in terms of production, or helpful to the voter, to have more than a certain number of ballot papers with differing instructions in a single postal ballot pack.
- 8.5. The timing of the various verification and count processes would also need to be considered by the Regional Returning Officer together with the local returning officers and counting officers. The verification process will become more complex and will require careful management.
- 8.6. If a neighbourhood planning referendum was also held on the same day as the other elections and council tax referendums, the management of the electoral registers for the different events would be complicated (particularly if a business referendum were also taking place).
- 8.7. In addition, there would be the potential for confusion with not all voters within a local government area taking part in the neighbourhood planning referendum. This would require a carefully planned communications strategy dovetailing national and local public awareness work.
9. **Question 6: What action do you think should be taken to address these practical issues (whether by local authorities, Government or the Electoral Commission)?**
- 9.1. The critical issue in terms of participation would be the provision of clear public information about the different elections, referendums and voting systems.
- 9.2. If the elections are held on the same day, the Electoral Commission might consider providing a public information mailing to households. If so, it should note the feedback in our 2012 report regarding the delivery of the booklet for the Police and Crime Commissioner elections.

- 9.3. There would need to be clear public information about the franchise, particularly for EU citizens who will need to make an application and declaration to vote in the European Parliamentary elections in the UK. Given that these voters can vote in local government elections if they are included on the local government electoral register, they may not realise that there is an additional process to be able to vote in the European Parliamentary elections. As soon as these electors are identified within the annual canvass process, electoral administrators will send the necessary forms for completion. However, following the canvass there will need to be publicity for those EU citizens living in the UK who move house or who are not registered.
- 9.4. Local registration and returning officers have a duty to encourage participation and therefore local communications plans and awareness activity would need to dovetail with any national campaign by the Electoral Commission.
- 9.5. In addition, there would be a need for polling station staff to be fully briefed on the franchise and on assisting voters who may be confused when presented with multiple ballot papers for different types of elections and referendums. However, this is not a new scenario and previously has been successfully addressed through the Electoral Commission handbook and through training provided locally.
- 9.6. It would be essential for discussions to take place both nationally and locally with print suppliers to ensure that they can accommodate multiple ballot papers within postal ballot packs, particularly given the potential for larger ballot papers as outlined above.
- 9.7. We support the work that Cabinet Office officials undertake in arranging meetings of print and software suppliers, electoral administrators, and Royal Mail. We also note the work currently being undertaken to consider the design of election stationery. This will impact on the issues highlighted here in relation to the European Parliamentary ballot paper.
- 9.8. Similarly, there would be increased costs associated with the delivery of larger postal ballot packs. Clarity on this point should be sought from Royal Mail and any cost increases should be factored into the funding for the relevant elections both nationally (from the consolidated fund) and locally.

## **10. The spring bank holiday and school half-term holiday in May 2014**

- 10.1. If the elections are held on 22 May, there may need to be additional funding for staffing the European Parliamentary election verification and count in order to ensure that local counting officers and Regional Returning Officers can recruit staff to work on the Friday and the Sunday given that the following

Monday 26 May is the spring bank holiday and, in many areas, the school half-term holiday.

- 10.2. Electoral administrators have expressed concern that many of the staff they might normally employ for these tasks may be away on holiday during that period.

**John Turner**  
**Chief Executive**

**Karen Quintmere**  
**Assistant Chief Executive**

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