



THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

Formal response to the Political and Constitutional Reform Committee's invitation for views on Voter Engagement

1. Introduction

1.1. The Association of Electoral Administrators (AEA) was founded in 1987 and is the professional body representing the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has some 1,846 members, the majority of whom are employed by local authorities to provide electoral registration and election services.

1.2. This paper sets out the AEA's views in relation to the questions raised in the online survey, and also sets out the AEA's comments on the issues raised in the conclusions and recommendations outlined in the Political and Constitutional Reform Committee's report published on 10 November 2014. In accordance with the AEA's non-partisan and neutral position, this paper does not offer any views on the political implications raised in the Call for Evidence.

1.3. The AEA's primary concern is about the effect of any proposed changes to the law which would impact on electoral registration and the administration of elections and which might arise as a result of the issues identified in the Committee's paper. Any such changes would need to be carefully considered in terms of the practical implications and the way in which the changes would be introduced and administered.

2. Specific questions posed in the online survey

Q1. Your age

Not applicable as the AEA is a national body representing its members.

Q2. Should 16 and 17 year olds be able to vote in elections?

No comment. The AEA takes the view that the franchise is a policy matter for Parliament to determine.

Q3. Should voters be able to cast their vote online?

In some countries, electronic and internet voting is being used for the conduct of elections. The use of IT for voting would replicate the way that some

citizens generally conduct their business and interact with both private and public sector organisations. This is particularly the case in terms of young people. However, whatever system of voting is used would have to be secure and gain public confidence.

Q4. Should registering to vote be a legal obligation?

Yes. If that were not the case, it is likely that registration levels would reduce even more with the consequence of citizens not being able to take part in the democratic process of voting. Additionally, given that registration figures are used to determine electoral boundaries, particularly at UK Parliamentary level, a reduction in those figures would have a considerable effect on democratic representation. However, whilst there is currently a legal obligation to register, the process of actually enforcing that obligation is a lengthy and costly one. Furthermore, the introduction of Individual Electoral Registration (IER) means that the completion of the Household Enquiry Form (HEF) does not actually get the person registered as there is a further stage required, i.e. to send them an Invitation to Register (ITR) so that they register individually.

Failure to complete an ITR can result in the ERO issuing a civil penalty notice. However, the penalty imposed is not retained by the local authority and the administration costs of issuing the notice cannot be reclaimed. As a result, it is unlikely that very few local authorities will actually prosecute for the non-return of the HEF or issue a civil penalty notice for the non-completion of an ITR. It may be more of an incentive for citizens to register to vote if this was a requirement in order to gain access to public services such as refuse collection, libraries and benefits.

Q5. Should voting be a legal obligation?

The present system in the UK offers the voter the freedom of choice of whether to vote or not at an election. If it was made compulsory to vote, this would be very difficult to police with the imposition and collection of any fines. The difficulties and the costs associated with prosecutions/civil penalties are outlined in the above response to Q4. In addition, the requirement of legally having to vote is likely to have a negative impact on registration rates. If the option of "None of the above" was to be included on the ballot paper, it may be more of an incentive for electors to cast their vote either at a polling station or by post and it may increase turnout as explained in the response to Q6 below.

Q6. Should "None of the above" be an option on the ballot paper?

The provision of "None of the above" on the ballot paper may provide the elector an option to still cast a vote at an election and at the same time express their personal opinion of not wanting to vote for any of the candidates/parties listed on the ballot paper. This would likely also increase voter turnout.

Although the AEA would not normally comment on such matters, it is clear from the number of surveys published on low voter turnout in recent UK

elections, coupled with academic papers and media coverage on this subject, that there is a general disaffection with politics and the political system. If this is the case, then the declining and/or low turnouts for some elections raise the issue of the democratic mandate. This has to be a concern for all those interested in the relative strength of the democratic system within the country and the continuing effect on the mandate for those elected by the system. For these reasons alone, it is essential that any changes to our democratic and electoral system enjoy the confidence of the electorate and restores public trust in the overall political system.

Q7. Should voters be able to register to vote right up to and on Election Day?

There are advantages of allowing voters to be able to register to vote right up to and on Election Day in that it ensures everybody who is entitled to vote can vote without the fear of disenfranchisement. However, the AEA believes that there are significant disadvantages as follows:

- a) Potential for fraudulent voting
- b) Removal of the objection opportunity currently provided in terms of registration applications
- c) If the application failed the match process with DWP (which is part of the new provision for registering under IER), there would be no opportunity for the potential elector to go through the exceptions process
- d) Significant changes in law and practice to enable proper and secure registration
- e) Difficulties with the communication of information particularly to polling stations
- f) Potential delays to the announcement of results
- g) The possibility of increased challenge to election results
- h) Increased costs generally.

The fact that on-line registration is now available under IER would make it easier for the person wishing to register at a later stage in the timetable without having to go so far as allowing election day registration.

Q8. Should local authorities be able to conduct elections on an all postal basis?

Local authorities should be given the opportunity to conduct elections on an all postal ballot basis as the percentage of postal votes returned at an election has always been higher than the percentage of those voting in person at a polling station. An election conducted on an all postal basis may therefore increase voter turnout. Clearly, the necessary safeguards to prevent fraudulent applications and the misuse of votes would need to be continued and enhanced together with the 100% checking of postal vote identifiers. It would have to be

recognised that the latter would probably mean increased costs and additional time delays caused as a result of the checking process.

Whilst there is currently a voluntary code of conduct for political parties in terms of handling postal votes, if an election was to be conducted on an all postal basis then legislation would need to be considered so that it became a criminal offence for political parties and/or activists to handle postal vote applications and postal ballot papers rather than a voluntary code which cannot be legally enforced.

Q9. Should elections be held at the weekend?

The view of the AEA is that we believe that the normal polling day should remain as a weekday. Having said that, we have no strong view on the need to retain Thursday as election day and there could be good reason to move it to earlier in the week.

The issues associated with weekend voting are as follows:

- Resources
- Polling station venues
- Security
- Administration of elections

Resources

Generally – If voting took place on one day over the weekend, the additional costs of staffing and venue hire would be considerably higher than current costs for the reasons set out below. If voting took place on two days, the costs would therefore be more than double the current costs. There would also be a need for the issue of subsidy to central government by local authorities in terms of the costs of running elections to be properly and finally addressed. This would be likely to add a further 30-40% to the overall costs.

Staffing – Probably around 50% of staff employed in polling stations are Council employees who generally are given time off (with pay) from their normal role to assist on polling day. Fees would need to considerably increase:

- a) To account for loss of incentive; and
- b) To encourage recruitment generally for weekend working.

Count staff fees would need to increase to encourage recruitment for weekend working.

Other local authority staff are often used to assist with various tasks on polling day (inspecting polling stations, opening postal votes, assisting postal voters with completion and delivery of documents, general enquiries through reception offices and telephone switchboards or call centres, etc). Special arrangements would need to be considered to cover staffing levels and access

to council premises. All of this would add to the increased costs for weekend elections.

Electoral administrators would need access to their office and computer systems over the weekend. There will inevitably be additional costs for IT access and support including that provided by commercial suppliers. Electoral administrators generally work additional hours (including weekends) during the election period, where necessary, and requiring additional weekend working for weekend voting will add to the pressure many staff currently experience. It could also have implications for Returning Officers in ensuring compliance with the Working Time Regulations for both office and election staff.

Polling stations – The availability of some premises will change and the costs generally will increase for weekend hire. Use of schools may increase but the costs of these venues will be higher as Returning Officers currently pay only heating, lighting and cleaning costs for specific room(s). If school staff are required in future to open up on a non-school day and be on duty all day (more than 15 hours), there will be additional charges.

Counting venues – Typically premises used as count centres such as community and sports halls are used extensively at the weekend. This will mean that such venues will not be available or the hire and other costs in respect of the loss of revenue would be considerable.

Polling station venues

Numerous venues (especially community and those linked to religious use) will be unavailable or prohibitively expensive, and/or other venues may be more attractive for weekend use. Such a major change will warrant a complete review of all polling districts and polling places so that appropriate stations may be identified for use by the Returning Officer. This will require a reasonable lead time and sufficient funding.

Security

If Saturday and Sunday voting over two days was implemented, there would be security issues (and additional costs) to ensure all ballot boxes and unused ballot papers, etc. were returned to secure (central) storage overnight and then re-issued on the following morning.

Administration

Difficulties associated with all the above (including finding sufficient appropriate polling and counting venues and recruiting sufficient appropriate staff and dealing with the complexities and possible logistical problems that could arise from the storage and reissuing of ballot boxes, etc.) will impact on the ability to administer the election efficiently and effectively. This will become an even larger problem if it were decided to hold weekend voting on two days.

Those involved in delivering electoral services have experienced pressures at recent elections because of the introduction of change on change and the shortcomings of some parts of the existing system. Proper funding, training and timescales must accompany future changes. Importantly, the ability and willingness of administrators to cope with whatever is thrown at them should not be taken for granted. As identified in previous analysis of electoral administration in the UK by the Electoral Commission, the existing system is under strain and the current problems should be resolved before there is further serious change.

In view of all the issues highlighted above if weekend voting is to be introduced, the AEA would like to see rigorous piloting of voting in polling stations at the weekend compared with voting on a Thursday to evaluate the costs and the perceived benefits.

Q10. Should Election Day be a public holiday?

In some countries, voting on a working day has been converted to a national public holiday which reduces the need for time off from work, a reason which is often quoted for not voting and thereby leading to reduced voter turnout. The AEA is not opposed to election day being a public holiday although there would be implications for increased costs in relation to staffing and suppliers with similar issues to those outlined under Q9 in relation to weekend voting.

Q11. Should voting take place over an extended period of time instead of on one day?

If election day was held on a national public holiday, or it was moved to a day at the weekend instead of a weekday, along with absent vote arrangements as at present, then it is unlikely that there would be a need for voting to take place over an extended period of time. The additional costs, resources and security arrangements that would be needed for an extended voting period are likely to outweigh the perceived benefits. Polling hours for some elections were extended a few years ago so that they are now consistent at 7 am. to 10 pm. instead of 8 am. to 9 pm. as was previously the case for some elections.

If voting over an extended period of time instead of on one day was introduced, the AEA would like to see rigorous piloting of voting over an extended period of time compared with voting on one day to evaluate the costs and the perceived benefits.

3. Comments in relation to the Conclusions and Recommendations outlined in the paper (pages 82 – 94)

In relation to some of the recommendations outlined in the report it would not be appropriate for the AEA to comment. The AEA's views on those recommendations where it is appropriate are set out below.

Paragraph 7 – recommendation to start a discussion on whether, and how, the media and politics can interact for the greater good of a healthy democracy.

The AEA welcomes this proposal.

Paragraph 11 – proposal for a standing Commission for Democracy, akin to the Electoral Commission, but as a permanent mechanism for broader democratic reform and renewal which is floated in our report A new Magna Carta, currently out for public consultation.

The AEA believes that this proposal is worthy of further detailed consideration followed by consultation.

Paragraph 12 – recommendation that the legal requirements to register to vote are clarified, and that the basic civil duty be enforced.

See AEA response to question 4 above.

Paragraph 14 – recommendation that every effort is made by Electoral Registration Officers to reach all registered voters who have not been automatically transferred to the new register, to give them the opportunity to register under the new system.

The AEA fully supports the need to reach all registered voters who have not been automatically transferred to the new register, to give them the opportunity to register under the new system. It is essential that all eligible electors, including potential new electors, are registered to vote in time for the elections this year. However, in order to achieve this, Electoral Registration Officers will need funding and resources to carry out a mini canvass early in the New Year.

Paragraph 15 – recommendation we will be closely monitoring the Electoral Commission’s reports on the progress of the transition to IER, and we recommend that the select committee with oversight of the process in the 2015 Parliament continue this monitoring. We recommend that, with 5.5 million voters not yet confirmed on to the new electoral register, unless the electoral registers are substantially more complete than at present by May 2015, the Government not bring forward the end date for the transitional arrangements for IER.

The AEA supports this proposal.

Paragraph 16 – as well as the direct impact on the quality of the electoral registers, the Government and Parliament will need to consider – as we are currently doing in our inquiry into the rules for redrawing parliamentary constituency boundaries – how any bringing forward of the end of transitional arrangements will affect the next review of parliamentary constituency boundaries.

The AEA welcomes the impact being considered in relation to parliamentary constituency boundaries.

Paragraph 17 – recommendation that in order to safeguard levels of voter participation, the Government commit in its response to us to look favourably on requests for additional funding to be made available to EROs to support their work in maintaining and enhancing the levels of electoral registration, and to other bodies and organisations that have a proven track record of increasing voter registration in the most economical and effective way possible. We also recommend that the Electoral Commission look into service level agreements with agencies, bodies and organisations such as Bite the Ballot and Operation Black Vote who have a proven track record in increasing electoral registration and can do it a fraction of the cost of the Electoral Commission or Government Departments.

The AEA supports the request for the Government to look favourably on requests for additional funding to EROs to support their work in maintaining and enhancing the levels of electoral registration.

Paragraph 19 – several of our witnesses raised particular concerns about the Electoral Commission’s proposal that voters be required to present photographic ID at polling stations. We believe that such a requirement cannot be justified at present, and we recommend against its adoption.

The AEA also has concerns about the possible effect of introducing such a requirement. On that basis, careful consideration and consultation on such a scheme would need to be carried out if the Government was minded to pursue the matter further.

Paragraph 21 – registration rates for certain BME groups are substantially lower than for White British residents, but turnout for people from BME groups once they are registered to vote does not differ significantly from turnout for White British residents who are registered to vote. It is not acceptable that registration rates and turnout levels vary so significantly in relation to ethnicity, although it should also be understood that registration rates and turnout levels vary significantly within both the White British and BME groups, so the question requires more careful consideration than simply comparing these two figures. The relevant recommendations set out in this report should be implemented in full in order to redress the current imbalance.

The AEA supports the need to ensure registration rates within BME groups are increased.

Paragraph 23 – recommendation that within three months of the publication of this Report, the Government consult with the Electoral Commission, EROs and disability groups and publish clear and stretching proposals setting out how registration and voting will be made more accessible to people with disabilities. We also recommend that political parties work with disability groups to make manifestos and other election material accessible in formats which people with disabilities find easier to use.

The AEA supports this recommendation.

Paragraph 24 – recommendation expecting to see a comprehensive plan from the Government in response to our Report, setting out how it plans to increase registration rates for overseas voters. We recommend that, at a minimum, this includes using UK embassies to promote registration to British citizens living abroad, working with the BBC to put out information through BBC World and the World Service, and making changes to voting to make it more convenient to overseas voters.

The AEA supports this recommendation although it has no view on the length of absence from the UK to allow a person to register as an overseas voter.

Paragraph 25 – recommendation that the Electoral Commission should run a specific campaign aimed at Commonwealth citizens and citizens of other EU members states resident in the UK, focussing on eligibility to participate in elections, and how to register to vote. The Electoral Commission should also bring forward proposals for simplifying the process for EU citizens living in the UK to register to vote at European Parliamentary elections promptly so that the necessary changes can be made before the next European Parliamentary elections in 2019.

The AEA supports this recommendation.

Paragraph 26 – recommendation that the Government produce a plan well before May 2015 – working with all parties, the Electoral Commission and EROs – for targeting those groups that are least likely to be registered to vote.

The AEA supports this recommendation subject to the necessary resources being made available.

Paragraph 27 – recommendation that in future targets for registration should be included in performance standards for EROs. The Electoral Commission will need to consider how such output targets should be set, and the steps which would be most effective in securing attainment of such targets should they not initially be achieved. Best practice, as identified by EROs and the Commission, should also be incorporated in the performance standards. We believe that the

outcomes on the number and percentage of those registered to vote should also be a key performance indicator for the Electoral Commission.

The AEA cautiously welcomes the recommendation. However, the detail and precise nature of such a standard need to be subject to the normal consultation process for all new performance standards.

Paragraph 28 – recommendation that proposals for annually recognising notable successes and best practice in electoral registration be presented in the Government’s response to this report. We also believe that MPs should be more closely engaged with the monitoring of electoral registration in their constituencies and that the Electoral Commission should provide them with specific data on the outcomes of the number and percentage rates of registration in each ward within their constituency. We recommend that the Government commit to finding parliamentary time for an annual debate in Parliament to allow registration issues to be discussed. This could be held on National Voter Registration Day or on a “Democracy Day”.

The AEA supports this recommendation. We consider that it should be required as good practice for each ERO to report annually to his/her local authority on the results of the annual canvass and other salient registration issues.

Paragraph 29 – recommendation that if any ERO repeatedly fails to fulfil their statutory duties in a way which has an adverse effect on the quality of voter registration in their area, the Government should take enforcement action against them. This could include consideration that this function should be taken from the local authority and handed to a neighbouring local authority which has had greater success. We also recommend that the Government set out the circumstances in which it is prepared to seek a prosecution of any electoral official considered to be in breach of an official duty under the provisions of the 1983 Act and bring forward proposals to amend the law if it is not sufficiently clear.

The AEA generally supports this recommendation in the wider interests of democracy and enfranchisement. The same principles as set out in the response to paragraph 27 above should apply if the Government is minded to act upon this recommendation.

Paragraph 31 – recommendation that the Government issue a section 5 Order designating EROs and ROs public authorities for the purpose of the Act. In the meantime, the Electoral Commission should make it clear that it is best practice for EROs to respond to requests for information as though they were subject to the Act.

The AEA encourages EROs to respond to requests for information as though they were subject to the Act and supports this recommendation.

Paragraph 35 – recommendation that, while every day should be a voter registration day, in its response to this report the Government should set out how it plans to support Bite the Ballot’s National Voter Registration Day 2015, on 5 February 2015. The Electoral Commission, electoral officials, and all public sector organisations should put specific plans in place to take advantage of National Voter Registration Day to make a significant difference to the number of people who are registered to vote ahead of the 2015 general election, and future elections.

The AEA supports this recommendation.

Paragraph 36 – recommendation that in its response to our Report the Government make specific proposals about how people could be prompted to register to vote when they access other public services, particularly those services associated with a change in address, such as registering to pay council tax. The Electoral Commission and EROs should also seek to work with private companies who interact with the public so they can, as part of their corporate responsibilities, prompt those people who are currently not registered to vote to register.

The AEA supports this recommendation. We also suggest that all public services (including the former public utilities) should be included in such an arrangement.

Paragraph 37 – recommendation we particularly ask the Secretary of State for Education to promote this to schools and colleges. EROs also should now be working with schools and colleges to register students, and we recommend that the Electoral Commission explicitly include this action in its performance standards for EROs. This could be integrated with broader citizenship education, and include a discussion about how to register to vote when moving to university or away from home. Successful initiatives developed by EROs and Universities – such as those we heard about in Sheffield – should also be replicated across the country.

The AEA supports the proposal that the Secretary of State for Education be asked to promote this in schools and colleges and for EROs to continue working with schools and colleges to ensure that students register to vote.

Paragraph 38 – recommendation that in its response to this report, the Government set out proposals for reducing the number of days between the cut-off date for registration and the election day, with a view to implementing them as soon as possible. We also recommend that the Government set out the steps to achieving by 2020 the objective of allowing eligible electors to register and then vote at the Town Hall or equivalent up to and on the day of an election. We acknowledge the need to consider how to accurately verify

registrations made on the day, and to provide any additional resources required by local authorities to implement such a system.

Whilst the AEA agrees that reducing the number of days between the cut-off date for registration and the election day would ensure everybody who is entitled to vote can vote without the fear of disenfranchisement, there are also other issues which need to be considered when considering this proposal such as potential for fraudulent voting and the removal of the objection opportunity currently provided. Full details are given in the response to question 7 above.

Paragraph 39 – previously recommended that the edited electoral register – now called the “open register” – should be abolished. We reaffirm this call in the light of the clear and significant public dissatisfaction – which has reached the ears of the Minister for the Constitution – with the sale to private companies of data that electors provide to electoral registration officers to enable them to register to vote. We recommend that the Government take immediate action to abolish the open electoral register before new registers are published. We believe that the full electoral register should continue to be available to political parties and candidates, as it is at present.

The AEA welcomes and fully supports this recommendation.

Paragraph 40 – recommendation that in its response to this Report the Government clearly set out its view on moving to a system of automatic registration. Such a system could operate alongside Individual Electoral Registration.

The AEA looks forward to seeing any proposals from the Government in response to this recommendation.

Paragraph 41 – recommendation that the Government explore further proposals for weekend voting, extending voting and designating elections days as public holidays. We acknowledge the resource implications of some of these proposals, particularly for rural communities.

As part of exploring further proposals for weekend voting, extending voting and designating elections days as public holidays the AEA would like to see rigorous piloting of weekend voting, voting over an extended period of time compared with voting on one day to evaluate the costs and the perceived benefits. The AEA’s full response to these proposals is outlined in our responses to questions 9, 10, and 11 above.

Paragraph 42 – believe that online voting could lead to a substantial increase in the level of participation at UK elections, and we recommend that the Government should come forward with an assessment of the challenges and likely impact on turnout, and run

pilots in the next Parliament with a view to all electors having the choice of voting online at the 2020 general election.

See the AEA response to question 3 above.

Paragraph 44 – recommendation that further trials of all-postal voting in elections should be held.

The AEA supports this recommendation.

Paragraph 45 – recommendation that the Government, working with the Electoral Commission and EROs bring forward a package of reforms to electoral arrangements to increase accessibility and turnout, and establish a series of pilots early in the next Parliament to test the various proposals that we have considered, with a view to making permanent changes to electoral arrangements.

The AEA supports this recommendation.

Paragraph 47 – recommendation that the Government discuss with the Electoral Commission and include in its response to this Report details of arrangements that are currently in place to provide information to the public about elections and registering to vote, and bring forward proposals for the effective use of new technology to better inform the public and increase awareness of elections. This could include having a central source of information about election results, and better advertising of elections on the day. The Government and Electoral Commission should also examine the changes which can be made to provide more and better information to voters, and should actively support the work of outside organisations working to similar goals.

The AEA supports this recommendation.

Paragraph 49 – recommendation that the Department for Education ensure that schools' citizenship education courses specifically include discussion of the political and governmental structures of the UK and the electoral systems that operate in the UK, and also the practicalities of registering to vote and actually participating at an election. We expect that Department to respond to this report to indicate progress in this area.

The AEA supports this recommendation.

Paragraph 50 – recommendation that the Government report to the House setting out how a system of compulsory voting could operate in the UK, including an assessment of international experience, and an assessment of whether voting should only be compulsory for certain types of election. This would mark the start of a public debate. If the 2015 Parliament were to agree, compulsory voting could operate at

the following general election. If Parliament did not agree the current system would continue.

See the AEA response to question 5 above.

Paragraph 51 – recommendation that, in the event that voting in certain elections is made compulsory, an option to vote "none of the above" or to "abstain" should be one of the options set out. These options could also be included even if voting were not compulsory.

The AEA supports this recommendation and further details are given in our response to questions 5 and 6 above.

Paragraph 53 – recommendation that Parliament leads a national discussion on extending the franchise to 16 and 17 year olds and that a motion on the issue is brought forward in 2015 to allow the House of Commons a free vote on its view, with a view to the introduction of legislation if appropriate.

The AEA takes no view on whether the franchise should be extended or not but welcomes the national discussion on this matter especially in view of the recent Scottish Referendum which was held with an extended franchise.

**John Turner
Chief Executive**

January 2015